

FENERBAHÇE UNIVERSITY

ACADEMIC STAFF DISCIPLINARY DIRECTIVE

PART ONE

Purpose, Scope, Basis, and Definitions

Purpose

**ARTICLE 1 -** (1) This directive applies to academic staff in all units of Fenerbahçe University who do not meet their responsibilities as specified by legislation and contracts or who do not adhere to mandatory rules.

Scope

**ARTICLE 2 –** (1) This directive covers the disciplinary provisions to be followed by the academic staff at Fenerbahçe University.

Basis

**Article 3 -** (1) This directive has been prepared on the basis of the Higher Education Law No. 2547.

Definitions

**ARTICLE 4-** (1) Definitions of the terms in this Directive are as follows;

1. EBYS: Electronic Document Management System,
2. Secretary General: Secretary General of Fenerbahçe University,
3. IGPs: Manpower Planning System,

ç) Chairman of the Board of Trustees: Fenerbahçe University's Chairman of the Board of Trustees,

1. PACS: Personnel Tracking System,
2. Staff: All permanent academic staff employed at Fenerbahçe University,
3. Rector: Fenerbahçe University Rector,
4. University: Fenerbahçe University,

ğ) YÖK: Council of Higher Education,

1. YÖKSİS: Council of Higher Education (YÖK) Common Database System.

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**PART TWO**

**General Guidelines**

**General principles**

**ARTICLE 5** - (1) The rector serves as the disciplinary supervisor for the university, the dean for the faculty, and the principal for the academic unit. The disciplinary penalties applicable to lecturers include a warning, a reprimand, a deduction from salary or wage, a deduction from multiple payments, dismissal from the university teaching profession, and dismissal from public office.

1. Warning: A written notification to the instructor advising them to be more careful in their duties and behavior. The following acts result in the warning penalty:
   1. Failing to properly train the staff under their supervision.
   2. Failure to acknowledge the individuals, institutions, or organizations that provided support and their contributions in publications resulting from research conducted with their assistance.
   3. Showing indifference or acting irregularly in the full and timely completion of tasks, or in following the procedures and principles set by the institution at the workplace.

ç) Making applications or complaints improperly or irregularly.

1. Reprimand: A written notification to the instructor indicating deficiencies in their duties and improper conduct in carrying them out. The following acts result in the reprimand penalty:
   1. Giving private lessons to students who are officially assigned to be taught by the instructor.
   2. Using or allowing the use of any place within the university or its affiliated units for purposes other than those related to the institution's activities, without prior permission.
   3. Disregarding patient rights in their publications.

ç) Acting in violation of the relevant legislation in biomedical or other clinical research involving humans.

* 1. Sharing information from a work assigned for review with others before publication, without the author's express permission.
  2. Publishing data obtained without the explicit consent of participants in surveys or attitude research conducted as part of a scientific study, or without the institution's permission if the research is carried out within an institution.
  3. In research and experiments, failing to obtain the necessary written permissions from the authorized units before starting the studies.
  4. Conducting studies that violate the provisions of relevant legislation or international conventions to which Turkey is a party, in relation to research and experiments.

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ğ) Failure by researchers or authorities to fulfill the obligation to inform and warn those affected about potential harmful practices related to scientific research.

* 1. Printing, reproducing, distributing, or displaying violent or hateful statements, banners, tapes, or similar materials, or hanging them anywhere within the institutions.

ı) Engaging in political party activities or promoting political party agendas within the university.

* 1. Failing to perform tasks fully and on time, or not adhering to the procedures and principles set by the institution at the workplace.
  2. Failing to fulfill the notification obligation required by law.
  3. Verbally disrespecting a supervisor while on duty.
  4. Using official tools, equipment, and similar items for personal tasks, or losing or damaging them due to negligence.
  5. Failing to attend the boards and meetings required by their duty more than once a year without permission or an apology.

1. Deduction from Salary or Wage: A one-time deduction from the gross salary or wage, ranging from 1/30 to 1/8. The following acts result in the penalty of deduction from salary or wage:
   1. Disseminating the speeches and decisions made by university bodies with the intent to provoke actions against the body or its members, without authorization.
   2. Failing to return the institution's tools, equipment, documents, and similar items within the specified period, despite the termination of duty and a written request from the institution.
   3. Damaging animals and disrupting the ecological balance in research and experiments.

ç) Not using data and information obtained from other individuals and institutions in scientific studies to the extent and in the manner permitted, failing to maintain the confidentiality of this information, and not ensuring its protection.

* 1. Using resources, spaces, facilities, and equipment provided or allocated for scientific research for purposes other than intended.
  2. Presenting the results of research as separate publications in academic appointments and promotions by dividing them in a way that disrupts the integrity of the research and publishing them in multiple issues.
  3. Including individuals who did not make an active contribution as authors, excluding those who did, unjustifiably changing the order of authors, removing the names of contributors in subsequent editions, or using influence to add names to the author list without active contribution.
  4. Making baseless, unwarranted, and deliberate criminal allegations.

ğ) Intentionally accessing or remaining in all or part of the institution's information system without authorization.

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* 1. Making false or misleading statements about scientific research and publications in applications for academic positions and promotions.

ı) Intentionally failing to complete tasks fully and on time, and not adhering to the procedures and principles set by the institution at the workplace.

* 1. Failure to attend duty for 3 to 9 days without apology or justification.
  2. Assisting in the unauthorized use of any place within the workplace for meetings, ceremonies, or similar purposes, or using such a place.
  3. Printing, reproducing, distributing, or displaying any prohibited publications.

1. Deduction From Multiple Payments: A deduction ranging from 1/30 to 1/8 of the gross wage for instructors at foundation higher education institutions, applied for three to six months depending on the severity of the act. The following acts result in the penalty of deductions from multiple payments:
   1. Falsifying, destroying, concealing, or tampering with an official document in the course of performing their duties, or knowingly using or facilitating the use of a falsified document.
   2. Obtaining benefits, directly or indirectly, under any pretext by virtue of or in the course of their duties, borrowing or receiving money from business owners or students.
   3. Obstructing the implementation of public services, organizing or participating in boycotts, or engaging in occupations.

ç) Obstructing educational activities such as lectures, seminars, conferences, laboratory sessions, graphic studies, and exams; removing officials or students from educational settings; hindering the performance of duties; or encouraging or coercing students to engage in such behaviors or participate in related actions.

* 1. Making false statements or unjust accusations about supervisors, colleagues, staff, service beneficiaries, or students using the press or information systems, or disclosing details about their private lives without consent.
  2. Harming individuals by violating the provisions of relevant legislation in biomedical and other clinical research involving humans.
  3. Using data that does not exist or has been falsified in scientific research, falsifying research records or data, presenting devices or materials not actually used in research as if they were, or manipulating research results to benefit individuals or organizations providing support.
  4. Discriminating based on language, race, color, gender, political opinion, philosophical belief, religion, or sect in the performance of duties, or acting in a way that benefits or harms individuals contrary to the requirements of the role.

ğ) Presenting repeated publications as separate works in academic appointments and promotions.

* 1. Arriving at duty intoxicated or consuming alcoholic beverages while on duty.

ı) Preparing false reports and documents.

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* 1. Engaging in trade or other prohibited gainful activities, unless exceptions are provided by relevant laws.
  2. Disclosing confidential information and documents acquired in the course of duty.
  3. Insulting or threatening one's supervisor, colleagues, staff, or service beneficiaries.

1. Dismissal from the University Teaching Profession: Permanent removal from the university teaching profession, with no reassignment to academic staff. Acts that may result in removal from the university teaching profession include the following:
2. Presenting original ideas, methods, data, or works belonging to others as entirely or partially one's own without proper attribution according to scientific standards.
3. Using publications and studies not based on personal work and research, produced by others for a fee or without compensation, in appointment and promotion decisions, or in title or degree acquisition, except for contributions that do not involve academic evaluation, such as survey application or data collection.
4. Failing to take office for a total of 20 days in a year without permission or justification.
5. Dismissal from Public Duty: Permanent removal from public duty, with no reappointment as a lecturer or civil servant in public institutions, organizations, or foundation higher education institutions. The acts that result in dismissal from public office are as follows:
   1. Committing or supporting acts of terrorism, or using or allowing the use of public facilities and resources for such organizations.
   2. Physically assaulting or sexually harassing supervisors, colleagues, staff, service recipients, or students.
   3. Engaging in disgraceful and embarrassing acts that are incompatible with the responsibilities of public service or as an instructor.

ç) Using, possessing, distributing, encouraging the use of, selling, or manufacturing drugs or other illicit substances classified as stimulants.

* 1. Obtaining, recording, using, storing, distributing, altering, or destroying the institution's data illegally.
  2. Intentionally obstructing or disrupting the operation of the institution's information systems.

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Disciplinary investigation and the right to defense

**ARTICLE 6 -** (1) The principles to be adhered to during the disciplinary investigation are as follows:

1. The disciplinary supervisor, upon learning that an act requiring disciplinary action has been committed, initiates a written disciplinary investigation. The sub-disciplinary supervisor cannot conduct or initiate a separate investigation in a disciplinary case initiated by the disciplinary supervisor. If an investigation has already been initiated, it will be combined with the one initiated by the superior.
2. Acts requiring disciplinary action related to scientific research and publication ethics must be examined by the scientific research and publication ethics committees before an investigation is initiated.
3. The disciplinary supervisor may conduct the investigation personally or assign an investigator or committee within the unit to conduct it. However, in mandatory cases, an investigator may be requested from other units through the rectorate.

ç) The investigator's duty and title must be higher than or equal to those of the person being investigated.

1. If the act is committed jointly by the subordinate and the superior, the investigation procedure and authority to impose disciplinary action are determined by the superior.
2. If the duty or title of the investigator at the time the disciplinary investigation is initiated differs from that related to the act requiring disciplinary action, the investigation shall proceed based on the senior duty or title. The determination of the disciplinary supervisor and other applicable disciplinary provisions are based on the legislation governing the institution.
3. The investigator has the authority to collect information and documents related to the disciplinary investigation, take statements, interview witnesses, consult experts, make discoveries, conduct examinations, and correspond with relevant authorities. The investigator is provided with the requested information and documents promptly.
4. The investigator conducts an investigation on the assigned subject. If any other actions that could warrant a disciplinary investigation occur during this process, the investigator reports them to the disciplinary supervisor promptly.

ğ) Investigation procedures are outlined in a report.

1. The confidentiality of the investigation is paramount.
2. The investigation is completed within two months of receiving the assignment letter. If the investigation cannot be completed within this period, the investigator may request an extension with justification. The disciplinary supervisor decides based on the justification and considering the statute of limitations.

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1. The termination of the office of the person responsible due to retirement or other reasons does not prevent the initiation or continuation of an investigation against them. In this case, the disciplinary penalty imposed at the end of the investigation is kept in their personnel file. Penalties such as salary or wage deductions, suspension of level progress, or deductions from multiple wages are applied if the individual returns to public office or starts working at a foundation higher education institution.
2. The fact that a criminal investigation or prosecution is underway against the individual for an act does not prevent the disciplinary investigation, penalty, or enforcement of that penalty for the same act. Criminal prosecution may be considered a pending issue when necessary. In this case, the statute of limitations for the disciplinary investigation is suspended.
3. The fact that an act is subject to administrative sanctions under other laws does not preclude it from receiving a disciplinary penalty under this Law.
4. The issues to be considered within the scope of the right of defense are as follows:
   1. The individual under investigation cannot be subjected to a disciplinary penalty without first being given the opportunity to defend against the allegations.
   2. The letter of invitation to the defense must state the reason for the act that prompted the disciplinary investigation. It should also specify that if the individual fails to present their defense within the given timeframe, they will be considered to have waived their right to defense.
   3. If the authorities responsible for imposing disciplinary punishment deem it necessary, they may request a defense again, following the procedures outlined in subclauses (a) and (b). This request must comply with the principles established in this article and clearly specify the proposed disciplinary punishment as indicated in the charged act and investigation report.
5. Individuals facing dismissal from the university teaching profession or public office have the right to review the investigation documents, present witnesses, and defend themselves either personally or through representatives, verbally or in writing before the disciplinary board.

Suspension from duty

**ARTICLE 7 -** (1) Suspension from duty is a precautionary measure applied to administrators, instructors, civil servants, and other personnel who are deemed unsuitable to remain in their position when the needs of public service require it. Suspension from duty may be imposed for a period of up to three months at any stage of the disciplinary or criminal investigation. Those conducting the investigation may recommend a suspension from duty. At the end of this period, if the reasons for the measure still apply, the measure may be extended for an additional three months at a time.

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1. The rector is authorized to impose a suspension from duty.
2. Individuals suspended from their duties must be investigated within ten working days of the suspension.
3. Authorities who fail to initiate the investigation within the required period after the suspension, do not lift the suspension when mandatory, or impose the suspension arbitrarily or out of malice or spite, are subject to legal, financial, and criminal liability.
4. Individuals who are suspended from duty continue to receive the social rights and benefits prescribed by law. However, they are paid two-thirds of their monthly salary or wages during the suspension period.
5. In cases where resumption of duty is required, they shall receive one-third of their previously reduced monthly salary or wages.
6. The suspension measure shall be immediately revoked by the authorities who imposed it, unless a public dismissal penalty is proposed at the conclusion of the investigation.
7. With a suspension measure in place, individuals who face a disciplinary penalty from the relevant authority after an investigation other than dismissal from their public duties, and those who are removed from the disciplinary investigation due to amnesty before a penalty is decided, will be immediately reinstated once these decisions become final or when the suspension measure expires.
8. In cases where an individual’s presence in office does not hinder the continuation of the investigation, the suspension measure may be lifted before the period expires.

Statute of limitations

**ARTICLE 8-** (1) From the date on which it is determined that acts or situations requiring a disciplinary penalty have occurred, a disciplinary investigation cannot be initiated unless it begins within;

* 1. One month for penalties such as warnings, reprimands, salary or wage deductions, suspension of level progress, or multiple wage deductions,
  2. Six months for the dismissal from the university teaching profession or public office.

1. A disciplinary penalty cannot be imposed if two years have passed since the date of the act requiring a disciplinary penalty, or six years have passed since the date of the act requiring dismissal from the university teaching profession.
2. If a scientific work is used for academic appointments or promotions, or is partially or completely republished, the statute of limitations specified in the second paragraph restarts.
3. If a disciplinary penalty is annulled by a court ruling, the penalty may be reimposed within the remaining statute of limitations, starting from the date the ruling is received. If the statute of limitations has expired or less than three months remain, the penalty may be reimposed only within a maximum of three months, taking into account the reasoning behind the court's decision.

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Authority to impose disciplinary action

**ARTICLE 9-** (1) The following supervisors and boards are authorized to impose disciplinary penalties:

* 1. Warning and reprimand penalties are imposed by the sequential disciplinary supervisors, and by the President of the Council of Higher Education in the case of the rector.
  2. Penalties such as salary or wage deductions, or deductions from multiple wages, are imposed through the decision of the disciplinary board in the unit where the individual holds office.
  3. Dismissal from the university teaching profession and public office penalties are imposed by the decision of the High Disciplinary Board, based on the proposal of the supervisor authorized to appoint individuals.

ç) Penalties such as salary deductions, deductions from multiple wages, dismissal from the university teaching profession, and removal from public office for rectors and deans are imposed by the decision of the High Disciplinary Board (General Assembly of Higher Education).

1. If a shortcoming is identified during the investigation, the authorities authorized to impose disciplinary action may return the file to correct the issue. They may also fully impose, reduce, or reject the disciplinary action proposed by the investigator. If the proposed penalty is rejected, the relevant disciplinary supervisor or board may take new action within a maximum of three months, in accordance with the reason for the rejection.
2. The authority to impose disciplinary action cannot be transferred.
3. If deemed necessary, the disciplinary boards are authorized to review the personal file of the individual in question, examine all relevant documents, obtain information from the appropriate sources, conduct any necessary investigations, hear sworn witnesses and experts or have them heard, and make or commission discoveries.

Basic principles for imposing disciplinary action

**ARTICLE 10 -** (1) Multiple disciplinary penalties cannot be imposed for the same act. If an act constitutes multiple disciplinary offenses, the most severe penalty will be applied.

1. A more severe penalty is applied if an act that previously led to disciplinary action is repeated, provided it occurs within the period during which the penalties remain on the personal file. The penalty considered as the basis for repetition must be finalized either by the expiration of the objection period or by the rejection of the objection. If disciplinary penalties requiring the same level of penalizing are imposed for three separate acts, a more severe punishment is applied on the third instance. Repetition does not include disciplinary penalties forgiven by law or more severe penalties imposed due to prior repetitions.
2. The penalty may be reduced by one level for individuals with a positive work record or those who have received awards or certificates of achievement during their past service. The reduced penalty by one degree shall be imposed by the authority authorized to impose the original penalty.

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1. In cases where the penalty of deductions from multiple wages is elevated, the higher penalty will be dismissal from public office. In cases where dismissal from public office is reduced, the lower penalty will be deductions from multiple wages.
2. Individuals who commit acts similar in nature and severity to those outlined in this directive and require disciplinary action will receive equivalent disciplinary penalties, with the specific acts they resemble being identified.
3. In cases of deductions from multiple wages, the relevant disciplinary board shall impose the penalty of dismissal from public office.
4. Disciplinary penalties, including salary or wage deductions and deductions from multiple wages, are applied at the beginning of the month following the date the penalty is imposed.
5. Disciplinary penalties are communicated to the senior disciplinary supervisor. The penalty of dismissal from the university teaching profession is communicated to all higher education institutions, and the penalty of dismissal from public office is reported to the State Personnel Administration.
6. Individuals subject to salary or wage deduction penalties are ineligible for appointment to positions such as rector, dean, institute director, college director, vocational school director, program head, department head, or equivalent and higher positions for three years. Those subjected to deductions from multiple wages are ineligible for these appointments for five years. On the date the disciplinary penalties are imposed, the duties of individuals in these positions automatically terminate, and the situation is immediately reported to the relevant authorities.

Establishment of disciplinary boards

**ARTICLE 11-** (1) The Higher Disciplinary Board is the Council of Higher Education.

1. The university disciplinary board is the university board of directors. The boards of directors of the units affiliated with the university act as disciplinary boards. The disciplinary board for units affiliated with the rectorate consists of four faculty members holding the title of professor, appointed by the university board of directors at the beginning of each calendar year. The board is chaired by the vice rector for academic staff or individuals in positions equivalent to or higher than department heads.
2. Associate professors and doctoral faculty members may not participate in disciplinary board discussions concerning issues related to professors. Similarly, doctoral faculty members may not participate in discussions regarding associate professors, and all members are excluded from discussions involving their own cases.
3. Individuals participating in the investigation may not vote in disciplinary board decisions. Similarly, members of the disciplinary board or those who impose penalties cannot vote in boards that consider appeals against those penalties.
4. If disciplinary boards cannot be formed for any reason, vacant positions are filled by faculty members with equivalent titles, as determined by the senate.

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Appeal

**ARTICLE 12-** (1) The following supervisors and boards have the right to appeal disciplinary penalties:

* 1. Appeals against warning and reprimand penalties can be made to the disciplinary board of the unit where the individual is assigned, to the university disciplinary board for penalties imposed by the rector, and to the High Disciplinary Board for appeals against the rector. The disciplinary supervisor who imposes the penalty cannot participate in the disciplinary boards. In this case, the relevant disciplinary board is presided over by the highest-ranked faculty member among the members. If there is more than one highest-ranked faculty member, the board is presided over by the most senior member. If no faculty member is present, the board is presided over by the most senior member overall.
  2. An appeal against the penalty of salary or wage deduction, or deductions from multiple wages, can be made to the university disciplinary board of the unit where the individual is assigned.

1. The appeal period is seven days from the date the penalty is notified.
2. The appeal authorities shall make a decision within sixty days from the date of appeal.
3. The appeal authorities may either accept or reject the appeal. If the appeal is accepted, the penalty is annulled along with all its consequences. However, a new process may be commenced by the relevant disciplinary supervisor or disciplinary board within a maximum of three months, in compliance with the reason for acceptance.

Retention in personnel file

**ARTICLE 13-** (1) Disciplinary penalties are retained in the personal files of the individuals involved.

(2) Five years after the imposition of warning and reprimand penalties, and ten years after the imposition of salary or wage deductions, or multiple wage deductions, individuals may request that the penalties be removed from their personal file by applying to the supervisor authorized to make appointments. If the individual's actions during these periods warrant the request, it will be approved.

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PART THREE

Final Provisions

Accepting the directive

**ARTICLE 14-** (1) Academic personnel who begin their employment are provided with a copy of this directive. Academic staff are considered to have read and accepted this directive upon beginning their employment.

Effective Date

**ARTICLE 15-** (1) This Disciplinary Directive, consisting of 16 (sixteen) main articles, comes into effect for each academic staff member from the date they sign their employment contract.

Implementation

**Article 15** (1) The provisions of this directive are implemented by the Rector. This Disciplinary Directive is complementary to the employment contract.

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