



**REPUBLIC OF TURKEY  
YAŞAR UNIVERSITY  
DISCIPLINE PROCEDURES AND PRINCIPLES  
OF ADMINISTRATIVE PERSONNEL**

**CHAPTER ONE  
Aim, Scope, Basis and Descriptions**

**Aim**

**ARTICLE 1-** (1) The aim of these procedures and principles is to specify the principles and procedures for the disciplinary penalties of full-time, part-time, definite or indefinite-term contracted personnel in the administrative staff at Yaşar University.

**Scope**

**ARTICLE 2-** (1) These procedures and principles apply to the administrative staff of Yaşar University who work as full-time, part-time, on definite or indefinite term contract.

**Basis**

**ARTICLE 3-** (1) These procedures and principles have been prepared on the basis of Higher Education Law No. 2547, the Decree Law No 124 on the Administrative Organization of Higher Education Institutions and the Labor Law No. 4857.

**Definitions**

**ARTICLE 4 –** (1) In these procedures and principles;

- a) University refers to: Yaşar University
  - b) The Board of Trustees refers to: The Board Of Trustees Of Yaşar University,
  - c) Rector refers to: the Rector of Yaşar University,
  - c) Secretary General refers to: the Secretary General of Yaşar University,
  - d) Disciplinary Committee refers to: the Disciplinary Committee of Yaşar University
  - e) Unit Director refers to: the General Secretariat, Department of Financial Affairs, Media Relations Coordinatorship units and new service unit offices,
  - f) Disciplinary Chief refers to: the Secretary General and Rector of the Yaşar University, authorized to start the disciplinary proceedings referred to in these principles and procedures,
  - g) Disciplinary Penalties refer to: the penalty to be imposed on the staff in compliance with the Regulation,
- 1) Warning Penalty refers to: the notification in writing that personnel should act more carefully in their duties and behaviors,
  - 2) Reprimand refers to: notification in writing that the personnel is at fault in their duties and behaviors,
  - 3) Salary Deduction Penalty refers to: the salary deduction penalty which includes the deduction of at least one gross and maximum three salaries,
  - 4) Dismissal from Employment: the dismissal of the personnel, for the purpose of not appointing the personnel to any position at Yaşar University,
  - g) Personnel: the personnel working at Yaşar University by labor law,
  - h) Surveyor / Investigator refers to: the person appointed by the competent authority to investigate, verify, examine the truth of an incident, whether a situation is true or not.

## **CHAPTER TWO**

### **Disciplinary Chiefs, Disciplinary Committee**

#### **Disciplinary Chiefs**

**ARTICLE 5-** (1) Disciplinary chief of administrative staff of Yaşar University who work as full-time, part-time, on definite or indefinite term contract is the Secretary General.

(2) The Rector is the top disciplinary chief of all staff.

(3) Disciplinary proceeding is started by the approval and appointment of the Secretary General.

(4) Disciplinary chiefs are entitled to:

a) start a prosecution against those who do not comply with the duties they are obliged to do in the job description, those who do not comply with the mandatory matters, and those who perform unpermitted actions, in accordance with the laws, rules, regulations, directives, procedures and principles in order to ensure that the Institution Services are carried out as requested,

b) exercise other powers given by special laws and general communiqués regarding disciplinary affairs.

(5) Disciplinary chiefs are supposed to:

a) act based on equality, taking into consideration the rights granted by laws, regulations, directives, procedures and principles, in order to ensure that the disciplinary works are carried out as required by the services of the institution,

b) initiate disciplinary proceedings within the prescribed term (in order to prevent expiration) from the moment they find out about the action requiring disciplinary penalty, to inform the investigator in person of the complete document and to ensure that the complete investigation file is submitted to the Disciplinary Committee.

#### **Disciplinary Committee**

**ARTICLE 6-** (1) The Disciplinary Committee shall consist of a Rector or Vice Rector to be appointed by the Rector, Secretary-General, a Department Head to be appointed by the Rector, a Legal Counselor, a workers' representative to be assigned by the Occupational Health and Safety Board, the teaching assistant to be appointed by the Dean of the Faculty of Law and the Human Resources Manager.

(2) The Chairperson of the Disciplinary Committee is the Rector or the Vice Rector to be appointed by the Rector.

(3) The secretariat of the Disciplinary Committee is the Human Resources Manager.

(4) The members of the Disciplinary Committee cannot participate in the meetings held about themselves. In the case that the votes are equal, the decision shall be made by the chairperson.

#### **Duties and decision-making processes of the Disciplinary Committee**

**ARTICLE 7-** (1) Disciplinary Committee is supposed to;

a) To decide on 15 (fifteen) working days following the transfer of the investigation file to him/her and to give the penalties described in these procedures and principles,

b) To conclude the objections against disciplinary penalties within 15 (fifteen) working days after the pleading is submitted to the Committee.

(2) The Disciplinary Committee is not bound by the qualification and the penalty imposed by the investigator.

#### **Meeting and activities of the Disciplinary Committee**

**ARTICLE 8-** (1) The Committee convenes with absolute majority. If the chairperson and the

members of the Committee are not on duty, the delegates who act as a deputy shall participate.

(2) It is ensured by the Chairperson of the Committee that the meeting agenda is written and delivered, that the meeting is held at the specified day, time and place, and that the work of the committee is conducted and concluded as required.

(3) Decisions are taken by majority vote and open vote. There is no abstention in voting.

(4) The decision summary is determined by a report signed by the members.

(5) The decision is taken motivated or by the unanimous consent or majority of votes within 7 (seven) business days following the date of the decision and is written by the secretary and signed by the chairperson and the members. Those who voted against shall be included in the decision.

(6) The decision is forwarded to the Human Resources Department by the Chairperson of the Disciplinary Committee.

### **CHAPTER THREE**

#### **Disciplinary Penalties, Actions That Require Disciplinary Penalty, Disciplinary Proceeding and Principles of Inflicting a Disciplinary Penalty**

##### **Types of disciplinary penalties and actions that require penalty**

**ARTICLE 9-** (1) Disciplinary penalties to be inflicted on staff and actions that require disciplinary penalty are given below.

##### **A) Actions that require warning penalty;**

- 1) To show negligence or act disorderedly in the matters of execution of orders and duties in a complete and timely manner, fulfillment of the procedures and principles determined by the institution at the location of the duty, preservation, use and maintenance of documents, tools and equipment.
- 2) Being absent without an excuse or leave, leaving work early, leaving the location of the duty.
- 3) Not to obey the austerity measures determined by the institution.
- 4) To show attitudes and behaviors not suitable for the employees of the institution.
- 5) To show negligence or be indifferent to his/her duty or business owners.
- 6) To violate the specified dress code provisions.
- 7) To act improperly against the principle of performing the duty in cooperation,
- 8) To perform actions not related to work despite the warnings of the chief.
- 9) Failure to provide or perform the information and documents that are required by the Committee or within the framework of the regulation.
- 10) Not to notify the management of the changes to the notice within 15 (fifteen) business days.
- 11) Being absent without an excuse for 1 hour or leaving early.

##### **B) Actions that require reprimand;**

- 1) To show negligence in the matters of execution of orders and duties in a complete and timely manner, fulfillment of the procedures and principles determined by the institution at the location of the duty, preservation, use and maintenance of documents, tools and equipment.
- 2) Not to report the continuous profitable activities of their spouses, minors or interdicted children within a specified period of time.
- 3) Disrespecting his/her chief in the line of duty.
- 4) To behave in such a way as to disrupt the reputation and sense of security of the institution.
- 5) To use the official tools, equipment and similar items (mobile phones, computers, company vehicles) for their own purposes and for wrong purposes.
- 6) To lose the official tools, equipment and similar items (mobile phones, computers, company vehicles).
- 7) To perform disorderly and vulgar behaviors at the workplace and to write and draw these kinds of figures, signs, pictures and so on.

- 8) To object to the orders digressively.
- 9) To disrupt the peace, tranquility and working order of the institution.
- 10) To make political statements within the institution.
- 11) To lose legal documents or trust without deliberate intent.
- 12) To become indebted above his/her ability to pay, to borrow from colleagues, or have these persons stand security for him/her, to cause legal remedies for deliberate non-payment of debts.
- 13) To be absent for a day without leave or an acceptable excuse.
- 14) To take the official documents of the institution out of the office without the permission and knowledge of the chief.

**C) Actions that require deduction from salary;**

- 1) To commit another disciplinary offense in a calendar year that does not require the suspension of the employment of the personnel who has twice been warned or received a reprimand once.

**D) Actions that require suspension of the employment;**

- 1) To commit another disciplinary offense in a calendar year that does not require the suspension of the employment of the personnel who has been warned three times or received a reprimand twice or received salary deduction penalty.
- 2) Not to perform the orders and duties on time deliberately, not to fulfill the procedures and principles set by the institution at duty, to misuse and not to protect, maintain official documents, tools and equipment related to the duty.
- 3) To disseminate derogatory falsified news or spread gossip about his/her chiefs and colleagues.
- 4) To make false statements about the duty to the persons whom he/she is liable to.
- 5) Helping the use of any place for meetings, ceremonies and similar purposes within the boundaries of the place of duty without permission.
- 6) To neglect the orders given in accordance with the legislation deliberately.
- 7) To work in any unpaid or paid works of the natural or legal person even after the working hours, and to deal directly or indirectly with trade with the exception of the works related to the official duty, by law and other legislation with the duties free of charge in building and retail society and associations and foundations related to cultural, professional and social work, provided that they do not disrupt their duties.
- 8) To use the information and secrets acquired by means of his/her position in the institution for personal benefit even if it does not belong to the institution, to use this information to the benefit or loss of the parties or third parties, or to disclose these information to others except for the ones who are legally authorized.
- 9) To commit willful misconduct and gain personal advantage, to accept gifts or to borrow money directly or through an intermediary from the persons with whom he/she is in a business relationship, except for gifts required by the protocol, to derive a tangible or intangible interest from any source or subordinates within or outside the organization which may be associated with its duties at the institution.
- 10) To take the information and documents of the institution without the permission and information of the relevant chief or to cause the information and documents to be held against the institution by taking them out of the institution even with the permission and information of the chief.
- 11) To give information and make statements about his/her own duties to the press, news agencies, radio or television institutions and other persons, institutions or organizations outside of the institution unless authorized by the Rectorate.
- 12) To use their powers outside the limits of their duties, to attempt, to make a commitment or promise which is binding for the institution.
- 13) To verbally abuse and/or insult his/her colleagues and chiefs.
- 14) To leave duty before completing the take-over he/she is responsible for.
- 15) To revile against the employees of the institution or those who are served, to show indignity

or to make insulting remarks, to publicly threaten the aforesaid individuals, to treat badly.

16) Not start working without an acceptable apology, although it was announced to him/her by the institution that he/she should return to work for various reasons during his leave.

17) To disrupt the peace, tranquility and working order of the institution for ideological or political purposes, to participate in actions such as boycott, occupation, restraint, slowdown strike and strike, or to be absent collectively due to aforesaid purposes, to incite, encourage and help these actions.

18) To print, reproduce, distribute all kinds of publications or political or ideological notice, banner, poster and so on, or to place or display them at any location in the organization.

19) To be absent from work continually for two days without an excuse or leave.

20) Not to perform the duties or orders given by chiefs on matters of war, public emergency or natural disasters.

21) To assault the chief and his/her entourage.

22) To commit disgraceful and embarrassing offenses in a quality and degree that is incompatible with the title of staff.

23) To explain confidential information and documents about the institution without authorization.

24) To hide the individuals who are wanted for their political and ideological actions at the place of duty.

25) To show attitudes and behaviors which decrease the reputation of the institution or harm the dignity of duty in domestic or foreign missions.

26) To possess and use drugs, promote drug use and sell drugs on duty.

27) To show up drunk for work.

28) Whether in electronic environment or not; to gamble or to play games of chance on duty, to encourage gambling or playing games of chance, to allow gambling or playing games of chance.

29) To forge a document.

30) To leave the employees of the institution in a difficult situation, or to hide, falsify, alter or destroy a document to cover his/her own flaw.

31) To make declarations or notices contrary to the facts.

32) To use or make someone use the official documents, tools, equipment and so on for the benefit of himself/herself or others.

33) Except for negligent offenses and penalties for short-term imprisonment, being convicted of being accessory to a criminal act such as minor or major embezzlement, embezzlement, corruption, bribery, theft, fraud, forgery, abuse of faith, crimes of fraudulent bankruptcy and other crimes of smuggling outside of exploitation and consumption smuggling, scheming official tenders and trade, laundering money or crimes against the State and disclosing State secrets, offenses against the dignity of the State and the dignity of its organs, crimes against the security of the state, offenses against the Constitutional order and its functioning, crimes against national defense, crimes and espionage against State secrets, crimes against relations with foreign states, crimes against public trust, crimes in the field of informatics and tax evasion even if it is included in the scope of amnesty or suspended, in accordance with the Turkish Penal Code or other laws.

34) Finding out about the falsification of the required employment documents and deceptive statements in the matters which prevent the personnel from being employed.

35) To commit crimes stated in Law No. 5816 on Crimes Committed against Atatürk.

#### **Initiating the disciplinary proceeding**

**ARTICLE 10** – (1) The disciplinary proceeding is initiated by taking into account the periods of limitation laid down in Article 19 below.

#### **Principles and procedures to follow when determining the investigator**

**ARTICLE 11** – (1) The investigator shall be appointed by the investigating authority.

(2) The investigating authority shall inform the investigator of a proper investigation order by stating clearly the subject of investigation (place, person, date and case) and by means of issuing an assignment letter which covers the matters of who is investigated and who the investigator is. (Annex-1)

(3) The person to be appointed as an investigator should be in an equal position or in a higher position in terms of duty and degree to the personnel being investigated.

(4) The person who is the injured party of the investigation subject, or who has an animosity towards the investigated party and about whose impartiality serious claims exist, cannot be appointed as an investigator. If appointed, he/she shall immediately inform the commissioning authority. The authority identifying this situation re-appoints an impartial investigator.

(5) The investigator must to be chosen among the people who have no direct relevance to the incident, who are not affected by the action or who have not benefited from the action, who are insightful and experienced in the subject, who are specialized in this field and who will behave impartially and objectively.

### **Procedures and principles to be applied by the investigator**

**ARTICLE 12** – (1) The following procedures and principles shall be complied with by the investigator:

a) The investigator shall examine the incident, determine the notifications and claims of the informant or the complainant, collect all evidence related to the incident, receive expert review if necessary, listen to the witnesses from the relevant public institutions, ask for documents, take the statements of the staff charged within the period of time not less than 7 working days prescribed by law. (Annex-2, Annex-3, Annex-4, Annex-5)

b) The investigator requires the investigated staff member's certificates of reward and success, if any, approved samples of disciplinary penalties with finalization statement, information letter on whether the staff member is a union member, summary of the criminal record, service certificate, the most recent level and the level that the staff can rise to according to his/her educational background. (Annex-7)

c) The investigator extensively takes the statements of all witnesses who have a direct knowledge of the victim or the informant's declaration of the disciplinary act of the staff. (Annex-6)

c) The statement taken by an impartial investigator shall be provided by appealing to the person for his/her testimony.

d) In order to take statement from the personnel who were investigated;

1) The alleged offense must be clearly communicated to staff in writing,

2) A time period of not less than seven working days must be given for the accused personnel to plead as required. (Annex-15)

e) Personnel cannot be inflicted a disciplinary action without their statement. Personnel who do not plead within the given time, not less than seven business days, shall be deemed to have renounced this right.

f) In the call for statement letters, the personnel is provided the opportunity to plead against the claims about himself/herself and the situations which act as evidence.

g) Conflicts must be eliminated when taking witness statements.

g) All statements received must be in writing, and the signatures of the interrogator, the affiant and the secretary, if any, must be present.

h) The investigation report prepared as a result of the disciplinary investigation and covering

the results and proposals that were reached at the end of the investigation includes topics such as introduction, non-investigative issues and reasons, informants and complainants, subjects of disciplinary investigations, investigation topics, allegations, investigating, witness statements, defense, analysis and conclusion sections.

i) Certified templates of all documents which serve as evidences of disciplinary offense are added to the disciplinary investigation file. (Annex-10)

i) If the investigator cannot conclude the investigation within the given time, he/she may request additional time from the disciplinary chief. (Annex-8, Annex-9)

j) The investigator is required to submit an investigation report, and to recommend a penalty in the conclusion of the report by specifying the article and the item. (Annex-11)

The investigation report must be neutral, simple and comprehensible, the facts of the investigation should be analyzed separately, it should be discussed whether the crime is proven, personal opinions not based on information and documents should not be included, if it is concluded that the crime constitutes a criminal offense, the disciplinary action must be indicated in the conclusion section by specifying the article and the item (considering whether there are recurrence requirements).

k) The staff member who is being investigated is entitled to examining the investigation file, calling to witness, to defending himself/herself verbally or in writing in front of the investigator through his/her representative.

### **Principles of the execution of disciplinary procedures**

**ARTICLE 13** – (1) Starting from the occurrence of a situation requiring disciplinary punishment, imposing the disciplinary penalty, the finalization of the penalty and the procedures to follow are explained below;

a) The act that constitutes a disciplinary offense is found out by the disciplinary chief in person during the inspections or in various ways such as complaint, notice and notified to the competent authority.

b) The investigator is determined by the disciplinary chief.

c) The disciplinary chief shall inform the investigator of his/her duty. (Annex-1).

c) The investigation preparation report is prepared by the investigator (Annex-2), a statement is requested from the personnel who will be investigated, witness(s) and the complainant or their written statements are taken and attached to the minute (Annex-3), (Annex-4), (Annex-5), (Annex-6).

d) Disciplinary investigation report is prepared by the investigator with a list of contents in the annex and sent to the Disciplinary Chief (Annex-10), (Annex-11), (Annex-12), (Annex-13)

e) The investigation file is sent to the Disciplinary Committee by the Disciplinary Chief. (Annex-14)

f) The meeting conducted by the Discipline Committee is recorded with an official report and the decision is finalized about the investigation; the investigation file is sent to the Human Resources Directorate with the decree.

g) The justified decision regarding the disciplinary penalty is notified to the relevant personnel within 2 (two) working days at the latest by the Human Resources Manager. (Annex-16),(Annex-17),(Annex-18),(Annex-19),(Annex-20)

### **Repetition**

**ARTICLE 14-** (1) In the case of repetition of the act which caused a disciplinary penalty in a

given time for the termination of the penalties, a severe penalty shall be imposed.

(2) In the third infliction of disciplinary penalties which require the same degree of punishment but imposed due to separate acts, a severe penalty shall be imposed.

#### **Infliction of disciplinary penalties in similar acts**

**ARTICLE 15**– (1) The same kind of disciplinary penalties are imposed on those who perform similar actions in terms of their nature and graveness.

#### **Conceptual aggregation**

**ARTICLE 16**– (1) When the action of disciplinary offense requires more than one penalty, the most severe penalty shall be imposed.

#### **Criminal liability of the perpetrator**

**ARTICLE 17** – (1) The fact that the above-mentioned disciplinary prosecution has been carried out does not constitute an impediment to a criminal prosecution against the defendant if the act is within the scope of the general provisions.

### **CHAPTER FOUR**

#### **Disciplinary Chiefs, Competent Committees and Implementation**

##### **The terms for the disciplinary penalty to be effective**

**ARTICLE 18** – (1)–The decisions of the Disciplinary Committee are effective after they are notified by the Human Resources Department to the relevant person.

##### **Period of limitation**

**ARTICLE 19** – (1) In cases where the acts listed in the A, B, C and D clauses of Article 9 of these procedures and principles are committed, if the investigation is not started within 6 working days from the date of finding out about such acts being committed and in any case within one year of the occurrence of the incident, the authority of imposing a disciplinary penalty shall be prescribed.

##### **Decision procedure of the disciplinary committee**

**ARTICLE 20** – (1) The Disciplinary Committee is authorized to examine the files referred to it, to examine the personal file of the person and all kinds of documents, to receive information, to hear or listen to the witness' sworn statement and an expert, to investigate in this office and to get anyone investigate.

##### **Conducting the criminal proceeding and the disciplinary proceeding together**

**ARTICLE 21**– (1) The fact that the proceeding has been started in the criminal court due to the same incident does not prevent disciplinary proceedings.

(2) The fact that the personnel of the institution is convicted or not in accordance with the penal code shall not prevent the infliction of the disciplinary penalty.

##### **Infliction**

**ARTICLE 22**- (1) Disciplinary penalties are inflicted by finalization.

(2) The penalty for deduction from the salary shall be inflicted at the beginning of the month following the date of the penalty.

(3) Disciplinary penalties which are inflicted are submitted to the disciplinary chief and the Human Resources Department by the Disciplinary Committee.

(4) After the disciplinary penalty has been inflicted in accordance with the act committed by the interrogee, the decision is communicated to the personnel by the Human Resources Department and the investigation documents are kept in the Human Resources Department for registration.

##### **Deletion of disciplinary penalties after a period of time and removal from personal file**

**ARTICLE 23**– (1) Disciplinary penalties are recorded in the personal file of the personnel. Personnel who have been imposed on a disciplinary penalty other than the penalty of termination of employment may request the removal of the penalties from the registration file by applying to the authorized chief, five years after the infliction of the warning and reprimand



penalties, and five years after the infliction of the salary deduction penalty.

(2) Upon this request, the Disciplinary Committee may also decide on the removal of the penalty from personal record or the dismissal of the request (whether he/she has received disciplinary penalty in the meantime should be considered) considering the attitudes and behaviors of the personnel within this period.

(3) If the behaviors of the personnel within the periods specified above are deemed to justify this request, it is decided by the Disciplinary Committee to fulfill the request and this decision is recorded in the personal file.

#### **Objection**

**ARTICLE 24-** (1) If a penalty is imposed on the interrogee, he/she may file an appeal to the Disciplinary Committee about this penalty within 2 (two) working days.

(2) Personnel may resort to the jurisdiction against penalties within the framework of legal procedures and principles.

#### **Reclamation period and the actions to be taken**

**ARTICLE 25-** (1) Disciplinary penalties which are not objected within the specified period shall be finalized.

(2) In case of objection, the Disciplinary Committee may review the decision and either accept the penalty or mitigate or abolish the penalty.

(3) Decisions made on objections and undisputed decisions are finalized and these decisions are not remediable.

(4) The appeals authorities must make their decisions within 3 (three) working days after the bill of exception and its annexes have been submitted to them.

(5) The penalties are removed from the personal file of the person concerned.

## **CHAPTER FIVE**

### **Final Provisions**

#### **Effective Date**

**ARTICLE 26-** (1) These procedures and principles are put into force by being approved by the Rectorate and being announced on the official website of the institution.

#### **Executive Power**

**ARTICLE 27-** (1) These procedures and principles are executed by the Rector of Yaşar University.

\*In cases of any discrepancy, Turkish version of this document shall apply.

Adopted on 15.01.2016