



REGULATION ON ACADEMIC PERSONNEL DISCIPLINE

(Enacted under Articles 10(2)(3) and 16(2) of the Arkin Creative Arts and Design University Establishment and Operation Bylaw)

SECTION ONE

Purpose, Scope, Legal Basis, and Definitions

1. Purpose

This regulation has been enacted pursuant to the Higher Education Planning, Evaluation, Accreditation and Coordination Council (YÖDAK) Law of the Turkish Republic of Northern Cyprus, Law No. 65/2005, for the purpose of specifying the disciplinary penalties to be imposed on academic personnel and other staff of Arkin Creative Arts and Design University who fail to fulfill, whether domestically or abroad, the duties assigned to them by laws, bylaws, and regulations; who neglect matters they are obliged to comply with; who engage in actions that are prohibited; or who conduct themselves in a manner incompatible with professional decorum and dignity.

2. Scope

This regulation encompasses the provisions concerning disciplinary investigations, suspension from duty, and procedures and methods of appeal applicable to the academic personnel of Arkin University of Creative Arts and Design.

3. Definitions

In this Regulation, the following terms shall have the meanings ascribed to them below;

- a) **Law:** The YÖDAK Law,
- b) **Appointing Authority:** The Rector, Dean, and the Directors of Schools and Institutes,
- c) **University Administrator:** The Rector, Dean, Institute Director, School Director, as well as Department Chairs and Heads of Academic Divisions,
- d) **Disciplinary Supervisor:** The Rector, Dean, Institute Director, School Director, superior bodies, and the University Secretaries-General,
- e) **Academic Staff:** Academic members and teaching assistants employed in institutions of higher education,
- f) **Other Personnel:** Individuals employed on a contractual or temporary basis in higher education supervisory bodies and institutions of higher education,
- g) **Higher Education Supervisory Bodies:** The Higher Education Council and the Interuniversity Board,

- h) **Institutions of Higher Education:** Universities, Faculties, Institutes, and Schools,
- i) **Higher Disciplinary Board:** The Higher Education Executive Board and, in disciplinary matters concerning members of the Higher Education Council, Rectors, and Deans, the General Assembly,
- j) **Disciplinary Boards:** The Administrative Boards of institutions of higher education.

SECTION TWO

Disciplinary Offenses and Penalties

4. Disciplinary Penalties

The disciplinary penalties are as follows:

- (a) **Warning:** A written notification indicating that greater attention must be exercised in duty and conduct.
- (b) **Reprimand:** A written notification declaring that the individual has been found at fault in duty and conduct.
- (c) **Removal from Administrative Duty:** Removal from positions such as Rectorate, Deanship, Institute Directorship, School Directorship, Department Chairmanship, Chairmanship of Academic Divisions, Chairmanship of Main Art Divisions, Scientific Divisions, or Art Divisions.
- (d) **Deemed to Have Resigned from Duty:** Termination of the employment relationship as though it were voluntary.
- (e) **Dismissal from the University:** Permanent expulsion from the University, with no possibility of re-employment.

5. Warning Penalty

The acts and situations requiring the penalty of warning are as follows:

- (a) Displaying negligence or irregular conduct in the timely and proper fulfillment of assigned orders and duties; in adhering to procedures and principles established by the institution for the workplace; or in the protection, use, and maintenance of official documents, tools, and equipment related to the duty,
- (b) Arriving late to duty, leaving early, or abandoning the workplace without excuse or authorization,
- (c) Failing to comply with savings measures determined by the institution,
- (d) Making improper applications or requests,
- (e) Engaging in attitudes and behaviors not befitting the dignity required by one's position,
- (f) Showing indifference or lack of attention toward one's duty and toward those served in the course of the duty,
- (g) Acting in violation of prescribed dress and appearance regulations,
- (h) Engaging in acts contrary to the principle of performing duties in cooperation,
- (i) Behaving toward students in a manner contrary to the dignity of the institution and/or the academic and administrative personnel,
- (j) Disclosing or disseminating, without authorization and without a legitimate purpose, speeches made or decisions taken in university bodies (applications made to official authorities for legal reasons are exempt from this provision),

- (k) Failing, without justifiable cause, to respond in a timely manner to matters requested by organs authorized under laws, bylaws, and regulations,
- (l) Engaging in work unrelated to one's duty during working hours,
- (m) Failing to show due care in the training and development of subordinates,
- (n) Having a decision of ethical negligence rendered by the Ethics Committee regarding the academic personnel's conduct in education, teaching, service, scientific research, publications, relations with society and stakeholders, or various activities.

6. Reprimand Penalty

The acts and situations requiring the penalty of reprimand are as follows:

- (a) Acting negligently in the timely and proper fulfillment of assigned orders and duties; in adhering to procedures and principles established by the institution for the workplace; or in the protection, use, and maintenance of official documents, tools, and equipment related to the duty,
- (b) Displaying disrespectful behavior in manner or conduct toward a superior while on duty,
- (c) Engaging in conduct outside of service that may undermine the esteem and sense of trust required by one's official status,
- (d) Using official vehicles, tools, equipment, or similar property belonging to the University for personal matters,
- (e) Losing official documents, tools, equipment, or similar property belonging to the institution, including irreplaceable scientific documents or books,
- (f) Mistreating colleagues, subordinates, clients, or students,
- (g) Harassing colleagues or clients verbally or physically,
- (h) Engaging in behavior contrary to public morality and propriety in the workplace, or writing, drawing, or creating signs, pictures, or similar figures of such nature,
- (i) Acting contrary to decisions, orders, and instructions issued by competent authorities, as well as to the YÖDAK law and University Administrative Board decisions, regarding the proper execution of services in higher education institutions,
- (j) To disturb the peace, order, or working environment of the institutions,
- (k) To provide incomplete, incorrect, or no notification at all regarding situations or conditions that must be reported to the University or its affiliated units,
- (l) To give private lessons, write projects, or provide any service or assistance—whether for remuneration or free of charge—to students of the faculty, institute, or school to which one is affiliated or assigned, beyond the duties entrusted by the institution,
- (m) Without possessing the required authority, to disseminate or leak, without any legitimate purpose and excluding official authorities, speeches delivered or decisions taken within university bodies to individuals outside such bodies, thereby inciting conduct in favor of or against the body or its members,
- (n) To report to duty intoxicated or to consume alcoholic beverages during the performance of one's duties,
- (o) To obtain any form of personal gain in connection with one's official duties,
- (p) To engage in acts or behavior that are degrading or humiliating toward one's superior or subordinates,
- (q) To use or permit the use of any place within the boundaries of the workplace for meetings, ceremonies, or similar purposes without authorization,
- (r) To prepare reports or documents that are contrary to the facts,

- (s) To engage in discrimination based on language, race, gender, political opinion, philosophical belief, religion, or sect in the performance of duties, or to engage in conduct aimed at benefiting or harming specific individuals,
- (t) To fail to return official documents, tools, equipment, or laboratory materials related to one's duties upon the termination of the assignment and despite a written request by the institution, or to fail to carry out handover procedures in a timely manner,
- (u) To directly or through an intermediary solicit gifts, and to accept gifts—even if not during the performance of duty—with the intention of obtaining benefit, or to request or receive loans from parties having business with the institution or from students,
- (v) To engage in conduct that violates the programs of university ceremonies, or to encourage or incite others to engage in such conduct,
- (w) To post announcements that are unrelated to official duties within the university or to encourage such postings without obtaining authorization from the competent authorities,
- (x) To hold meetings in the workplace, to deliver speeches, or to organize conferences, concerts, performances, ceremonies, open forums, or similar activities without obtaining permission from university administrators,
- (y) To use force or violence to remove staff or students from the workplace, to obstruct the performance of duties, or to encourage or coerce students into such acts,
- (z) For academic staff, to have a decision of ethical violation rendered by the Ethics Committee concerning their conduct in education, training, service, scientific research, publication, or in their relations with society and stakeholders, or in various professional activities.

7. Dismissal from an Administrative Position

The acts and circumstances requiring the penalty of dismissal from an administrative position are as follows:

- (a) To obtain, either directly or through an intermediary, any undue benefit—under any name whatsoever—from the institution under one's administration or from an enterprise associated with it,
- (b) To fail to comply with or to refuse to execute decisions or orders of a superior administrator or board that are in accordance with laws, statutes, or regulations,
- (c) To fail to take the necessary measures to ensure efficient or harmonious working conditions in the place for which one holds primary administrative responsibility, or to tolerate conduct that disturbs such order, or to incite, encourage, or support such conduct,
- (d) To use, to permit the use of, or to overlook the unauthorized use of an official vehicle assigned to the office or reserved for official service beyond the limits prescribed by law,
- (e) To fail to convene boards despite written warning,
- (f) To neglect one's duties in the administration of the unit for which one is responsible, or to fail to properly fulfill duties assigned by applicable legislation.

8. Deemed Resignation from Duty

The acts and circumstances requiring the penalty of being deemed to have resigned from duty are as follows:

- (a) To fail to commence the assigned duty within 15 days without permission or without a valid excuse,
- (b) To abandon one's duty for 10 consecutive days without permission or without an excuse accepted by the institution; for part-time instructors, to be absent from duty for 40 consecutive

hours or more,

- (c) To fail to attend the meetings of a board of which one is a member, without permission and without justification, twice consecutively or a total of three times within one year.

9. Expulsion from the University

The acts and circumstances requiring the sanction of expulsion from the University, without the possibility of re-admission, are as follows:

- (a) To obstruct the conduct of instructional activities such as classes, seminars, conferences, laboratory work, graphic studies, or examinations, or to participate in any action undertaken for such a purpose, in any manner whatsoever,
- (b) To present, in whole or in part, another person's scholarly work or study as one's own without proper citation,
- (c) To fail to report for duty within a total of 15 days in a given year for those in continuous status, or to be absent for 24 hours for part-time staff, without permission or without an excuse acceptable to the institution,
- (d) To commit physical assault against a superior, a subordinate, a colleague, or a student,
- (e) To engage in disgraceful or shameful conduct of a nature and degree incompatible with holding a service position or with the title of academic staff,
- (f) To disclose confidential documents without authorization,
- (g) To incite or provoke university students or personnel to commit a disciplinary offense of a nature that would disrupt university operations,
- (h) To use illegal narcotic substances,
- (i) To organize, incite others to engage in, or personally participate in actions such as conducting searches, seizing another person's belongings, knowingly opening another person's mail, or similar acts within the workplace or affiliated premises,
- (j) To coerce or attempt to coerce, through threats, an individual or group to organize or participate in an act constituting a criminal offense, or to make false statements, produce false evidence, or assume responsibility for an offense, or to incite such coercion.

10. Unforeseen Disciplinary Offenses

Individuals who commit acts that, by their nature and gravity, are similar to the acts and circumstances listed above requiring the imposition of a disciplinary penalty shall be subject to the same type of disciplinary sanctions.

11. Recurrence of a Disciplinary Offense

If an act or circumstance that previously resulted in the imposition of a disciplinary penalty recurs within the period during which such penalties remain on record, a sanction one degree more severe shall be applied. In cases where separate acts or circumstances require a penalty of the same degree, the second imposition of a disciplinary penalty for such acts shall also result in a sanction one degree more severe.

12. Consideration of Good Conduct

For administrators, academic staff, and other personnel whose performance has been favorable during their past service and who have received good or very good ratings in their records, a disciplinary penalty one degree lighter than that normally required may be applied.

SECTION THREE

Disciplinary Investigation

13. Competent Authority to Conduct an Investigation

The authorities competent to conduct disciplinary investigations are the hierarchical disciplinary supervisors. When a Disciplinary Supervisor becomes aware—directly or indirectly—of a disciplinary offense, they may either conduct the investigation personally or appoint an investigator to do so. The Rector is the disciplinary supervisor for the entire university; the Dean for the entire faculty; and the Director of an institute or school for all staff at every level within their respective institute or school. These authorities may initiate or cause to be initiated a disciplinary investigation ex officio. Department Chairs and heads of divisions, main science branches, or main art branches submit their requests for disciplinary investigation concerning matters within their scope of responsibility to the nearest disciplinary supervisor. Such requests shall be acted upon without delay.

When an investigator is appointed from among the academic staff, the individual must hold an academic title equal to or higher than that of the accused. In investigations concerning administrators, equality or superiority of rank is required.

In cases where a higher disciplinary supervisor initiates or orders the initiation of a disciplinary investigation, a lower-level disciplinary supervisor may not conduct or commission a separate investigation. If an investigation has already been initiated, it shall be merged with the investigation initiated or ordered by the higher supervisor.

14. Investigation Concerning Rectors

The initiation of an investigation concerning Rectors shall occur upon the decision of the Board of Trustees. Such investigation shall be conducted by the Members of the Board of Trustees. Any penalties imposed on Rectors—namely reprimand, warning, and salary deduction—shall be issued by the Chair of the Board of Trustees.

15. Statute of Limitations

For individuals who commit acts or engage in conduct constituting disciplinary offenses as enumerated in this Regulation, the authority to impose disciplinary sanctions shall lapse if, from the date on which such acts or conduct become known to the competent disciplinary supervisor:

- (a) Disciplinary investigations concerning penalties of warning, reprimand, or suspension of grade advancement are not initiated within one month,
- (b) Disciplinary proceedings concerning dismissal from employment are not initiated within six months.

If a disciplinary penalty is not imposed within two years from the date on which the act or conduct requiring such penalty was committed, the authority to impose the sanction shall lapse.

16. Concurrent Conduct of Criminal and Disciplinary Proceedings

The initiation of criminal proceedings against an administrator, academic staff member, employee, or other personnel for the same incident shall not delay the disciplinary proceedings.

Whether the accused is convicted or acquitted under the Criminal Code shall not preclude the imposition of a disciplinary sanction.

The disciplinary investigation and its outcomes shall not affect the criminal investigation.

17. Duration of the Investigation

When an investigation is conducted by means of appointing an investigator, the decision to initiate the investigation shall be communicated to the investigator without delay. The investigator shall complete the investigation within two months from the date on which the decision is notified to them. If the investigation cannot be concluded within this period, the investigator shall submit a request for an extension, providing justification. Should the disciplinary supervisor grant an extension, they shall inform the superior disciplinary supervisor accordingly.

18. Procedure for Conducting an Investigation

The investigator may hear witnesses, conduct inspections, and consult experts, and may, when necessary, carry out these actions through an authorized person or institution. Each step of the investigation shall be recorded in an official report. The report shall indicate the time and place of the action, the nature of the procedure, the participants, and, if statements were taken, the questions and answers. The report shall be signed by the investigator, the clerk, and the individual providing the statement, or by those present during the inspection or responsible for the documents. In the summons instructions, the witness's identity, address, and other relevant explanatory information shall be clearly specified. The questions to be asked shall be carefully determined. It shall be indicated whether the witness is to be sworn in, and the procedure to be followed for administering the oath shall be documented. To ensure the effective conduct of the investigation, the personnel of Arkin Yaratıcı Sanatlar ve Tasarım University acting as investigators are obliged to provide any requested information, files, or other documents without delay, and to fulfill any required assistance.

Disciplinary investigations shall be initiated against those who delay or cause delays in the disciplinary investigation.

19. Right to Defense

No disciplinary penalty may be imposed without allowing the right of defense. Those who fail to submit their defense within the period granted by the investigator or the disciplinary board—which shall not be less than five days—or on the specified date, shall be deemed to have waived their right of defense. In the notice sent to the accused, the act constituting the basis of the disciplinary investigation shall be clearly described, and it shall inform the individual that failure to submit a defense within the specified period shall be considered a waiver of that right and shall be deemed as an admission of the offense.

20. Investigation Report

Upon the conclusion of the investigation, the responsible authority shall prepare a report. The report shall include the approval of the investigation, the date of initiation, the identity and official position of the individual under investigation, the nature of the alleged offenses, the stages of the investigation, the evidence obtained, and a summary of the defense provided. Each alleged offense shall be analyzed separately, and the report shall discuss whether the offense has been established based on the evidence and shall propose the applicable penalty. Any original documents or copies shall be attached to the report in a numbered annex. The report shall be submitted without delay to the approval authority.

SECTION FOUR

Authorities and Boards Empowered to Impose Disciplinary Sanctions

21. Authorities and Boards Empowered to Impose Disciplinary Sanctions

All sanctions shall be imposed upon the opinion of the relevant disciplinary board and with the approval of the University Executive Board. However, if the sanction concerns the Rector, such decision shall be rendered by the Board of Trustees.

22. Disciplinary Boards

The Disciplinary Board shall consist of three persons deemed appropriate by the Rector and shall be appointed by the Rector.

23. Convening of the Boards

The boards shall convene at the place, on the date, and at the time determined upon the call of their chair.

24. Regulation of Board Proceedings

The agenda of the meeting, notification thereof to the concerned parties, and the orderly conduct of the board's proceedings shall be ensured by the chair.

25. Quorum for Meetings

The quorum for meetings of the Higher Disciplinary Board, sitting as the General Assembly of Higher Education, is three members; the quorum for the Executive Board is likewise three members. The quorum for other disciplinary boards is two members.

26. Procedure of Deliberation

After the rapporteur's presentation has been heard, the matter proceeds to deliberation. If deemed necessary, the Board may also hear the investigators. When the Board concludes that the matter has been sufficiently clarified and that deliberations are adequate, a vote is taken, and the decision is announced by the chair.

27. Voting

Each member of the Disciplinary Boards is obliged to cast a vote either in favor or against; abstention is not permitted. Decisions are taken by simple majority of those present.

The chair casts their vote last. In the event of a tie, the side on which the chair has voted shall be deemed the majority. A summary of the decision is recorded in minutes signed by the members.

28. Decision

Neither the Disciplinary Board nor the Higher Disciplinary Board is authorized to impose an alternative sanction; they may only approve or reject the proposed sanction. In the event of rejection, the appointing authority is free to impose another disciplinary sanction.

29. Time Limit for Decisions

Disciplinary superiors must impose the sanctions of warning, reprimand, and dismissal from the University within seven days from the date the investigation is completed.

SECTION FIVE Implementation and Appeal

30. Implementation

Disciplinary sanctions take effect as of the date on which they are imposed and are executed immediately. If the academic staff member has been seconded from another institution and receives the sanction of dismissal from the University, that institution shall be notified in writing of the matter.

31. Appeal

Appeals against disciplinary sanctions imposed by disciplinary superiors or disciplinary boards may be lodged with the University Executive Board.

Judicial review before the administrative courts may also be sought against the disciplinary sanctions set forth in this Regulation.

32. Time Limit for Appeal and Subsequent Procedure

The period for lodging an appeal against disciplinary sanctions imposed by Disciplinary Superiors and Disciplinary Boards is seven days from the date the decision is notified to the concerned party. Disciplinary sanctions against which no appeal is filed within this period become final.

Upon appeal, the appellate authorities shall review the decision and may uphold the sanction as imposed, mitigate it, or annul it entirely.

The appellate authorities must render their decision within thirty days from the date the appeal petition and the decision with its annexes are transmitted to them.

Sanctions that are annulled shall be expunged from the record.

SECTION SIX Miscellaneous Provisions

33. Submission of Files

Disciplinary investigation files shall be delivered and received together with an inventory list. The signatures of the person delivering and the person receiving the file shall appear at the bottom of the inventory list.

34. Entry into Force

This Regulation enters into force on the date of its adoption by the Senate of Arkin University of Creative Arts and Design.

In the event of any contradiction concerning the employment contract, the provisions of the employment

contract shall prevail.

If any provision of this Regulation conflicts with any provision of the employment contract, the employment contract shall take precedence.

35. Authority to Execute

The provisions of this Regulation shall be executed by the Rector of Arkin University of Creative Arts and Design.