**SAMPLES OF FORM FOR PERSONNEL DISCIPLINARY INVESTIGATIONS[[1]](#footnote-1)**



**Investigator Appointment Letter**

**(Disciplinary investigation to be opened against academic staff)**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**HIDDEN**

**Number: …/…/202.**

**Subject:** Personnel Disciplinary Investigation

**Dear** Investigator's Title Name SURNAME**[[2]](#footnote-2)**

………………… [[3]](#footnote-3)dated …../…./….20.. against (Name SURNAME of the Investigated Person) working with the title of ……….…… in our University/……………………..……Faculty/unit is sent in the attachment. It has been decided to open a Disciplinary Investigation regarding the subject within the scope of Article 53 of the Higher Education Law No. 2547 against (Name SURNAME of the Investigated Person) and to assign you as the investigator to conduct the investigation.

By conducting the necessary investigation in accordance with Article 53 of Law No. 2547 and the relevant legislation, you will prepare an investigation file and submit the investigation report to …… within 2 (two) months.[[4]](#footnote-4) I kindly request you to do what is necessary to forward it.

**…………. (Disciplinary Officer Authorized to Open the Investigation)**

**Additional:**[[5]](#footnote-5)

**Investigator Appointment Letter**

**(Disciplinary investigation to be opened against administrative staff)**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**HIDDEN**

**Number: …/…/202.**

**Subject:** Personnel Disciplinary Investigation

**Dear** Investigator's Title Name SURNAME**[[6]](#footnote-6)**

………………… [[7]](#footnote-7)dated …../…./….20.. against (Name SURNAME of the Investigated Person) working with the title of ……….…… in our University/……………………..……Faculty/unit is sent in the attachment. It has been decided to open a Disciplinary Investigation regarding the subject within the scope of Article 53 of the Higher Education Law No. 2547 against (Name SURNAME of the Investigated Person) and to assign you as the investigator to conduct the investigation.

By conducting the necessary investigation in accordance with Article 53 of Law No. 2547, Article 125 of Law No. 657 and the relevant legislation, you shall prepare an investigation file and submit the investigation report to …… within 2 (two) months.[[8]](#footnote-8) I kindly request you to do what is necessary to forward it.

**…………. (Disciplinary Officer Authorized to Open the Investigation)**

**Additional:**[[9]](#footnote-9)

**Complainant Invitation to Testify**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**(HIDDEN)**

**Dear …………………………….**

in the disciplinary investigation opened against (Name and surname of the person under investigation will be written) regarding the “………….……” allegation/allegations included in your complaint petition, based on the letter dated ….. and numbered … of (Authority that gave the investigation order) .

In order for the investigation to be concluded properly, your statement will be taken as the complainant/victim; **on …./…../20….[[10]](#footnote-10) I kindly request you to be present at ….:… at ….:… in room … at ………………….. and if you are going to give your statement in writing,** to submit your written explanations regarding the incident that is the subject of your complaints, your statement and evidence to me/our commission within 8 days from the date of notification of this letter to you .

…………………..

(Investigator)

**TR**

**FIRAT UNIVERSITY RECTORATE**

**HIDDEN**

**COMPLAINANT STATEMENT REPORT[[11]](#footnote-11)**

I swear that I will not make any statements anywhere about the information and documents I obtained during the investigation for which I was assigned as a clerk and that I will abide by the principle of confidentiality.[[12]](#footnote-12)

Name Surname Clerk

(Signature)

Identity of the complainant whose statement will be taken:

TR ID Number :

Name Surname :

Position and Title:

Business Address :

Place Where Statement Was Taken:

Date of Statement:

regarding the allegations in the complaint petition of the complainant whose clear identity is written above (investigated/investigated) . The complainant was asked to explain the complaint, evidence and everything he/she knows about the incident that is the subject of the disciplinary investigation as the complainant. He/she was asked whether his/her complaint was ongoing.

Complainant Response **;** “……………………………………………………………………………………………………………………..………………………………………….

"My complaint is ongoing. / My complaint is not ongoing ." he said.

**QUESTION :** [[13]](#footnote-13)

**REPLY :**

**QUESTION :** Is there anything else you would like to add to your statement regarding the incident that is the subject of the investigation?

**REPLY :** “I have nothing else to add to my statement,” he said.

Since there was nothing else to ask, the record of this complainant's statement was read again by the person making the statement. After he declared that the statements were true and his own, the record was signed.

Name Surname Name Surname Name Surname[[14]](#footnote-14)

Investigator Clerk Complainant

(If any)

**Complainant Invitation to Testify[[15]](#footnote-15)**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**HIDDEN**

**Dear …………………………….**

in the disciplinary investigation opened against ( the Investigated Person) regarding the allegation/allegations “………….……” included in your complaint petition, based on the letter dated ….. and numbered … of (the Authority that gave the investigation order) .

In order for the investigation to be concluded properly, your written statement as the complainant will be taken; I kindly request that you send your written statement regarding the issue, all information and documents, the list of names of your witnesses, if any, and your answers to the questions asked below [[16]](#footnote-16)to room number … at ………………….. within 8 days following the notification of this letter to you.

…………………..

(Investigator)

QUESTIONS[[17]](#footnote-17)

**QUESTION :**

**REPLY :**

**QUESTION :**

**REPLY :**

**Letter of Invitation to Witness Testimony**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**HIDDEN**

**Dear …………………………….**

I have been assigned as the investigator in the disciplinary investigation opened against ( Investigated) regarding the allegation/allegations “………….……” based on the letter dated ….. and numbered … of (Authority that ordered the investigation) .

Since your knowledge or eyewitness information regarding the subject of the investigation will be used, you are requested to give your statement as a witness on …/…/…[[18]](#footnote-18) I would like you to be present in room number … at …………………..

Name Surname Name Surname Name Surname

Investigator Clerk Witness

(If any)

**TR**

**FIRAT UNIVERSITY RECTORATE**

**HIDDEN**

**WITNESS STATEMENT REPORT[[19]](#footnote-19)**

I swear that I will not make any statements anywhere about the information and documents I obtained during the investigation for which I was assigned as a clerk and that I will abide by the principle of confidentiality.[[20]](#footnote-20)

Name Surname Clerk

(Signature)

Identity of the witness whose statement was taken:

TR ID Number :

Name Surname :

Position and Title:

Business Address :

Place Where Statement Was Taken:

Date of Statement:

The incident that is the subject of the disciplinary investigation was explained to the witness. It was reminded that his/her information and opinion on the subject would be sought as a witness, the importance of testimony, the legal and criminal sanctions for false testimony, that he/she could hesitate to testify if there were conditions that would make him/her hesitate to testify, and that he/she could hesitate to answer questions that could subject him/her or the persons indicated in Article 45/1 of the CMK to criminal prosecution . The witness declared that he/she understood the issues explained. **“I swear on my honor and conscience to tell the truth what I know”** as a witness to ……………., whose clear identity is written above.The witness was asked to tell what he knew about the incident that was the subject of the investigation.

**TEXT OF THE OATH**

**“Bildiğimi dosdoğru söyleyeceğime namusum ve vicdanım üzerine yemin ederim.”**

Tanık Ad-Soyadı

(İmza)

**Tanıktan veyahut yemin etmekten çekinme hakkı mevcut ise açıklaması:**

**QUESTION :** [[21]](#footnote-21)What do you have to say about the allegations in the form of “….……” included in the disciplinary investigation launched against **……….. ?**

**REPLY :**

**QUESTION :**

**REPLY :**

**QUESTION :** Is there anything else you would like to add to your statement regarding the incident?

**REPLY :** “I have nothing else to add to my statement,” he said.

Since there was nothing else to ask, this witness statement record was read again by the person making the statement. After he declared that the statements were true and his own, the record was signed.

Name Surname Name Surname Name Surname

Investigator Clerk Witness

(If any)

**Letter of Invitation to Witness Testimony[[22]](#footnote-22)**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**HIDDEN**

**Dear …………………………….**

I have been assigned as the investigator in the disciplinary investigation opened against ( Investigated) regarding the allegation/allegations “………….……” based on the letter dated ….. and numbered … of (Authority that ordered the investigation) .

In the said investigation, your information will be sought as a witness. Therefore; after the oath text is signed by you, I kindly request that you send your answers to the following questions and your explanations on the subject to room number … at ………………….. within 8 days following the notification of this letter to you.

…………………..

(Investigator)

**REMINDER:** You are reminded that your information and opinion on the subject will be used as a witness, that there will be legal and criminal penalties for giving false testimony, that you can withdraw from testifying if you have a family relationship with the person under investigation as listed in Article 45/1 of the CMK in accordance with Article 45/3 of the CMK, and that you can also withdraw from answering questions that may subject you or your relatives listed in Article 45/1 of the CMK to criminal prosecution in accordance with Article 48 of the CMK, and that you have the right not to take an oath if there is a legal reason to refrain from taking an oath .

**TEXT OF THE OATH**

**Tanıktan veyahut yemin etmekten çekinme hakkı mevcut ise açıklaması:**

**“Bildiğimi dosdoğru söyleyeceğime namusum ve vicdanım üzerine yemin ederim.”**

Tanık Ad-Soyadı

(İmza)

**QUESTIONS[[23]](#footnote-23)**

**QUESTION :**

**REPLY :**

**QUESTION :**

**REPLY :**

**QUESTION :**

**REPLY :**

Witness Name-Surname

(Signature)

**Invitation Letter to Defend**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**HIDDEN**

**Dear …………………………….[[24]](#footnote-24)**

I have been assigned as an investigator regarding the “………….……” allegation/allegations made against you, based on the letter dated ….. and numbered … [[25]](#footnote-25)of (the Authority that gave the investigation order) .

Regarding the aforementioned allegations; to give a statement/defense as the person under investigation, on ……………….[[26]](#footnote-26) I hereby inform you that you are requested to be present at ……….., in the ……………….. room of ………………….. or to submit your written statements to me/our Commission within 8 days from the notification of this letter to you. If you do not submit your oral or written statement/defense within the specified period or if you do not submit your defense on the specified date without a valid excuse, you will be deemed to have waived your right to defense and the file will be evaluated according to the available evidence.

…………………..

(Investigator)

**TR**

**FIRAT UNIVERSITY RECTORATE**

**HIDDEN**

**INVESTIGATED STATEMENT REPORT[[27]](#footnote-27)**

I swear that I will not make any statements anywhere about the information and documents I obtained during the investigation for which I was assigned as a clerk and that I will abide by the principle of confidentiality.[[28]](#footnote-28)

Name Surname Clerk

(Signature)

Identity of the Investigated Person Whose Statement Was Taken:

TR ID Number :

Name Surname :

Position and Title:

Business Address :

Place Where Statement Was Taken:

Date of Statement:

The incident that is the subject of the investigation was explained to ……… whose clear identity is written above and asked;

**QUESTION :** [[29]](#footnote-29)What will you say about the allegations of “……….……” in the disciplinary investigation launched against you?

**REPLY :**

**QUESTION :**

**REPLY :**

**QUESTION :** Is there anything else you would like to add to your statement regarding the incident that is the subject of the investigation?

**REPLY :** “I have nothing else to add to my statement,” he said.

Since there was no further question to ask, the record of the statement under investigation was read again by the person making the statement. After he declared that the statements were true and his own, the record was signed.

Name Surname Name Surname Name Surname[[30]](#footnote-30)

Investigator Clerk (If Applicable) Investigated

**Request Letter for Success and Discipline Status**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**TO THE HEAD OF PERSONNEL DEPARTMENT**

**HIDDEN**

I have been assigned as an investigator in the disciplinary investigation opened against (Name and SURNAME of the Investigated Person), who works in the ……….. unit of our University, with the letter dated ………. and numbered ……. of the …………………….. Office .

As a basis for the disciplinary investigation, I request/request that the personnel and disciplinary file of the aforementioned person be reviewed and whether his/her past work was positive, if any, awards and achievements received, whether he/she has received a disciplinary punishment, and if so, for which act, which punishment he/she received and on what date, a written report be submitted.

(Investigator's Title, Name and SURNAME)

(Signature)

**TR**

**FIRAT UNIVERSITY RECTORATE**

**ADDITIONAL TIME REQUEST LETTER**

**HIDDEN**

TO …………………… AUTHORITY**[[31]](#footnote-31)**

In the disciplinary investigation that I was assigned with the investigation order numbered ……… dated ……… and …….. of your office, additional time was needed due to ………. I respectfully request that the investigation period be extended (until ………. date / ..….. more months) .

Investigator

Name-Surname

Signature

**Approval Letter for Request for Additional Time[[32]](#footnote-32)**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**HIDDEN**

**Dear Investigator,**

**Reference:** Please write your request for additional time dated …/…/202 **.**

In accordance with your reference letter, it has been deemed appropriate to grant an additional period of …….. months starting from …/…./202. in order to complete the investigation in accordance with Article 53/Al of the Higher Education Law No. 2547.

I kindly request your information and what is necessary.

…………………………

The Disciplinary Officer who opened the investigation

Name-Surname

Signature

**TR**

**FIRAT UNIVERSITY RECTORATE**

**NOTIFICATION – NOTIFICATION CERTIFICATE**

To whom the notified letter belongs :

Date and number of the notified letter :

Subject of the notification :

……………. Office Within the scope of the investigation initiated with the letter dated …/…/20… and numbered ………….., the attached sealed envelope containing the document shown above I received delivery/notification on …/.../20...

|  |  |  |
| --- | --- | --- |
| **NOTIFIED BY** |  | **NOTIFIED BY** |

**Name and Surname : Name and Surname:**

**Title : Title :**

**His signature : Signature :**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**HIDDEN**

**INVESTIGATION REPORT[[33]](#footnote-33)**

**AUTHORITY ORDERING THE INVESTIGATION:** (The authority that opened the investigation)

**INVESTIGATION ORDER DATE AND NUMBER:** Letter from the Office of ……… dated … and numbered ……

**IDENTITY OF THE PERSON INVESTIGATED:**

Name and surname:

TR ID Number:

Address :

Position and Title:

**SUBJECT OF INVESTIGATION:** The incident/attribution/claim that is the subject of the disciplinary investigation is disclosed.

**PHASES OF THE INVESTIGATION:** The investigation process and the actions taken within the scope of the investigation are written item by item.

**EVIDENCE:** The information and documents obtained within the scope of the investigation are listed in this section (complaint petition, statement minutes, expert report, camera recording, pictures, etc.)

**SUMMARY OF THE INVESTIGATED PERSON'S DEFENSE/STATEMENT:**

**SUMMARY OF THE COMPLAINANT'S STATEMENT:**

**SUMMARY OF WITNESS STATEMENT:**

**EVALUATION:** In this section, the evidence is evaluated in a way that proves whether the act was committed or not, and any contradictions, if any, are resolved, and the issue of whether the act was committed or not and whether it constitutes a crime is explained in detail and with justification. Again, in this section, the information and documents, evidence, and witness statements in the file are explained and evaluated in terms of how they shed light on the incident. Whether or not a disciplinary penalty will be imposed on the person being investigated regarding the subject of the investigation , whether or not the conditions for a lower penalty to be imposed in the disciplinary penalty are met, or whether or not an increase will be made to the penalty to be imposed due to recurrence are discussed in this section.

**RESULT AND PROPOSAL:**

If an evaluation is made based on the information, documents and statements in other sections of the report and it is concluded that the person committed the act that is in question and that the act was committed; the act that is proven is in accordance with the law that the person is subject to, depending on whether the person is an academic or administrative staff (actions and disciplinary penalties specified in Article 53 of Law No. 2547 for academic staff - actions and disciplinary penalties specified in Article 125 of Law No. 657 for administrative staff - actions and disciplinary penalties specified in Labor Law No. 4857, Employment Contract and Collective Labor Agreement for personnel working with an employment contract other than teaching staff) and the corresponding disciplinary penalty is suggested. If the act in question is not directly one of the disciplinary offenses regulated in the law, which of the similar disciplinary offenses it resembles should be specified and the penalty for the offense that is considered to be similar should be suggested. If a conviction is not formed in the light of the evidence that the act was committed, a recommendation is made to not impose a penalty. Again, when recommending a disciplinary penalty, the situations in which a lower penalty should be given and the situations in which a higher penalty should be given due to recurrence should also be taken into consideration when recommending a penalty. The suggestions regarding whether or not the lower penalty should be applied should be justified.

**Investigator**

**Title-Name-Surname-Signature**

**Attachments:**

1-Investigation File (… page)

2-Series Compass (… page)

**TR**

**FIRAT UNIVERSITY RECTORATE**

**INVESTIGATION FILE SERIAL COMPASS**[[34]](#footnote-34)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Serial No.** | **Subject** | **Number of Pages** | **History** | **Number** |
| 1 | Investigation Order and Annex |  |  |  |
| 2 | Letter of invitation to the complainant to testify |  |  |  |
| 3 | Letter of invitation to witness to testify |  |  |  |
| 4 | Complainant Statement Record |  |  |  |
| 5 | Witness Statement Record |  |  |  |
| 6 | Letter of invitation to the person under investigation to testify |  |  |  |
| 7 | Investigated Statement Record and its annex |  |  |  |
| 8 | Request for information from the Personnel Department about the person under investigation |  |  |  |
| 9 | Attached letter of the record summary of the Personnel Department |  |  |  |
| 10 | Request for Additional Time Letter |  |  |  |
| 11 | Additional Time Approval Letter |  |  |  |
| 12 | Expert Report |  |  |  |
| 13 | Discovery Report |  |  |  |
| 14 | Investigation Report |  |  |  |
| 15 | Cover Letter |  |  |  |

**Delivery of Investigation File**

**TR**

**FIRAT UNIVERSITY RECTORATE**

TO …………………… AUTHORITY**[[35]](#footnote-35)**

**Reference :** Investigation approval dated …… and numbered …….

The disciplinary investigation given to me with the relevant investigation order has been completed; the investigation report (in two copies), the serial ballot and the investigation file are enclosed in a sealed envelope.

I present your information and what is necessary.

**Investigator**

Title

Name Surname

Signature

**Attachment:** Investigation File (To be delivered by hand.)

**Investigation File Delivery Report**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**DELIVERY-RECEIPMENT CERTIFICATE**

……………. Office The investigation initiated with the letter dated …/…/20… and numbered ………….. has been completed and the investigation report and file with the attached list are in a sealed envelope. I received it on …/.../20...

|  |  |  |
| --- | --- | --- |
| **DELIVERED BY** |  | **RECEIVER** |

**Name and Surname : Name and Surname:**

**Title : Title :**

**His signature : Signature :**

#### 

#### Defense request letter in disciplinary investigations (LAST DEFENSE REQUEST LETTER)[[36]](#footnote-36)

**TR**

**FIRAT UNIVERSITY RECTORATE**

**HIDDEN**

**Dear (Investigated)**

dated …… and numbered …. of the authority/disciplinary officer who gave the order for investigation regarding the claim/claims ……… against you, it has been suggested that you have committed the crime of ……. in the subparagraph (…) of paragraph 53/b of Law No. 2547 (for administrative personnel, in the subparagraph (..-..) of Article 125 of Law No. 657) due to the action of ………., a penalty of ……. has been recommended for you.

I kindly request that you submit your written defense on this matter within 8 days from the notification of this letter to you. If you fail to make a defense within this period or do not present a valid excuse, you will be deemed to have waived your defense and the necessary decision will be made about you according to the information and documents in the file.

(Disciplinary Officer/Disciplinary Board Authorized to Impose the Recommended Disciplinary Penalty)

Title Name Surname Signature

**TR**

**FIRAT UNIVERSITY RECTORATE**

**NOTIFICATION OF THE PUNISHMENT TO THE SUSPECT**

**(In case the penalty is applied without reduction and there are no recurrence provisions)**

**Dear** :……………[[37]](#footnote-37)

Reference: Investigation order dated …………… and numbered …………..

The disciplinary investigation initiated against you with the relevant letter has been completed.

As a result of the investigation; ……………….. due to the act of ………………[[38]](#footnote-38) Since it was understood that you committed the disciplinary offense ( [For academic personnel, the ……………………. regulated in Article 53, paragraph (b) of Law No. 2547, subparagraph (….) of paragraph ….] - For administrative personnel, the ………… regulated in Article 125, paragraph …. of Law No. 657, subparagraph …..), it has been decided that it is appropriate to give you a penalty of ……… .[[39]](#footnote-39)

You have the right to appeal against this decision to the ……… disciplinary board [[40]](#footnote-40)within seven days **(7 days) from the date of notification of this decision to you.**

I would like your information, please.

Name and Signature

Competent Authority to impose penalty

**NOTIFICATION OF PENALTY TO THE SUSPECT**

**(In case of lower penalty)**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**Dear** :……………

Reference: Investigation order dated …………… and numbered …………..

The disciplinary investigation initiated against you with the relevant letter has been completed.

As a result of the investigation; ……………….. due to the act of ………………. [For academic staff, ……………………. regulated in subparagraph (….) of paragraph (b) of Article 53 of Law No. 2547 ( for administrative staff, ………………… regulated in subparagraph ….. of paragraph 125 of Law No. 657)] disciplinary action was taken. Since it was understood that you committed the crime, it was deemed appropriate to give you a REPRIMANDING penalty; however, since your past work was positive/you received an award-certificate of achievement, a lower penalty was applied and you were given a WARNING penalty.

You have the right to appeal against this decision to the disciplinary board of …… within seven days from the date of notification of this decision to you .[[41]](#footnote-41)

I would like your information, please.

Name and Signature

Competent Authority to impose penalty

**NOTIFICATION OF THE PUNISHMENT TO THE SUSPECT**

**(Implementation of Penalty in Case of Repetition of Disciplinary Offense)**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**Dear** :……………[[42]](#footnote-42)

Reference: Investigation order dated …………… and numbered …………..

The disciplinary investigation initiated against you with the relevant letter has been completed.

As a result of the investigation; Since it was understood that you committed the disciplinary offense of ……………… [ [[43]](#footnote-43)For academic personnel, ……………………., as regulated in Article 53, paragraph (b), subparagraph …. of paragraph … of Law No. 2547] ( for administrative personnel, …………………, as regulated in Article 125, paragraph …. of Law No. 657), due to the act of ……………….., you should have been punished with the penalty of ……… ., [[44]](#footnote-44)however, since you had committed the same offense before, in accordance with the recurrence provisions regulated in Article 53/D of Law No. 2547, [[45]](#footnote-45)it was decided that you should be punished with the penalty of ……….., which is the next higher penalty .[[46]](#footnote-46)

Against this decision, within seven days from the date of notification of this decision to you ………[[47]](#footnote-47) You have the right to appeal to the disciplinary board.

I would like your information, please.

Name and Signature

Competent Authority to impose penalty

Sample Cover Letter for Submission of File to the Disciplinary Board Authorized to Review the Objection

**TR**

**FIRAT UNIVERSITY RECTORATE**

**………………….. TO THE DISCIPLINARY COMMITTEE[[48]](#footnote-48)**

**Interest : Approval of the investigation numbered …… and dated …… by the Rectorate/** Deanship/Directorate .

As a result of the investigation opened within the scope of the relevant investigation order, a disciplinary penalty was imposed on the person under investigation by ……… [[49]](#footnote-49). The objection application of the person under investigation against the penalty imposed and the original of the investigation file are sent as attachments and regarding the evaluation of the objection;

I kindly request your information and what is necessary .

**NOTIFICATION OF THE DECISION MADE AS A RESULT OF THE OBJECTION TO THE SUSPECT**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**Dear …..**

University Disciplinary Board based on the provision 53/F of the Higher Education Law No. 2547 / ….. Faculty Disciplinary Board/ ………The Disciplinary Board has unanimously ACCEPTED your objection to the disciplinary penalty imposed on you with the letter dated ……… and numbered …… and the aforementioned disciplinary penalty has been REMOVED due to the reasons of ……………………… and I kindly request your information. / REJECTED. You have the right to file a lawsuit against the decision at the Elazığ Administrative Court within 60 days following the notification of this letter to you.

I kindly request your necessary information.

**MINISTER**

**Attachment:** University Disciplinary Board/ ….. Faculty Disciplinary Board/ ………Disciplinary Board’s decision copy dated …… and numbered …..

**TR**

**FIRAT UNIVERSITY RECTORATE**

**Legal Consultancy**

**PERSONNEL CRIMINAL INVESTIGATION REPORTS**

**ANNEX: 1-** Investigator/Investigator Assignment Report (Assigned by the Disciplinary Officer)

**ANNEX:2-** Sworn Clerk Assignment Report (Assigned by the Investigator)

**Annex: 3-** Investigation Preparation/Procedure Report (Signed by the investigator and sworn clerk)

**Annex:4-** Suspect Invitation to Testify

**Annex: 5-** Suspect Statement Report

**Annex:6-** Invitation Letter to the Complainant to Testify

**Annex:7-** Complainant Statement Record

**Annex: 8-** Witness Invitation Letter

**Annex: 9-** Witness Statement Report

**Annex: 10** - Letters Requesting Information or Documents About the Suspect

**Annex:11-** Investigation Report (Explanatory)

**ANNEX: 12-** Series Compass

**ANNEX: 13-** Cover Letter for Presentation of Investigation File to Disciplinary Officer

**ANNEX: 14-** Letter of Sending the File to the Authorized Board by the Disciplinary Officer

**Annex: 15-** Document Regarding the Information or Documents Deem Necessary by the Criminal Investigation Commission

**Annex: 16-** Report of Indictment

**ANNEX: 17-** Notification Letter and Notification Documents of Decisions to Prevent or Necessarily Prosecute (Notified to the relevant parties by the Chairman of the Final Investigation Board)

**Annex: 18-** Cover Letter for Return of the Indictment and File to the Rectorate in Two (2) Copies

**ANNEX: 19-** Series Compass

**TR**

**FIRAT UNIVERSITY RECTORATE**

**Legal Consultancy**

Number : …/…/20…

Subject : Assignment of Investigator

Dear;

**A CRIMINAL INVESTIGATION has been initiated** ex officio/based on the decision of lack of jurisdiction of the Office of the Chief Public Prosecutor regarding the allegations of threat-insult-abuse of office-forgery against Prof.-Assoc. Prof.-Assoc. Prof.…. of the Faculty of …. of our University, and you have been assigned as an Investigator to conduct the investigation procedures. We request that the investigation be conducted in accordance with the provision 53/c of the Higher Education Law No. 2547 and the relevant legislation, and that two (2) copies of the investigation file and the investigation report be forwarded to our Rectorate,

I ask you to do what is necessary.

**Disciplinary Officer**

**Attachment:** Investigation Approval Document

**TR**

**FIRAT UNIVERSITY RECTORATE**

**SWORN CLERK REPORT**

In the investigation carried out by me based on the investigation approval of the Rectorate/Deanship/Directorate Office dated …/../.. and numbered …/….;

.................................................................................... who is a sworn clerk and who knows how to use computers, whose reliability and discretion have been tested.................................................................... was taken to the work room allocated to me and it was stated to him that he would be assigned as a sworn clerk according to the provisions of the CMK. The characteristics of a sworn clerk were explained to him, and upon his declaration that he had no obstacle, he was appointed as *a sworn clerk by taking the following oath: "...I swear on my honor and conscience that I will write down exactly what is told to me as a sworn clerk without adding or removing anything and that I will not give anyone information about the duty..."* and this report was signed. ......../......./20

**Clerk Investigator**

**........................................ ............ ...............................**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**CRIMINAL INVESTIGATION PRELIMINARY PROCEEDINGS REPORT**

Based on the investigation approval decision of the Rectorate Office dated …./…./…… and numbered …/…., on ………., the penalty for the suspect …………………………………. mentioned in the investigation approval decision was imposed. in the investigation;

1. Notification of a letter of invitation to defend the suspect regarding the allegations against him/her within at least 7 days,
2. To notify the complainant of the letter of invitation to make a statement regarding the complainant's claim,
3. The notification of the witness invitation letter to obtain statements from the persons ….. and …. who witnessed the alleged incident/action in order to determine their knowledge or eyewitness information,
4. A memorandum should be written to the Personnel Department in order to determine the suspect's criminal record information.
5. It was decided that other procedures would be considered later and this preliminary report was prepared and signed. …/…/20

**CLERK INVESTIGATOR**

**TR**

**FIRAT UNIVERSITY RECTORATE**

Number : …/…/20..

Subject : Criminal Investigation

Dear;

………………….

Reference : Rectorate's approval of the investigation numbered …… and dated …….

With the letter of interest from the Rector's Office, I have been assigned as an Investigator to conduct a criminal investigation regarding the allegations made about ……, one of our University's academic staff. Our defense must be taken as a suspect in this matter. I would like to warn you that if you are present in room … on …/…/…, otherwise, an evaluation will be made within the scope of general provisions and kindly request that you do what is necessary.

**CLERK INVESTIGATOR**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**SUSPECT INVITATION**

NUMBER :

SUSPECT CALLED :

ADDRESS :

PLACE OF EXPRESSION :

FLOOR :

ROOM :

CRIME CHARGED :

With this invitation, you are informed that your statement must be taken in accordance with Article 147 of the Code of Criminal Procedure due to the crime you are charged with in the investigation against you. You must be present at the place of questioning on the day of .../.../... at .../... and that if you fail to appear on the notified date, legal procedures will be applied against you in accordance with Article 145 of the Code of Criminal Procedure.

**Investigator**

**RULES TO BE FOLLOWED AND YOUR RIGHTS:**

1-You must answer the questions regarding your identity correctly.

2-You must provide your citizenship number.

3-You can present your defense counsel in your statement for legal assistance, or if you are not in a position to choose a defense counsel, you can request that the Bar Association appoint a defense counsel.

4-When you come to testify, you may not make a statement after your identity is determined.

5-You may request the collection of concrete evidence that you will report.

**TR**

**FIRAT UNIVERSITY RECTORATE**

**SUSPICIOUS STATEMENT TESTIMONIAL**

Identity of the suspect whose statement will be taken

Place Where Statement Was Taken:

Date of Statement:

TR ID Number :

Name Surname :

Mother Name :

Father's Name :

Place and Date of Birth:

Position and Title:

Business Address :

Residence Address :

*The crime that was attributed to the person giving the statement was explained to him, he was reminded and explained that he had the right to choose a lawyer and could benefit from his legal assistance, that the lawyer could be present during the taking of the statement, that if he was not in a position to choose a lawyer and wanted to benefit from the assistance of a lawyer, a lawyer could be assigned to him by the bar association, that his arrest would be immediately notified to any of his relatives, that it was his legal right not to make a statement about the crime that was attributed to him, and that he could request that concrete evidence be collected in order to eliminate suspicion.*

**Question 1: In the criminal investigation launched upon a complaint made against you/ex officio upon the decision of lack of jurisdiction of the Elazığ Chief Public Prosecutor's Office, what will you say regarding the allegations regarding your insult/threat/injury towards “A personnel/student”?**

**Answer 1:** …………….

**Question 2:**

**Answer 2:**

**Question 3:**

**Answer 3:**

**…**

**.**

**.**

**.**

**.**

**.**

When asked if he had anything else to say, he stated that he had nothing to say, and this report was given to him to check whether it was the same as what he said. After the matters stated in Article 147 of the Code of Criminal Procedure were fulfilled, the report was read and signed by the person giving the statement and those present. …/…/2017

Name Surname Name Surname Name Surname

Investigator Clerk Suspect Defense Counsel (If Applicable)

**TR**

**FIRAT UNIVERSITY RECTORATE**

**ROGATIVE STATEMENT RECORD**

Identity of the Statement Owner

Place Where Statement Was Taken:

Date of Statement:

TR ID Number :

Name Surname :

Mother Name :

Father's Name :

Place and Date of Birth:

Position and Title:

Business Address :

Residence Address :

*The crime that was attributed to the person giving the statement was explained to him, he was reminded and explained that he had the right to choose a lawyer and could benefit from his legal assistance, that the lawyer could be present during the taking of the statement, that if he was not in a position to choose a lawyer and wanted to benefit from the assistance of a lawyer, a lawyer could be assigned to him by the bar association, that his arrest would be immediately notified to any of his relatives, that it was his legal right not to make a statement about the crime that was attributed to him, and that he could request that concrete evidence be collected in order to eliminate suspicion.*

**Question 1: In the criminal investigation launched upon a complaint made against you/ex officio upon the decision of lack of jurisdiction of the Elazığ Chief Public Prosecutor's Office, what will you say regarding the allegations regarding your insult/threat/injury towards “A personnel/student”?**

**Answer 1:** …………….

**Question 2:**

**Answer 2:**

**Question 3:**

**Answer 3:**

**…**

**.**

**.**

**.**

**.**

**.**

When asked if he had anything else to say, he stated that he had nothing to say, and this report was given to him to check whether it was the same as what he said. After the matters stated in Article 147 of the Code of Criminal Procedure were fulfilled, the report was read and signed by the person giving the statement and those present. …/…/2017

Name Surname Name Surname Name Surname

Investigator Clerk Suspect Defense Counsel (If Applicable)

**TR**

**FIRAT UNIVERSITY RECTORATE**

Number : …/…/20..

Subject : Criminal Investigation

Dear;

………………….

Reference : Rectorate's approval of the investigation numbered …… and dated …….

With the letter of interest from the Rectorate, I have been assigned as an Investigator to conduct a criminal investigation regarding the allegations made about our University faculty member …. Your statement must be taken as the complainant regarding this matter. I would like to warn you that if you are present in room … on …/…/…, otherwise, action will be taken within the scope of general provisions and kindly request that you do what is necessary.

**CLERK INVESTIGATOR**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**COMPLAINANT STATEMENT REPORT**

Identity of the Complainant whose statement will be taken:

Place Where Statement Was Taken:

Date of Statement:

TR ID Number :

Name Surname :

Mother Name :

Father's Name :

Place and Date of Birth:

Position and Title:

Business Address :

Residence Address :

*The complainant was reminded and explained his rights to request the collection of evidence in accordance with Article 234 of the CMK, to request a copy of a document on condition that the confidentiality and purpose of the investigation are not violated, to request that a lawyer be assigned to him by the Bar Association if he does not have a lawyer, and his other legal rights. The complainant stated that he understood his rights and did not want a lawyer to be assigned, and when he was asked about his complaints and evidence regarding the incident, he said that he had nothing to say, his statement was taken.*

**In the Complainant's Statement:** …. …..

**Asked:** What do you have to say about the allegations stated in your petition?

**In response:**

He said and declared that he had no other claim or statement other than those stated above, read the statement he had dictated and confirmed its accuracy with his signature.

Name Surname Name Surname Name Surname

Investigator Clerk Complainant Attorney (If Any)

**TR**

**FIRAT UNIVERSITY RECTORATE**

Number : …/…/20..

Subject : Criminal Investigation

Dear;

………………….

Reference : Rectorate's approval of the investigation numbered …… and dated …….

With the letter of interest from the Rectorate, I have been assigned as an Investigator to conduct a criminal investigation regarding the allegations made about our University faculty member …. I request that you provide information or eyewitness information regarding this matter. I kindly request that you be present in room … on …/…/… otherwise, action will be taken within the scope of general provisions.

**CLERK INVESTIGATOR**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**WITNESS STATEMENT REPORT**

**of the witness whose** statement will be taken :

Place Where Statement Was Taken:

Date of Statement:

TR ID Number :

Name Surname :

Mother Name :

Father's Name :

Place and Date of Birth:

Position and Title:

Business Address :

Residence Address :

As a witness to ……………., whose clear identity is written above, I **swear on my honor and conscience that I will tell the truth about what I know.** was sworn in.

**Question-1:** Claims are made as follows. What do you have to say about this?

**Answer-1:** ……..

..

…

When asked if he had anything else to say, he stated that he had nothing to say, and this report was given to him to check whether it was the same as what he said. After reading it, he stated that it was the same as what he said, and it was signed by us. …/…/20

Name Surname Name Surname Name Surname

Investigating Clerk Witness

**TR**

**FIRAT UNIVERSITY RECTORATE**

**Number :**  …/…/20…

**Subject :** Criminal Investigation

**TO THE HEAD OF THE PERSONNEL DEPARTMENT**

In accordance with the investigation approval decision of the Rector's Office dated ….. and numbered ….., I have been assigned as an investigator to conduct a criminal investigation about …. officer ………… of our University.

I would like to inform you about whether the above-mentioned person has been punished in his previous employment, whether his records are positive, and whether a judicial investigation has been conducted against him, along with the results.

**CLERK INVESTIGATOR**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**Number :**

**Subject:** Request for Additional Time

**TO THE RECTORATE**

In the investigation being conducted about ..…. in accordance with the investigation approval dated …./…./202… and numbered ……, since no response has yet been received to the letter dated ……………. and numbered … for the finding of new witnesses to be heard and for the sending of some documents, I would like to request that an additional period of …. days starting from …./…./… be granted in order for the investigation to be completed.

**CLERK INVESTIGATOR**



**TR**

**FIRAT UNIVERSITY RECTORATE**

**NOTIFICATION – NOTIFICATION CERTIFICATE**

To whom the notified letter belongs :

Position and title on the date of notification :

Date and number of the notified letter :

Subject of the notification :

Date of notification :

I have received the letter of Fırat University …… Unit, the date, number and subject of which are stated above, in a sealed envelope.

**NOTIFIED BY: NOTIFIED BY:**

**Signature : Signature :**

**Name and Surname : Name and Surname:**

**Title : Title :**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**INVESTIGATION REPORT**

**FILE NO:** 20…/….

1. **INVESTIGATION APPROVAL :** The investigation approval of Fırat University Rectorate dated ../../.. and numbered ../… is written.
2. **IDENTITY AND QUALITY OF THE SUSPECT :** The suspect's name, surname, Turkish identity number and other identification information and official position are written here.
3. **SUBJECT OF THE INVESTIGATION :** Briefly, the incident that is the subject of the investigation is written.
4. **CRIME :** ………………………………….
5. **DATE AND PLACE OF CRIME :** …./…./20…
6. **INVESTIGATION :** This section explains the incident that is the subject of the investigation; how the investigation was initiated, what was examined within this scope, the statements of the complainant, suspect and witnesses, if any, and other actions taken within the scope of the investigation are summarized.
7. **EVALUATION :** In this section, the analysis and evaluation of the incident is made in the light of the evidence examined.
8. **CONCLUSION AND PROPOSAL :** In the light of the evaluation made in this section, whether the incident constitutes a crime or not, and if it does, the Regulation article corresponding to this crime and the penalty to be given, the reason for which repetition and reduction will or will not be applied, and the proposal regarding the defendant are clearly and concretely stated.…./…./20

**CLERK**  **INVESTIGATOR**

**ANNEX:** 1-Investigation File

2-Series Compass

**TR**

**FIRAT UNIVERSITY RECTORATE**

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This serial ballot has ended at serial number 11 (eleven) and consists of 13 (thirteen) pages of documents. …/…/20

**INVESTIGATOR**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**Number :** …/…/20..

**Subject :** Criminal Investigation File

**Reference :** Investigation approval dated …… and numbered …….

The investigation report, series ballot and investigation file regarding the criminal investigation given to me with the approval of the relevant investigation are attached as two copies in a sealed envelope.

I present your information and what is necessary.

**INVESTIGATOR**

**APPENDIX:** Investigation File

**TR**

**FIRAT UNIVERSITY RECTORATE**

**Legal Consultancy**

**Number :** …/…/20..

**Subject :** Final Investigation Procedures Assignment

**Dear; ……**

The first phase of the CRIMINAL INVESTIGATION initiated ex officio/based on the decision of lack of jurisdiction of the Office of the Chief Public Prosecutor regarding the Prof.-Assoc. Prof.-Assoc. Prof.…. of the Faculty of …. of our University, on the grounds of threat-insult-abuse of office-forgery allegations has been completed by the Investigator/Investigation Board by preparing a report. Based on your membership of the Board of Directors, you have been assigned to the Authorized Board to conduct the Final Investigation procedures. Regarding the preparation of the INVESTIGATION REPORT containing the decision of NECESSITY OF TRIAL or BANNER OF TRIAL of your Authorized Board in accordance with the provision 53/c of the Higher Education Law numbered 2547 and the relevant legislation in two copies and the notification of the decision result to our Rectorate,

I ask you to do what is necessary.

**Disciplinary Officer**

**Attachment:** Investigation File

**TR**

**TO THE OFFICE OF THE RECTOR OF FIRAT UNIVERSITY**

**AUTHORIZED BOARD**

**Number :** …/…/20..

**Subject :** Criminal Investigation File

**TO THE ELAZIG CHIEF PUBLIC PROSECUTOR'S OFFICE**

**…… and numbered ……** of the Rectorate and pursuant to the provision 53/c of the Higher Education Law No. 2547, for the crimes of document forgery/threat/insult/abuse of office/wilful injury, it has become mandatory to take the defense of the relevant person. Although a proper invitation was served about the suspect Prof./Assoc. Prof./Assoc. Prof. Member of …., the person has refrained from making a defense. Pursuant to Article 146 of the Code of Criminal Procedure No. 5271, I hereby request the discretion and execution of the decision to bring the suspect by force by your Chief Public Prosecutor's Office in order for the suspect to be present in the study room numbered ……… in the Faculty of ……… at ….

**CLERK MINISTER**

**APPENDIX:** Approved Sample of Investigation Approval Decision

**TR**

**FIRAT UNIVERSITY RECTORATE**

**Legal Consultancy**

**(REPORT)**

**Decision on Necessity/Prevention of Trial**

**FILE NO :** 202 /1

**COMPLAINTANTS :** **1)…..**

**2)……**

**SUSPECTS :** **1)…**

**2)….**

**3)….**

**CRIME :** Insult-Threat-Abuse of Office etc.

**DATE AND PLACE OF CRIME :** …….. ./…. Elazığ

**REFERRAL ARTICLE :** Article …… of the Turkish Penal Code and its articles.

**EVIDENCE :** Complainants' claims, suspect defense, witness statements, telephone and similar communication device records, expert reports and all kinds of legal evidence.

**INVESTIGATION DOCUMENTS WERE REVIEWED**

Pursuant to the provision 53/C-2-d of the Higher Education Law No. 2547, our three-person Board formed from among the Board of Directors members examined the investigation report regarding the suspect ….. and the relevant documents and papers and discussed the following:

The complainant stated that he was complaining about the suspect …… by reiterating the allegations in his petition dated …… and that he demanded that the suspect be punished.

Complainant ….. stated that he was a suspect complainant by repeating the allegations in his petition and demanded that the suspect be punished.

In his defense dated ……, the suspect did not accept the accusations against him and stated that he had committed no acts of ….

stated *“……….”* in his statement dated …..

stated *“………………”* in his statement dated … ..

In the expert report dated ../../… and numbered …., it was determined that ….. the suspect had committed acts against the complainant and that his acts should be evaluated within the scope of the ….. crimes regulated in Article … of the Turkish Penal Code No. 5237, when the allegations and defenses received in detail in the investigation file pursuant to Article 170 of the Code of Criminal Procedure No. 5271, as well as witness statements and all other relevant evidence are evaluated as a whole, sufficient evidence has been obtained about the suspect in the file to file a public lawsuit regarding the crime attributed to the suspect, in order for the crime attributed to the suspect to be evaluated and finalized;

**IT WAS CONSIDERED THAT:**

1. **NECESSARY/PROHIBITED PROCEDURES should be taken** against the suspects by the relevant authorities,
2. Notification of the decision to the Elazığ Chief Public Prosecutor's Office, the complainants and the suspect,
3. It was unanimously decided on ...../…./20 that if there is an objection to the decision of our Board within the legal period of 10 days from the notification of our Authorized Board decision to the parties, the file will be sent to the 1st Chamber of the Council of State, and if there is no objection to our decision, the file will be sent to the Elazığ Chief Public Prosecutor's Office in order to evaluate and execute the final "necessary trial decision" requirement.

Minister

Member Member

|  |  |
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**TR**

**FIRAT UNIVERSITY RECTORATE**

**CRIMINAL INVESTIGATION COMMISSION**

**Number :**  ../…/20

**Subject :** Decision on Necessity/Prevention of Trial

**Dear …..**

Based on the penalty and evaluations proposed in the investigation report about the suspect ……, a DECISION OF NECESSITY/DISCONCERN FOR TRIAL has been made by the three-person Board determined from among the members of the Board of Directors, pursuant to the provision 53/ **C-2-d of the Higher Education Law No.** 2547.

I kindly request your necessary information.

**MINISTER**

**APPENDIX:** Sample decision

**TR**

**FIRAT UNIVERSITY RECTORATE**

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This serial ballot has ended at serial number 11 (eleven) and consists of .. (..) pages of documents. …/…/20

**MINISTER**

**TR**

**FIRAT UNIVERSITY RECTORATE**

**BOARD AUTHORIZED FOR THE FINAL INVESTIGATION**

**TO THE RECTORATE**

**Number :** …/…/20..

**Subject :** Criminal Investigation File

**Reference :** Investigation approval dated …… and numbered …….

The final investigation procedures regarding the investigation file, which was forwarded to our Authorized Board with the approval of the relevant investigation, have been completed and the criminal investigation indictment, series ballot and investigation file are attached as two copies in a sealed envelope.

I kindly request what is necessary.

**MINISTER**

**APPENDIX:** Investigation File and its annexes

1. **If the following forms are used during correspondence, care should be taken to ensure that the forms are arranged in accordance with the concrete situation.** [↑](#footnote-ref-1)
2. If investigators are assigned as a commission, the letter will be distributed to those selected for the commission. The duty and title of the investigator must be above or at the same level as the duty and title of the person being investigated. [↑](#footnote-ref-2)
3. The claim/claims subject to investigation are written. [↑](#footnote-ref-3)
4. The authority that ordered the investigation [↑](#footnote-ref-4)
5. Information, documents and evidence that will form the basis of the investigation, such as Complaint Petition, Minutes etc., are attached. [↑](#footnote-ref-5)
6. If investigators are assigned as a commission, the letter will be distributed to those selected for the commission. The duty and title of the investigator must be above or at the same level as the duty and title of the person being investigated. [↑](#footnote-ref-6)
7. The claim/claims subject to investigation are written. [↑](#footnote-ref-7)
8. The authority that ordered the investigation [↑](#footnote-ref-8)
9. Information, documents and evidence that will form the basis of the investigation, such as Complaint Petition, Minutes etc., are attached. [↑](#footnote-ref-9)
10. In order to be able to give a period of at least '7' days, it is recommended to choose 8-9 days after the notification of the letter to the addressee when determining the date. [↑](#footnote-ref-10)
11. If the statement is to be taken orally, this report may be taken as basis. [↑](#footnote-ref-11)
12. If the minutes are to be prepared by a duly appointed clerk, this oath passage is included and signed by the clerk. [↑](#footnote-ref-12)
13. If deemed necessary, questions other than the complainant's statement will be asked to clarify the incident and resolve controversial issues and contradictions. [↑](#footnote-ref-13)
14. The complainant is not made to swear an oath. [↑](#footnote-ref-14)
15. This invitation can be used if the complainant's statement is to be taken in writing. [↑](#footnote-ref-15)
16. If there are any questions to be asked in addition to the written statement, [↑](#footnote-ref-16)
17. If deemed necessary, questions are asked to clarify the incident. [↑](#footnote-ref-17)
18. In order to be able to give a period of at least '7' days, it is recommended to choose 8-9 days after the notification of the letter to the addressee when determining the date. [↑](#footnote-ref-18)
19. If the statement is to be taken verbally, this report will be taken as basis. [↑](#footnote-ref-19)
20. If the minutes are to be prepared by a duly appointed clerk, this oath passage is included and signed by the clerk. [↑](#footnote-ref-20)
21. The questions to be asked are aimed at clarifying the incident and resolving controversial issues and contradictions. [↑](#footnote-ref-21)
22. If the Witness Statement is to be Taken in Written Form [↑](#footnote-ref-22)
23. Questions are asked to clarify the incident. [↑](#footnote-ref-23)
24. The name and surname of the person being investigated are written. [↑](#footnote-ref-24)
25. Acts that are subject to disciplinary investigation are recorded. [↑](#footnote-ref-25)
26. When determining a date, it is recommended to prefer 8-9 days after the notification of the letter to the addressee. In fact, giving less than 7 days, excluding the day of notification, will cause the disciplinary penalty to be given to be cancelled. In calculating the minimum period of 7 days to be given here, the date of notification of the letter of invitation to defense and the date of receiving the oral defense should not be taken into account. [↑](#footnote-ref-26)
27. If the statement is to be taken verbally, this report may be taken as basis. THE **PERSON BEING INVESTIGATED IS NOT MADE TO swear.** [↑](#footnote-ref-27)
28. If the minutes are to be prepared by a duly appointed clerk, this oath passage is included and signed by the clerk. [↑](#footnote-ref-28)
29. The questions to be asked are intended to shed light on the incident, clarify controversial issues, and resolve contradictions. [↑](#footnote-ref-29)
30. The name and surname of the person being investigated must be written by hand. [↑](#footnote-ref-30)
31. Additional time is requested from the authority that initiated the investigation. [↑](#footnote-ref-31)
32. Article 53/Al of the Higher Education Law: *“ The investigation shall be completed within two months from the date of notification of the assignment letter. If the investigation cannot be completed within this period, the investigator may request additional time with justification, and* ***the disciplinary officer shall make a decision by evaluating the justification and taking into account the statute of limitations.”*** [↑](#footnote-ref-32)
33. The last page is signed by the investigator, and the other pages of the report are initialed. [↑](#footnote-ref-33)
34. The texts in red are examples and a serial report will be prepared according to the content of the disciplinary investigation file. The correct preparation of the serial report is of vital importance in the event that a disciplinary penalty is the subject of a trial. The investigation file must be submitted in chronological order and complete. [↑](#footnote-ref-34)
35. The investigation file is submitted to the authority that initiated the investigation. [↑](#footnote-ref-35)
36. The defense request letter to be received by the authority that will evaluate the proposed sentence after the investigation is completed (Final defense request letter) [↑](#footnote-ref-36)
37. The name and surname of the person being investigated are written. [↑](#footnote-ref-37)
38. The article of law that the act corresponds to is written. For example, for administrative personnel; 'Coming to work late, leaving early, leaving the place of duty without excuse or permission' regulated in Article 125 (Ab) of Law No. 657.

    For academic staff, an example is the provision regulated in subparagraph (a) of paragraph 1 of paragraph (b) of Article 53 of Law No. 2547, which states, "Not taking care in the training of subordinate personnel." [↑](#footnote-ref-38)
39. The penalty equivalent of the disciplinary offence in the law is written. For academic staff, for example, 'WARNING' for subparagraph (a) of paragraph 1 of paragraph (b) of Article 53 of Law No. 2547. [↑](#footnote-ref-39)
40. In accordance with Article 53/F of Law No. 2547, the authorized disciplinary board to examine the objection is written. [↑](#footnote-ref-40)
41. In accordance with Article 53/F of Law No. 2547, the authorized disciplinary board to examine the objection is written. [↑](#footnote-ref-41)
42. The name and surname of the person being investigated are written. [↑](#footnote-ref-42)
43. The article of law that the act corresponds to is written. For example, for administrative personnel; 'Coming to work late, leaving early, leaving the place of duty without excuse or permission' regulated in Article 125 (Ab) of Law No. 657.

    For academic staff, an example is the provision regulated in subparagraph (a) of paragraph 1 of paragraph (b) of Article 53 of Law No. 2547, which states, "Not taking care in the training of subordinate personnel." [↑](#footnote-ref-43)
44. The penalty equivalent of the disciplinary offence in the law is written. For academic staff, for example, 'WARNING' for subparagraph (a) of paragraph 1 of paragraph (b) of Article 53 of Law No. 2547.

    For example, for administrative personnel; 'WARNING' for subparagraph (Ab) of Article 125 of Law No. 657 [↑](#footnote-ref-44)
45. A degree of severity is imposed on the repetition of an act that has caused a disciplinary penalty within the period for the removal of the penalties from the personnel file. A degree of severity is imposed on the third application of disciplinary penalties that require the same degree of penalty but are given for separate acts. Disciplinary penalties pardoned by law and degree of severity penalties given for recurrence are not taken into account for recurrence. [↑](#footnote-ref-45)
46. When the repetition provisions are to be applied, the penalty of reprimand is applied instead of the warning penalty, the penalty of deduction from monthly salary is applied instead of the reprimand penalty, the penalty of stopping the promotion in grades is applied instead of the deduction from monthly salary, and in case of repetition of the penalty of stopping the promotion in grades, the penalty of dismissal from public service is applied in accordance with Article 53/D of Law No. 2547.

    Law No. 2547 53/D: *“In cases where a higher penalty is required to be applied to the penalty of stopping the rank advancement or more than one deduction from wages, the higher penalty is the penalty of dismissal from public service. In cases where a lower penalty is required to be applied to the penalty of dismissal from public service, the lower penalty is the penalty of stopping the rank advancement or more than one deduction from wages…*

    *If the penalty of stopping the advancement of the grade cannot be applied due to being at the last grade of the first grade, a penalty of deduction from the salary at the rate of 1/4 to 1/2 of the gross salary is applied. In case of recurrence, the penalty of dismissal from public service is given by the relevant disciplinary board.”* [↑](#footnote-ref-46)
47. In accordance with Article 53/F of Law No. 2547, the authorized disciplinary board to examine the objection is written. [↑](#footnote-ref-47)
48. In accordance with Article 53/F of Law No. 2547, the authorized disciplinary board to examine the objection is written. [↑](#footnote-ref-48)
49. The authority or board that issues the disciplinary penalty [↑](#footnote-ref-49)