

STAFF DISCIPLINARY INVESTIGATION GUIDE ¹

ENTRANCE

The Regulation on the Repeal of the Regulation on Discipline for Managers, Academic Staff and Officers of Higher Education Institutions published in the Official Gazette dated 20.10.2017 and numbered 30216 and the **Regulation on Discipline for Managers, Academic Staff and Officers of Higher Education Institutions** published in the Official Gazette dated 21/8/1982 and numbered 17789 **The regulation has been repealed.** Therefore, the repealed disciplinary regulation will not be applied in disciplinary proceedings and the provisions of the current legislation must be taken into account in disciplinary investigations.

- ❖ Disciplinary penalties that may be given to teaching staff working in higher education institutions and the acts requiring them are listed in Article 53 of the Higher Education Law No. 2547.
- ❖ Disciplinary penalties that may be imposed on civil servants and the acts requiring them are listed in Article 125 of the Civil Servants Law No. 657. **The determination of penalties will be evaluated within the scope of this article, and in terms of procedural and other procedures during the investigation phase, it will be carried out within the scope of Article 53 of Law No. 2547.**
- ❖ Personnel working under an employment contract, other than academic staff, are subject to the Labor Law No. 4857 dated 22/5/2003 and the employment contract or collective labor agreement. In disciplinary investigations to be conducted against these persons, the Labor Law, Individual Employment Contract and Collective Labor Agreements will be taken into consideration in terms of disciplinary penalties to be applied and actions requiring these. (If different disciplinary penalties are foreseen in the regulations regarding the same action, the provisions in favor of the person being investigated will be applied.)

DISCIPLINARY OFFICERS

Article 53 (a) of the Law on Higher Education No. 2547 includes the provision that “(Amended: 2/12/2016 - 6764/26 art.) *The President of the Council of Higher Education, higher institutions, rectors and independent foundation vocational school directors (...)(2); the rectors, the university; the directors of independent foundation vocational schools, the independent foundation vocational schools; the deans, the faculties; the institute and college directors, the institute and college directors; the application research centers with staff and the independent institute directors, the application research centers and the institute; and the general secretary or secretaries of these units are the disciplinary officers of the affiliated unit personnel.*”

¹ While the guide has attempted to clarify the issues in disciplinary investigations, those involved in disciplinary investigations should take into account the current status of the legislation and court decisions in terms of the procedures to be carried out at each stage of the investigation. The current status of the laws can be found at <https://www.mevzuat.gov.tr/> The internet address for judicial decisions is <https://karararama.danistay.gov.tr/> It can be accessed via the internet address. It is important to read the entire guide during the investigation process, and in case of any hesitation, the Legal Counsel unit can be contacted. **Personnel disciplinary investigation and Sample forms**

regarding the stages of disciplinary punishment are available on the Firat University Legal Consultancy website .

Rector	The University
Dean	The faculty
Institute Director	The Institute
Director of College	College of
Staffed Application Research Center and Independent Institute Directors	Application Research Center and Independent Institute with Staff
Secretary General	Administrative Staff in University Administrative Units
Faculty Secretaries	Administrative Staff in Administrative Units of the Faculty

Since the authority of the superior disciplinary officers covers all personnel at the lower level, **there may be more than one officer authorized to initiate disciplinary investigations against a personnel.** However, the sequence of authority regulated in the law should not be skipped unless there is a compelling reason. The main thing is that the disciplinary investigation should be initiated by the closest disciplinary officer.

In addition, if there is a possibility that the principles of 'impartiality and objectivity' cannot be applied based on a justified and reasonable reason, the higher disciplinary officer orders an investigation.

Managers not listed in the law, such as department heads, heads of major sciences, major arts, science or arts branches, center directors, legal counsel, department heads and other unit managers, cannot initiate disciplinary investigations because they are not disciplinary officers. These managers submit disciplinary investigation requests related to their areas of responsibility to the closest disciplinary officer.

OPENING OF THE INVESTIGATION

Disciplinary investigations must be initiated with an investigation order **(in writing) from the authorized disciplinary officer**. Assistants of disciplinary officers can only initiate investigations if they are assigned to act on behalf of the disciplinary officer when he or she is not on duty.

Investigation procedures should be carried out by assigning an investigator, except in cases where it is necessary. In addition, the investigator should be selected from personnel within the unit. In case of assignments outside the unit, the Rectorate should be contacted.

Complaints based on abstract allegations and allegations based on simple suspicion and not based on serious findings and documents may be reviewed before an investigation is opened. Examination investigation and penalty limitation period for disciplinary investigations
It is necessary to pay attention to the durations. "...

- a) *The disciplinary officer who learns that an act requiring disciplinary punishment has been committed shall initiate a written disciplinary investigation. In a disciplinary case where a superior disciplinary officer has initiated or caused an investigation to be initiated, the subordinate disciplinary officer may not initiate or cause an investigation to be initiated separately. If there are any previously initiated investigations, these shall be combined with the investigation initiated or caused by the superior officer.*
- b) ***Before initiating an investigation into actions that require disciplinary punishment regarding scientific research and publication ethics, an investigation must be conducted by the scientific research and publication ethics boards.***
- c) *The disciplinary officer may conduct the investigation himself or assign an investigator or commission from within the unit to conduct the investigation. However, in cases of necessity, investigators may be requested from other units through the rectorate.*
- d) ***The investigator's duty and title must be above or at the same level as the duty and title of the person being investigated.***
- e) *If the act is committed by a superior and a subordinate together, the investigation procedure and the authority to impose disciplinary punishment are determined by the superior.*
- f) *If the person under investigation had a different position or title on the date the act requiring disciplinary punishment was committed and the disciplinary investigation was initiated, the disciplinary investigation shall be conducted based on the higher position or title. The determination of the disciplinary officer and other disciplinary provisions to be applied shall be determined in accordance with the legislation applicable to the institution in which the person is employed...*
- m) ***The termination of duty of the person who committed the act due to retirement or other reasons does not prevent the opening of an investigation and the continuation of the investigation. In this case, the disciplinary penalty given at the end of the investigation is kept in the personnel file. Penalties such as deduction from monthly or wages and suspension of grade advancement or multiple deductions from wages are applied if the person concerned returns to public service or starts working at a foundation higher education institution.***

STATUTE OF LIMITATION IN INVESTIGATION

Statute of Limitations of Law No. 2547: Article 53/C- (Added: 2/12/2016 - 6764/29 art.)

“From the date it is learned that acts and situations requiring disciplinary punishment have been committed;

- a) ***One month*** *for penalties such as warning, reprimand, deduction from monthly or wages, suspension of grade advancement or multiple deductions from wages. inside,*

b) **six months** for the penalty of dismissal from the university teaching profession or dismissal from public service , no disciplinary investigation can be initiated.

Two years from the date of committing the acts requiring disciplinary punishment ,

six years have passed for an act that requires dismissal from the university teaching profession, no disciplinary punishment can be given.

If a scientific work is used in academic appointments and promotions, or is partially or completely republished, the limitation periods specified in the second paragraph begin to run again.

If a disciplinary penalty is annulled by a court decision, a new disciplinary penalty may be imposed within the remaining statute of limitations for the disciplinary penalty, starting from the date the decision reaches the administration. If the statute of limitations expires or if there is less than three months left, the disciplinary penalty may be re-implemented within three months at the latest, taking into account the reason for the decision.”

The fact that a criminal investigation or prosecution is being conducted against the person concerned due to an act does not prevent the conduct of a disciplinary investigation, the imposition of a penalty and the enforcement of this penalty for the same act. **If necessary, a pending criminal prosecution may be initiated. This In this case, the limitation periods for disciplinary investigations are suspended.**

If the investigator is of the opinion that a pending matter should be made, the investigator requests the authority that gave the investigation order to have the criminal investigation or prosecution put on hold. The authority that gave the investigation order makes a written decision on whether or not the request for a pending matter is appropriate. The written decision is added to the investigation file.

INVESTIGATION PROCEDURES

Disciplinary investigation and right to defense: Article 53/A - (Added: 2/12/2016 - 6764/27 art.) The principles to be followed in disciplinary investigations are as follows:

“g) The investigator has the authority to collect information and documents related to the disciplinary investigation, take statements, listen to witnesses, consult an expert, conduct discovery, conduct investigations and correspond with the relevant authorities.

h) The information and documents requested by the investigator within the scope of the assignment are provided to him without delay .

i) The investigator conducts an investigation on the subject for which he/she is assigned; if any other acts that may be subject to disciplinary investigation are revealed during the investigation, he/she reports them to the disciplinary superior without delay.

j) Investigation proceedings are recorded in a report.

k) Confidentiality of the investigation is essential.

l) **The investigation shall be completed within two months from the date of notification of the letter of assignment.** *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.*

...

n) **The fact that a criminal investigation or prosecution is being conducted against the person concerned due to an act does not prevent the conduct of a disciplinary investigation, the imposition of a penalty and the enforcement of this penalty for the same act .** *If necessary, a pending matter may be brought against the criminal prosecution. In this case, the statute of limitations for the disciplinary investigation is suspended.*

o) *The fact that an act has been subject to administrative sanctions under other laws does not prevent the same act from being subject to disciplinary punishment under this Law."*

The investigator may request information and documents related to the disciplinary investigation and may correspond with the relevant authorities. Therefore, investigators have the authority to directly request any information and documents that will form the basis of the investigation from their own institution or other institutions. If correspondence with individuals within the scope of the investigation is to be made by hand, a notification receipt document stating that the notification has been made is prepared, signed and added to the file. Correspondence made to individuals outside the institution is made by registered mail. If external correspondence is to be made with a public institution, correspondence is made via the KEP address. Again, the provisions of the Notification Law No. 7201 are taken into account in the notification procedures.

The statement can be taken orally or in writing. In the case of an oral statement, after the identity of the person whose statement is taken is determined, the oral questions and the answers given to them are recorded in the minutes. The statement record is signed by the person taking the statement, the person giving the statement and, if applicable, the person writing the statement (clerk).

A sworn clerk may be assigned to assist in the investigation process. This process is recorded.

If, while the investigation is ongoing, it is determined that there are other responsible persons or acts than those specified in the approval (investigation order), the authority that opened the investigation is requested to include these persons or acts in the investigation. In this case, the authority that opened the investigation evaluates the issue and obtains additional approval regarding the inclusion of these acts or persons in the investigation and notifies the investigator or, if deemed necessary, may open a new investigation regarding these acts and persons.

The investigator requests information in writing from the Personnel Department regarding whether the person under investigation has received an award or certificate of achievement, whether he/she has had positive work during his/her previous service, or whether he/she has received a disciplinary penalty.

RIGHT TO DEFENSE (During the Investigation Phase)

Disciplinary investigation and right to defense: Law No. 2547 Article 53/A “The issues to be considered within the scope of the right to defense are as follows:

a) *Disciplinary punishment cannot be given to the person under investigation without being given the opportunity to defend himself/herself regarding the allegations. A person who fails to defend himself/herself within the period given by the person conducting the investigation, which shall not be less than seven days, or on the specified date without a valid excuse, shall be deemed to have waived his/her right to defend himself/herself.*

b) *In the letter of invitation to defense, it is stated what constitutes the act regarding which disciplinary investigation has been initiated and that if the defense is not made within the specified period, the defense will be deemed to have been abandoned.*¹ (The parts shown in red have been annulled by the Constitutional Court and no new regulation has been introduced by the legislator. At this point, the investigator should ensure that the right to defense is effectively used in accordance with the justifications stated in the Constitutional Court's Decision No. E .: 2022/87, K.: 2022/121 dated 13/10/2022.)

Those who are subject to dismissal from the university teaching profession or dismissal from public service have the right to review the investigation documents, have witnesses heard, and make their own defense orally or in writing before the disciplinary board or through their attorney.

The investigator must receive the suspect's defense by notifying the person under investigation of the invitation to defense. **Disciplinary punishment cannot be given to the person under investigation without giving him/her the opportunity to defend himself/herself regarding the allegations.** In the invitation letter to defend, it must be clearly stated what constitutes the act for which a disciplinary investigation has been opened and for which a defense is requested, and that if the defendant does not file his defense on the specified date, he will be deemed to have waived his defense . In addition, the investigator must comply with the reasons stated in the Constitutional Court's decision dated 13/10/2022 and numbered E .: 2022/87, K.: 2022/121. The period between the date on which the invitation to defend is notified to the suspect and the date on which the defense is received must not be less than seven (7) days. **In calculating the periods, the day on which the invitation is notified and the day on which the defense is to be made are not taken into account.**

Since keeping this period less than 7 days will result in the cancellation of the disciplinary penalty, It may be preferable to arrange a period of 8-9 days. The defense invitation letter should be submitted to the investigation. Documentation proving that the notification has been made must be added to the file.

opportunity for the effective use of the right to defense . Otherwise, the right to defense will be restricted and will be against the law. **If the suspect and The complainant should not be sworn in while giving his statement or defense.** If the person whose statement will be taken is a witness, **the witness is sworn in.**

¹of the Constitutional Court dated 13/10/2022 and numbered E .: 2022/87, K.: 2022/121, it was decided to annul the second sentence of paragraph (a), paragraph (b) and paragraph (c) of this paragraph.

CONTENT AND DELIVERY OF THE INVESTIGATION REPORT

When the investigation is concluded, an investigation report is prepared. The investigation report begins with a description of the incident. This section includes the authority that ordered the investigation, the date and number of the investigation order, the subject of the investigation, the identity of the person being investigated, and the date the investigation ended.

The report describes the actions taken during the investigation (statements taken, evidence collected, criminal record and status, etc.).

After evaluating whether the act subject to investigation is proven or not, it is written whether the act is directly one of the disciplinary offences regulated in the law or an act similar to the regulated offences, and if it is a similar act, which disciplinary offence it is similar to and how it is similar. The opinion as to whether the crime has occurred or not is written with justification.

It is evaluated whether a lower penalty will be applied due to positive work or success or reward, and whether a higher penalty will be applied due to recurrence provisions.

If the action is directly related to disciplinary crimes regulated by law, the penalty specified in the law requiring this crime is proposed. If the action subject to investigation is a similar action, the penalty for the crime considered to be similar should be proposed. In addition; when proposing a disciplinary penalty an evaluation regarding the application of a lower penalty must be made and if a reduction in the penalty is to be proposed or not, the reason must be stated. In addition, if the conditions for recurrence have occurred in the concrete case, the penalty proposal must be made by taking into account the provisions for recurrence.

The investigator **must be objective in evaluating the allegations, use a simple style, and avoid unsubstantiated, undocumented accusatory statements and contradictions.**

The investigation report is submitted to the authority that issued the Investigation Order, together with the investigation file attached to the serial ballot, with a cover letter to be written in reference to the investigation order letter.

SUPERVISORS AND BOARDS AUTHORIZED TO IMPOSE PENALTIES

Authority, defined as the power of a public official, board or organ to make decisions and establish transactions on behalf of the administration, is the founding element of an administrative transaction, and when judicial review is conducted, the first thing to examine is whether the transaction is lawful in terms of the authority element. In order for a person, board or organ to be considered competent in terms of any administrative transaction, it must be legally authorized. According to the principle of legality in administrative law, any transaction established using authority not granted by a legal rule will be unlawful. At this point, disciplinary penalties must definitely be given by the authorized superior/disciplinary board. ***The authority to impose disciplinary penalties cannot be delegated.***

Authority to impose disciplinary punishment:

Law No. 2547 Article 53/Ç- (Added: 2/12/2016 - 6764/30 art.) The superiors and boards authorized to impose disciplinary punishment are as follows:

"a) Warning and reprimand penalties are given by the disciplinary officers in order, and by the President of the Council of Higher Education for rectors and independent foundation vocational school directors.

b) Penalties such as deduction from monthly or wages, suspension of grade advancement or multiple deductions from wages are determined by the disciplinary board of the unit in which the person is assigned. is given by decision.

c) Penalties of dismissal from university teaching profession and dismissal from public service to appoint It is given by the decision of the High Disciplinary Board upon the proposal of the authorized officer.

d) include deduction from monthly or salary, suspension of rank advancement or multiple deductions from salary, removal from university teaching profession and removal from public service. It is given by the decision of the Disciplinary Board.

e) The penalties to be given as a result of the investigations conducted within this scope are given by the High Disciplinary Board. If the authorities authorized to give disciplinary punishments detect any deficiencies in the investigation, they may return the file in order to eliminate the deficiencies, and the investigation may be reviewed by the investigator . may impose, mitigate or reject the proposed disciplinary penalty. If the proposed penalty is rejected, a new action may be initiated by the relevant disciplinary officer or board within three months at the latest, in accordance with the reason for rejection.

The authority to impose disciplinary punishment cannot be delegated.

Disciplinary boards are authorized to examine the personnel file and all kinds of documents of the person concerned, to obtain information from the relevant places, to have all kinds of investigations carried out, to hear sworn witnesses and experts or to have them heard by proxy , to conduct an investigation or to have it conducted, if they deem it necessary."

One of the elements of administrative procedures is authority. In this respect, the disciplinary officer has the authority to a penalty is imposed by the disciplinary board, a penalty that is within the authority of the disciplinary board is imposed by the disciplinary board should not be given by the superior officer. Similarly, it should not be given by the superior officer or board authorized by law. The authority to punish cannot be delegated to a superior officer or board.

In case of recurrence, the punishment becomes more severe. The punishment becomes more severe, is the authorized officer or board specified in the law.

A lower level penalty may be applied in disciplinary punishments to those whose previous service work was positive or who received awards or certificates of achievement. **The lower level penalty shall be The competent authority gives the penalty.**

Since the sound and objective nature of the disciplinary punishments given by the disciplinary boards and disciplinary officers is possible with the objective evaluation of the incident by the disciplinary officers and disciplinary board members, in disciplinary law : **a person with whom there is hostility, who is a party to the investigation, a witness in the investigation The persons who testified as the disciplinary officer or the disciplinary board As a member, the disciplinary action to be taken will be taken in an impartial and objective manner. they cannot participate in order to ensure that it is carried out properly** is a generally accepted principle of ijtihad .

DISCIPLINARY BOARDS

Formation of disciplinary boards: Article 53/E- (Added: 2/12/2016 - 6764/32 art.)

“The High Disciplinary Board is the General Assembly of Higher Education. (Amended second paragraph: 15/4/20207243/8 art.)

The university disciplinary board is the university administrative board. The administrative boards of the units affiliated to the university serve as the disciplinary board. The disciplinary board in the units affiliated to the rectorate consists of four faculty members with the title of professor determined by the university administrative board at the beginning of each calendar year under the chairmanship of the vice rector for academic staff and those in positions equivalent to or above the department head position, and for civil servants, it consists of the General Secretary, the Legal Counsel and the Personnel Department Head under the chairmanship of the Secretary General.

Except for the High Disciplinary Board, associate professors and assistant professors cannot participate in discussions on issues related to professors in disciplinary boards, assistant professors cannot participate in discussions on issues related to associate professors, and members cannot participate in discussions on issues related to themselves.

Those who took part in the investigation have the right to vote in the disciplinary boards, to serve in the disciplinary boards. those who receive disciplinary punishments and those who give disciplinary punishments are in the boards where objections to these punishments are discussed. cannot participate in voting.

If the disciplinary boards cannot be formed for any reason, the missing members are filled by members determined by the senate from among faculty members with equivalent titles.”

BASIC PRINCIPLES TO BE APPLIED IN IMPOSING DISCIPLINARY PENALTIES

Law No. 2547 Article 53/D- (Added: 2/12/2016 - 6764/31 art.) :

“ More than one disciplinary penalty cannot be imposed for the same act. If the act constitutes more than one disciplinary offense, the disciplinary penalty requiring the most severe penalty among these offenses will be imposed.

A degree of severity is imposed on a recurrence of an act that has caused a disciplinary penalty within the period for the removal of the penalties from the personnel file. The penalty to be taken as the basis for recurrence must be finalized by not objecting within the period or by rejecting the objection. 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 as the basis for recurrence.

*A lower level penalty may be applied in disciplinary punishments to those whose previous service work was positive or who received awards or certificates of achievement. **The lower level penalty shall be The competent authority shall impose the penalty.***

In cases where a higher penalty is required to be applied to the penalty of stopping grade advancement or multiple wage deductions, 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 grade advancement or multiple wage deductions.

Those who commit acts similar in nature and severity to those listed in this Law that require disciplinary punishment are given the same type of disciplinary punishment, specifying which disciplinary act it resembles.

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.

Disciplinary penalties are applied starting from the date they are given, and if there is a penalty of salary or wage deduction and suspension of grade promotion, or if there is more than one wage deduction, at the beginning of the month following the date the penalty is given.

Disciplinary penalties are reported to the superior disciplinary officer, dismissal from university teaching profession is reported to all higher education institutions, and dismissal from public service is reported to the State Personnel Presidency.

Those who have been penalized with a deduction from their monthly salary or wage cannot be appointed to positions equivalent to rectors, deans, institute directors, college directors, vocational college directors, department heads, department heads, main science branch heads, main art branch heads, science branch heads, art branch heads, department heads and higher positions for three years, and those who have been penalized with a suspension of advancement or multiple deductions from their monthly salary or wage cannot be appointed to positions equivalent to or above the rectors, deans, institute directors, college directors, vocational school directors, department heads, department heads and higher positions for five years. The duties of those who were in these positions on the date of the disciplinary punishment in question shall automatically end and the situation shall be reported to the relevant authorities immediately.

the rate at which the penalty will be deducted from the salary by the authorized authority . Otherwise, since the salary units cannot understand how the penalty will be applied, it may go unpunished. In addition, if the penalty is not clear, there is a possibility that the transaction may be cancelled.

The authorities authorized to impose disciplinary punishment shall; after the investigation report and the investigation file are delivered to them, in accordance **with the Constitutional Court's decision dated 13/10/2022 and numbered E .: 2022/87, K.: Decision No. 2022/121 and other current case laws,** the act/acts for which a disciplinary investigation has been opened and a defense has been requested , the act attributed and the disciplinary penalty recommended in the investigation report, **After the investigation is completed, a period of not less than 7 days is given. The applicant must request a final defense.** If the applicant does not make a defense within the period specified in the final defense invitation letter or does not present a justified and valid excuse within the defense period, the applicant will be deemed to have waived his/her right to defense and the decision will be made according to the available evidence. The day the invitation letter is notified and the day the defense is made are not taken into account in calculating the periods.

Authorities authorized to impose disciplinary punishment must use their discretion to impose or not impose a lower penalty in a reasoned manner. **If a lower penalty is not imposed without reason despite the existence of conditions that require the imposition of a lower penalty, the transaction to be established will be considered unlawful.**

NOTIFICATION OF DECISIONS TO THE CONCERNED PARTY

Penalties imposed by the authorized authorities are notified to the relevant person by hand against signature or by registered mail. If the notification is not made by hand by the authorized authority to impose the penalty, it is notified in a sealed envelope and confidentially, against signature. **The period for objecting to the penalty and the authority for objecting shall be stated in the letter regarding the notification of the disciplinary penalty . is shown.**

OBJECTION AGAINST DISCIPLINARY PENALTIES

Article 53/F- (Added: 2/12/2016 - 6764/33 art.)

“The superiors and boards to whom disciplinary penalties may be appealed are as follows:

*a) (Amended: 15/4/2020-7243/9 art.) **Objection to warning and reprimand penalties may be made to the relevant person in charge. The disciplinary board of the unit where the member is located,** the university disciplinary board against warnings and reprimands given by the rector, and the High Disciplinary Board for rectors and independent foundation vocational school directors. **The disciplinary officer who gave the punishment cannot participate in disciplinary boards. In this case, the relevant disciplinary board is chaired by the faculty member with the highest title, the most senior member if there is more than one***

faculty member with the highest title, and the most senior faculty member if there is no faculty member.

b) Objections to deductions from monthly or wages, suspension of grade advancement or multiple deductions from wages can be made to the university disciplinary board where the relevant person is responsible, or to the High Disciplinary Board for personnel working in higher education institutions.

is seven days from the date of notification of the penalty.

The objection authorities shall decide within sixty days from the date of objection.

The objection authorities may accept or reject the objection. If the objection is accepted, the penalty is removed with all its consequences, but a new action may be initiated by the relevant disciplinary officer or disciplinary board within three months at the latest, in accordance with the reason for acceptance.

SUSPENSION FROM OFFICE

Suspension from duty: Article 53/B- (Added: 2/12/2016 - 6764/28 art.)

“ Suspension from duty is a precautionary measure taken against superior institutions and higher education institution administrators, teaching staff, civil servants and other personnel who are deemed undesirable to remain in office in cases where the public service provided in state or foundation higher education institutions requires it. Suspension from duty may be taken for a period of three months at any stage of a disciplinary or criminal investigation. Those conducting the investigation may propose suspension from duty. If the reasons for taking the precautionary decision continue at the end of this period, the measure may be extended for three months at a time.

*The Presidents of Higher Education Institutions, **the authorized appointing officers in state higher education institutions** , the rectors in foundation higher education institutions and the directors in independent foundation vocational schools are authorized to dismiss.*

The decision to suspend rectors, independent foundation vocational school directors and deans is made by the General Council of Higher Education upon the proposal of the disciplinary officer. Suspension decisions are notified to the officers authorized to make the appointment.

It is mandatory to start an investigation into those who are suspended from duty within ten working days following the suspension.

Officials who fail to initiate an investigation within the time limit following a suspension, who fail to lift the suspension measure when it is necessary to do so, or who are found to have carried out the suspension arbitrarily or out of spite or malice, are subject to legal, financial and criminal liability as a result of an investigation.

Those suspended from duty continue to benefit from the social rights and benefits provided by law. However, two-thirds of their monthly salary or wages are paid to them during the period of suspension.

In cases where reinstatement is mandatory, one third of their salaries or wages that have been deducted shall be paid to them, and for employees of state higher education institutions, the period they spend away from duty shall be evaluated in terms of advancement in their grades, and the part of this period exceeding the minimum waiting period required for advancement in grades shall be counted as the waiting period required for advancement in grades and academic promotion, if they are promoted to a higher grade.

Except if the penalty of dismissal from public service is recommended at the end of the investigation, the measure of suspension from duty shall be lifted immediately by the authorities that took this measure.

Those who, despite the measure of suspension from duty, are given a disciplinary punishment other than dismissal from public service by the competent authority or authorities at the end of the investigation, and those whose disciplinary investigation is lifted by amnesty before the decision of punishment, shall be reinstated immediately upon the finalization of these decisions or upon the expiration of the period of precaution.

In cases where the person's continued duty does not prevent the investigation from continuing, the suspension measure may be lifted before its expiration.”