

**GIRNE AMERICAN UNIVERSITY
DISCIPLINARY REGULATIONS FOR ADMINISTRATORS, ACADEMIC
AND NON-ACADEMIC STAFF**

**PART 1
General Rules**

Aim

Article 1. These regulations apply to Girne American University's administrators, teaching staff and other personnel. They are required to adhere to laws, by-laws and regulations regarding their duties as stipulated in the country and abroad. Refusal to adhere to laws, or engaging in unlawful acts and failure to behave in a manner befitting an academic or worker will attract the following penalties listed in these regulations according to the TRNC YÖDAK law no. 65/2005.

Scope

Article 2. Procedures and methods of application for the dismissal, appeal and other disciplinary investigations to be applied to administrators, teaching staff and other personnel of Girne American University are stated in these regulations.

Definitions and Abbreviations

Article 3. Terms and abbreviations in these regulations.

Law: YÖDAK Law.

Supervisors Authorized to Appoint: Rector, Dean, Director of Schools and Institutes.

University Administrator: Rector, Dean, Director of Institute, Director of School, Chair of Department and Division.

Disciplinary Supervisor: Rector, Dean, Director of Institute, Director of School, General Secretary of higher institutions and the university.

Faculty Members: Teaching staff and assistant teaching staff in higher education institutions.

Other Working Personnel: Contract-based or temporary personnel working at higher education institutions and organizations.

Organizations of Higher Education: Council of Higher Education and Interuniversity Board.

Higher Education institutions: Universities, Faculties, Institutes and Schools.

High Disciplinary Board: The Executive Board of Higher Education, the General Assembly of disciplinary affairs for members of the Council of Higher Education, rectors and deans.

Disciplinary Committee: The Administrative Boards of Higher Education Institutions.

**PART II
Disciplinary Offences and Penalties**

Disciplinary Penalties

Article 4. Disciplinary penalties are as follows:

- a) **Warning:** A written statement stating that one should be careful related to behavior and duty.
- b) **Reprimand:** A written statement stating that one has a flaw related to behavior and duty.

- c) **Dismissal from Administrative Duties:** Dismissal from Rector's Office, Dean's Office, Institute Directorate, School Directorate, Department Chair, Head of Division.
- d) **Deductions from Salary:** Gross deduction from monthly salary at rates between 1/10 and 1/8.
- e) **Stopping the Stages of Progress:** Stopping the current level of progress for 1 to 3 years depending on the severity of the act.
- f) **Considering as Resigned:** Considering resignation from duty as if it is voluntary.
- g) **Dismissal from the University:** Dismissal from the university never to be re-employed again.

Warning Penalty

Article 5. Actions and circumstances which attract warning penalties are as follows:

- a) failure to carry out given tasks in a complete and timely manner, not carrying out rules and procedures set by institutions related to the task, use and maintenance of official documents, tools and equipment protection, irregular conducts or show of indifference.
- b) unauthorized or the use of flimsy excuses to come late, leave early or leave the vicinity of a task.
- c) refusing to comply with austerity measures determined by the authorities.
- d) making undue applications or complaints
- e) display of unbecoming attitude or behaviors
- f) to show indifference to duties or to the business owners.
- g) failure to comply with the stipulated dress code provisions
- h) to act contrary to the spirit of cooperation with which a task is carried out
- i) undertaking actions which contradicts dignity in relationships with students, faculty and staff.
- j) the unauthorized leakage of the speeches, decisions taken, and special intentions of the bodies of the university outside the organization.
- k) failure to reply on time to a query by the authorized bodies pertaining to issues of laws, rules and regulations without a justified reason.
- l) being busy with other non-work related issues during work hours
- m) not paying attention to the training of personnel entourage

Reprimand Penalty

Article 6. Conducts which warrants dismissal are as follows:

- a) Failure to carry out tasks given by the institutions in a timely and exact procedural manner, and the careless handling of the university's work equipments.
- b) Impolite attitude and behavior towards work colleagues,
- c) failure to behave in the model manner which the university requires of its staff, when meeting with students and friends outside the university's premises.
- d) the use of the university's equipments and working materials for personal and private purposes
- e) the misplacement of the university's resources entrusted in the staff's care
- f) displaying bad behavior or attitude towards colleagues and students
- g) displaying bad behavior and arguing with colleagues and members of the administration.
- h) the use of explicit sexual conducts or connotations while carrying out official duties

- i) refusal to carryout or comply with the instructions from the management regarding higher educational, and YODAK acts..
- j) threatening the peaceful working environment of the office or department.
- k) refusal to report negative occurrences as well giving incomplete and or false reports to members of the management about issues at the workplace.
- l) giving private lessons to students for a fee
- m) the leakage of confidential information disclosed by members of the management team to outsiders or the spread of false information about this or the university.

Dismissal from Administrative Duty

Article 7. Management positions or conducts warrants separation as follows:

- a) the use of a one's management position to favor other individuals against the ethics of due process.
- b) refusal to carry out the instruction of someone directly in position of authority.
- c) failure to do resolve or take any action on an issue which has been brought to the manager's notice, and instigating or encouraging other people to do wrong.
- d) the use of official resources, such as laptops, and etc assigned to the manager for personal purpose or transferring them to other people for their personal use.
- e) ignoring and continuing to behave the same way after a written warning has been given about a negative behavior.
- f) f) disrespecting and refusing responsibility assigned by members of top level management.

Deductions from Salary

Article 8. Offences meriting reduction of monthly salaries are as follows:

- a) Intentionally; Not to carry out in part or in full orders and duties on time, in the course of the position, not to implement the procedure and principle as devised by the institution, not to protect the official documents, materials, tools and equipment, not to maintain and to mishandle the same
- b) Not to attend the premises to carry out the duties without excuse for two days. For part time teaching staff, the uninterrupted absence must be no more than 8 hours
- c) To use official material, documents, tools and equipment belonging to the establishment for personal gain
- d) In the course of one's duties, to make misrepresentations or to give false account, to the responsible personnel of the establishment
- e) To be verbally disrespectful or rude to the superior officer
- f) To aid and assist the use of any part of the institution for the purpose of meeting, ceremony or alike without permission
- g) To go abroad without permission
- h) To apply or complain in a group
- i) To act in public in such a way so as to shake the people's trust in the institution and damage the reputation of the institution
- j) In an unauthorized capacity, excepting the formal authorities, to leak out and/or to spread the decisions or discussions which have taken place in the appropriate sections in the university in order to attract deeds or actions in favor of or against the members or any of them
- k) In the course of one's duties, directly or indirectly, unlawfully and outside the

regulations, to attempt to obtain personal gain from any establishment being supervised

- l) To tear up, rip, replace, scribble upon or smear any notice, announcement, programme or any such document put up by the order or permission of the university administration
- m) To forge the employment documents or any part thereof, to use such forged documents or to allow others to use such forged documents
- n) Outside the job requirements, to use or to allow to be used, any part of the university or the associated organizations, without the permission of the appropriate authority
- o) To use the motor vehicles of the university for own personal purpose
- p) Abstain from attending any meetings called for or nominated without proper reason or excuse

Stopping the Stages of Progress

Article 9. The physical and similar offences which are punishable by the removal/stoppage of pay increase are as follows:

To come to work under the influence of alcohol, to drink alcoholic drinks whilst in workplace

- a) Without showing cause, to be absent continuously for more than 3-9 days or for part timers for more than 12-36 hours
- b) To suffer personal gain for whatever reason during the course of work duties
- c) To treat one's superiors and subordinates in a degrading and insulting manner
- d) To use or to enable someone to use a place that is within the boundaries of duty for purposes of meeting, ceremony and alike without permission
- e) to issue false document,
- f) to report a statement on official issues to a press, news agencies , radio or television association without written permission of Rectorate,
- g) To discriminate language, race, sex, political view, philosophical belief or religion for the purpose of a duty and do anything that would aim at someone's benefit or someone' disadvantage,
- h) To unveil confidential information,
- i) To insult or threaten a superior, colleagues or employees,
- j) Not do given duties and orders on purpose,
- k) Not to return official documents or equipment, laboratory equipment despite the extermination of duty and the written request of the institution or not to finish the handover process on time,
- l) To ask for or accept a present directly or indirectly within or without duty hours for someone's own benefit or ask for or lend money from or to employees or students,
- m) To do something that would violate the schedule of University ceremonies or to encourage or to provoke other people to do so.
- n) To put up posters without permission of the authorities and not related to the duty or to encourage someone to do so,
- o) To have meetings without permission of the university authorities, to give statements or organize conference, concert, representation, ceremony, seminar or acts as such.
- p) To throw out an official, students out of the business place by forcing them, to interfere with someone's duty or to encourage or to provoke students to participate in activities as such.

Considering as Resigned

Article 10. Activities and conditions causing penalty of being considered as resigned are as follows;

- a) Not attending to title appointed within fifteen days without permission or a reasonable excuse.
- b) To leave work for ten consecutive days without permission or an excuse approved by the institution and for part-time lecturers 40 consecutive hours or more of absenteeism in work.
- c) Not to attend meetings of board of membership twice in a row or three times in a year.

Dismissal

Article 11. The following are the activities and conditions which will result in permanent dismissal if engaged.

- a) To interfere with educational works such as lesson, seminar, conference, laboratory, graphic work, exams or to engage in any activity supporting this activity,
- b) To show someone else's scientific work or piece as own or to use a part of such work as own without presenting resources,
- c) For full-time lecturers 15 consecutive days of absenteeism and for part-time lecturers 24 hours of absenteeism without permission or an excuse approved by their institution.
- d) To harass a superior, a colleague or a student,
- e) To engage in an offense not suitable for given duties or for teaching,
- f) To unveil a confidential document,
- g) To encourage or to provoke students or the employees of the university for a disciplinary offense in a way that would interrupt works of the university,
- h) To use drugs,
- i) To make search for or to seize someone's belongings, to open their mail on purpose or to engage in activities alike, to provoke or to participate in activities as such,
- j) To force or to have one provoke someone or a group of people to organize a criminal act or to participate in such act or to force them to make a false statement or to show false evidence or to force them to take on criminal act as such.

Unspecified Disciplinary Offenses

Article 12. In addition to those acts of offense mentioned above anyone who participates in acts similar to those will face disciplinary penalties of the same nature.

Repetition of Disciplinary Offences

Article 13. Severe punishment is issued to those who repeat physical or similar disciplinary offences within the probationary period before the previous reprimands are removed from their records. A more severe punishment is issued where the level of offence is the same as before but which may have different physical or different situational circumstances.

The Evaluation of Good Behavior

Article 14. It is possible to issue a one degree lighter punishment for administrators and teaching staff whose conduct grades for the previous years are good or very good.

SECTION III Disciplinary Investigations

Supervisor authorized to Investigate

Article 15. The person to carry out the disciplinary investigation will be appointed from the investigation panel of officers. The investigating officer can carry out the investigation personally or by delegating it to somebody else. The Rector (having the responsibility for the whole university), the Dean (having the responsibility for the whole faculty) and the head or the relevant person in charge of a Department (having the responsibility for the whole institute or Department/High school), are able to start or order a disciplinary investigation to be started against any of their own personnel who are employed at all levels in their own sections. The heads of faculty, department, science and arts request the disciplinary investigation to be carried out from the closest investigating officer. This request is put into effect immediately.

In cases where the accused is a teaching instructor, it is essential for the investigating officers to be either of the same academic rank or of a higher academic rank than the accused. If the accused is a director/administrator, equality in rank or superiority in rank is necessary.

In the order of hierarchy, where the disciplinary investigation is started or being carried out by the officers in the upper sections, it is not possible for the officers in the lower sections to start or carry out a separate investigation. If there is in existence a file opened previously by the lower section, this file has to be merged with the file of the upper section.

Investigation about the Rector

Article 16. Any investigation about the rectors would only be possible upon the application of the Board of Trustees to the YÖDAK. This investigation is carried out by the YÖDAK members. To warn or reprimand the rector or to penalize the Rector by reducing the monthly salary would be determined only by the President of YÖDAK. All other punishments must be approved by the YÖDAK Executive Board.

Statue of Limitation

Article 17. Under this by-law, as from the date it has come to the attention of the discipline officers that there has been committed physical or other similar offences;

- a) To immediately cease/withdraw the warning, the reprimand or the financial penalizing by reduction of monthly salary of the accused and to commence within a month thereof a disciplinary investigation,
- b) In case of dismissal, to start disciplinary prosecution within 6 months, failure to do so brings into effect the statue of limitation and the authority to discipline/punish becomes null and void
- c) If there has been no disciplinary punishment within a time limit of two years from the date physical or similar offences have been committed meriting disciplinary action, then the authority to prosecute becomes null and void due to statue of limitation

Carrying out penal prosecution and disciplinary prosecution in cooperation

Article 18. Having a director, a lecturer, employee or other officials in prosecution process does not cause a delay in disciplinary prosecution.

For the defendant being condemned or not, according to Criminal Law, does not hinder the disciplinary penalty to be applied.

Disciplinary prosecution or its results do not affect penal prosecution.

Duration of Investigation

Article 19. If the investigation has been done by appointing an investigator the decision of investigation will be reported to the investigator without delay. The investigator finishes the investigation by two months after the decision has been reported to him/her. If by this time the investigation is not finished, the investigator asks for additional time showing excuses. If the disciplinary superior gives additional time, he/she reports the situation to an upper disciplinary superior.

Method of Investigation

Article 20. The investigator may hear the witness, may reconnoiter and may consult an expert or have an authority to have all these done for him/herself. Every investigation procedure is determined in a report. If the report has the information on where, when the procedure has been made, of what nature the procedure is, who the participants are, the report will be organized in a way that will bear the questions and the answers and then it will be signed by the investigator, clerk and the affiant or by individuals brought for the investigation or by those liable for the document. In the letter identification, address and explanatory information alike of the witness are specified clearly. Questions to be asked are carefully specified. The witness gets told of the necessity of oath and the oath will be written in its new format. In order for the investigation to be fully carried out, GAU personnel is obliged to give any kind of information, file or other documents to the investigators without any delay and co-operate with all that is asked of them. Anyone disobeying the second subsection of this article or anyone causing delay in disciplinary investigation will be subject to disciplinary proceeding.

Right of Defense

Article 21. Without defense, a disciplinary penalty cannot be imposed. Those who have not made their defense by the time allowed by the investigator or the disciplinary board, no less than five days, or by a specified date will be considered waived of their right of defense. In the report sent to the defendant he/she is informed of the nature of the action for which disciplinary investigation has been imposed and of the fact that he/she will be considered waived of his/her right of defense and will be considered pleaded guilty.

Investigation Report

Article 22. A report is prepared on finalization of investigation. In the report the approval of the investigation, date the investigation initiated, the identification of the person being investigated, his/her official title, subjects of offense, phases of investigation, evidences and the defense is summarized. Each subject of offense is analyzed and whether the offense has been proven or not is discussed and the penalty to be imposed is suggested. If

available, the actual document or its duplicates will be put in a list of contents and will then be attached to the report. The report, without any delay, will be sent to certifying authority.

SECTION IV

Authorized Official or Commission Giving Disciplinary Offense

Article 23. All Disciplinary Offense are determined by the approval of the Disciplinary Commission and the University Board of Directors.

Disciplinary Commission

Article 24. Disciplinary Committee consists of three people deemed appropriate by the Rectorate and is appointed by the Rectorate.

Commission Meeting

Article 25. Committees meet on the date, hour and place determined by the chair.

Organizing Committee Work

Article 26. Agenda of the meeting, relevant announcements, and execution of committee work are determined by the board chair.

Meeting Quorum

Article 27. High Disciplinary Commission requires that Higher Education board of quorum to be three and Executive Committee board of quorum to be three.

Interview Procedure

Article 28. After listening to the reporter's explanations, the assembly can start doing the work. If committee deems it necessary, they can listen to investigators. After subjects are shared and negotiations come to a resolution, voting can take place and decision is announced by the chair.

Voting

Article 29. Every member in the committee is responsible for responding with a positive or negative vote. Nobody should respond with an impartial vote. Decisions are arrived at with the absolute majority of the participants in the meeting. Chair uses the last vote in the voting process. In the case of the equality of the votes, the vote of the chair shall determine the majority party. Summary of decisions signed by the members shall be reported.

Decision

Article 30. Disciplinary Committee and High Disciplinary Committee do not have the authority to assign a new penalty. They are required to accept or reject the assigned penalty. In the case of refusal of the assigned penalty, the authorized official may assign a new disciplinary action.

Decision Period

Article 31. Authorized Disciplinary Official are required to warn, condemn or reduce the salary within seven days following the investigation.

SECTION V Application and Objection

Application

Article 32. Disciplinary Penalty shall be effective from the date given and it is applicable immediately. If the instructor has come from another institution, and received a suspension from the university, their home institution shall be informed in writing about the topic.

Objection

Article 33. An appeal against disciplinary action or authorized disciplinary official is made to the University Board of Directors. As it is stated in the regulations, one can apply to the administrative jurisdiction against the penalties.

Appeal Period and Appeal Process

Article 34. An appeal against disciplinary action or authorized disciplinary official needs to be made seven days from the date of notification. If no appeal is made against the disciplinary penalty in this period, the disciplinary action is finalized. In the case of an appeal, authorities review the given penalty and they may decide to keep the penalty same, mitigate penalty or remove the penalty altogether. Authorities need to make a final decision with necessary explanations within 30 days following the appeal to the assigned penalty. Removed penalties are erased from the registry.

SECTION VI Miscellaneous Provisions

File Submission

Article 35. Disciplinary investigation files will be received and delivered with a memorandum. Underneath the memorandum the names and signatures of the people giving and receiving the files are included.

Execution

Article 36. These regulations shall enter into effect on the date of approval of Girne American University Senate.

If there is conflict about the employment contract, employment contract shall be received as the basis.

If any of the provisions of these regulations conflicts with one of the provisions of employment contract, then employment contract shall prevail.

The provisions of these regulations shall be executed by the Rector of Girne American University.