

DISCIPLINARY REGULATION FOR STUDENTS OF INSTITUTIONS OF HIGHER EDUCATION

SECTION ONE

Aim, Scope, Basis, and Definitions

Aim and Scope

ARTICLE 1

- (1) The purpose of this regulation is to regulate the disciplinary penalties to be given to the students of institutions of higher education, and procedures and principles for investigation.
- (2) This regulation covers the entire student population in institutions of higher education.

Basis

ARTICLE 2

- (1) This regulation has been prepared in accordance with Paragraph a/9 of article 54 and 65 of the Higher Education Act numbered 2547 dated November 4, 1981.

Definitions

ARTICLE 3

- (1) The following are defined as:
 - (a) **Students:** People who study in an institution of higher education, enrolled in a programme such as associate, undergraduate, graduate and for post-graduate studies or in a programme for medical specialty or competency in fine arts,
 - (b) **Reprimand:** Written notification to the student explaining that he/she has been considered at fault in relation with being a student,
 - (c) **Warning:** Written notification to the student explaining that he/she is to be more careful about his/her duties and behaviour related with being a student,

(c) **Institutions of Higher Education:** Universities, institutes of technology and faculties, institutes, graduate schools, conservatoires, vocational schools, and research and application centres affiliated with these.

(d) **Suspension from the Institution of Higher Education for a period of 1 week to 1 month:**

Written notification to the student explaining that he/she has been suspended from the institution of higher education for a period of 1 week to 1 month and he/she is not to attend any courses or exams during this period of time,

(e) **Suspension from the Institution of Higher Education for One Semester:** Written

notification to the student explaining that he/she has been suspended from the institution of higher education for a period of one semester and he/she is not to exercise any of his/her rights as a student during this period of time,

(f) **Expulsion of a student from the Institution of Higher Education:** Written notification to the student explaining that he/she has been expelled from the institution of higher education and he/she is from then on ineligible to be admitted to the same institution of higher education he/she is expelled from,

(g) **Suspension from the Institution of Higher Education for Two Semesters:** Written

notification to the student explaining that he/she has been suspended from the institution of higher education for a period of two semesters and he/she is not to exercise any of his/her rights as a student during this period of time.

SECTION TWO

Disciplinary Penalties and Offenses

Disciplinary Offenses That Warrant a Warning

ARTICLE 4

(1) Offenses that warrant a warning:

a) Not answering the questions of authorities of the institution of higher education in due time without reason,

b) Posting notices at places that are not reserved for this purpose by the authorities of the institution of higher education,

c) Pulling off, tearing, changing, smudging, or staining the announcements, bulletins, programmes and such that were posted by the approval of the institution of higher education.

Disciplinary Offenses That Warrant a Reprimand

ARTICLE 5

(1) Offenses that warrant a reprimand:

- a) Providing incomplete or false information required by the authorities of the institution of higher education,
- b) Disturbing the atmosphere of a lesson, a seminar, a workshop, a laboratory, as well as a conference, and a scientific meeting,
- c) Posting unauthorized banners and posters within the premises of the institution of higher education,
- ç) Pulling off, tearing, changing, smudging, or staining the announcements, bulletins, programmes and such that were posted by the institution of higher education,
- d) Attempting to copy and cheat at the exams.

The Disciplinary Offenses That Warrant a Suspension from the Institution of Higher Education for a Period of One Week to One Month

ARTICLE 6

(1) Offenses that warrant a suspension from the institution of higher education for a period of one week to one month;

- a) Preventing the freedom of learning and teaching,
- b) Hindering disciplinary investigations,
- c) Giving a piece of document that the student has been entitled to receive from the institution of higher education to somebody else for personal use or using such a document for his/her own interest,
- ç) Insulting or abusing the honour and dignity of the persons in speech or writing within the premises of the institution of higher education,
- d) Insulting or abusing the honour and dignity of the staff in speech or writing at indoor or outdoor premises of the institution of higher education,
- e) Consuming alcohol within the premises of the institution of the higher education,

f) Holding unauthorized meetings at the open and covered spaces of the institution of higher education.

Disciplinary Offenses That Warrant a Suspension from the Institution of Higher Education for a Period of One Semester

ARTICLE 7

(1) Offenses that warrant a suspension from the institution of higher education for a period of one semester;

- a) Threatening the staff and students of the institution of higher education,
- b) Engaging in activities as invading and such to prevent the services provided at the institution of higher education,
- c) Assaulting the staff and students of the institution,
- ç) Theft,
- d) Destroying the building, property, and such, or damaging the information system within the premises of the institution of higher education,
- e) Cheating or helping other students to cheat during exams,
- f) Plagiarism in seminars, thesis, or publications.

Disciplinary Offenses That Warrant a Suspension from the Institution of Higher Education for a Period of Two Semesters

ARTICLE 8

(1) Offenses that warrant a suspension from the institution of higher education for a period of two semesters;

- a) Preventing the authorities of the institution of higher education from performing their duties by using force and violence,
- b) Preventing the students from benefitting from the services of the institution of higher education by using force and violence,
- c) Pressuring a person or a group, by using force and violence into organizing or participating an action that will be considered a crime,

- c) Using, keeping, possessing narcotics and stimulants within the premises of the institution of higher education,
- d) Cheating in exams by using threat; preventing or obstructing the removal of a cheating student(s) out of the classroom, or having a student take an exam in their place, or entering an exam assuming the identity of another student,
- e) Sexual harassment,
- f) Acting in express violation of “Law no: 6136 and dated July 10, 1953 regarding Firearms, and Knives, and Other Weapons or Arms” by carrying firearms, ammunition, and knives and explosives either to be used in defence or attack, have in possession in the institution of higher education grounds,
- g) Hacking into the information system of the institution of higher education and taking unjust advantage for self or others.

Disciplinary Conduct and Behaviour Resulting in Expulsion from the Institution of Higher Education

ARTICLE 9

- (1) Offenses that warrant an expulsion from the institution of higher education;
 - a) Establishing an organization to carry out a crime; running such an organization or becoming a member to such an organization; conducting duties on behalf of the organization or helping as a non-member proven by a court decision.
 - b) Selling, purchasing, supplying, or trading narcotics and stimulants within the premises of the institutions of higher education,
 - c) Acting in express violation of “Law no: 6136 regarding firearms, knives, and other weapons or arms” by using firearms, ammunition, and knives and explosives,
 - c) Violating persons’ privacy by sexually harassing them.

Unforeseeable disciplinary offenses

ARTICLE 10

- (1) Similar penalties will be given to those who commit similar offenses in quality and burden that warrant warnings and reprimands excluding the suspension or expulsion offenses.

The recurrence of disciplinary offenses

ARTICLE 11

- (1) The recurrence of the same offense will result in receiving a more severe punishment.
- (2) The recurrence of the same offense will not result in expulsion from the institution of higher education.

SECTION THREE

Disciplinary Investigation

Officials Authorized to Initiate an Investigation

ARTICLE 12

- (1) Officials authorized to initiate an investigation are as follows:
 - a) The Dean, in relation to the disciplinary charges brought against the students of the faculties,
 - b) The Director of the Graduate School in relation to the disciplinary charges brought against the students of the Graduate School,
 - c) The Director of the School or Vocational School in relation to the charges brought against the students of the School or Vocational School,
 - ç) The Director of the Conservatory in relation to the charges brought against the students of the Conservatory.
 - d) University Rectors in relation to the collective actions of the students that take place in public areas and places.
- (2) The officials in charge may carry out the investigation either in person or by appointing an investigator.

Duration of the Investigation and Lapse of Time

ARTICLE 13

- (1) Disciplinary investigation is to be commenced as soon as the incident is made known. The investigation is concluded within fifteen days following the date of approval. In case the investigation is not concluded within this period, the investigator requests an extension detailing

the reasons for it. The disciplinary authority in charge may extend the duration of the investigation if the request is appropriate.

(2) As soon as the disciplinary authority is informed about the students who committed these offenses mentioned in this regulation, the investigation for;

a) Warning, reprimand, suspension from the institution of higher education for a period of one week to one month should start in one month,

b) Suspension from the institution of higher education for a period of one or two semesters, and expulsion from the institution of higher education should start in three months, otherwise the authority to impose a disciplinary penalty will be time barred.

(3) The authority to impose a disciplinary penalty will be time barred if the disciplinary penalty is not imposed within two years the latest following the date the actions committed which require disciplinary penalty. However, if the disciplinary authority or the disciplinary board is in need of judicial justice, then the lapse of time starts from the day the judicial justice is finalized. Such need is determined with the decision of the disciplinary authority or the disciplinary board.

The Conduct of the Investigation

ARTICLE 14

(1) The secrecy of the investigation is essential.

(2) The investigator may listen to the witnesses, may carry out investigation, and may consult an expert. Each investigation process is documented with a written report. The written report states the time, place, characteristic of the incident and the people involved in it, if any investigation is carried out, the report is designed to indicate the questions and answers and is signed by both parties. In the report, the identification of the witness, the address and other necessary information are given explicitly. The witness or the expert witness is also asked to take an oath in an appropriate manner.

(3) All personnel of the Institutions of Higher Education are required to provide help, information and documents needed by the investigators immediately.

(4) The investigator carries out and completes the investigation about the persons and actions that the investigation was brought upon. If, during the investigation, the investigator finds out that other disciplinary offenses were committed or other people should be involved in the investigation within the scope of the same offense, the investigator reports this to the competent authority.

(5) The fact that the student changing locations in the institution of higher education, or changing the institution of higher education, or leaving the institution of higher education for whatever reason after the disciplinary offense is committed, does not constitute an impediment for initiating an investigation, continuing with it or taking the necessary actions.

The Right to Defend

ARTICLE 15

(1) The student, for whom a disciplinary investigation is held, is informed about the nature of the accusation at least seven days before the investigation in writing. In this written statement, the student is asked to be present on the indicated day, time and place to make his/her defence.

(2) If the student requests a written defence, he/she is granted a period of time not less than three days. The investigator may ask additional questions to the student after the written defence is submitted.

(3) If the student does not comply with the notification without a reason or does not state the reason in a timely manner, the student is informed that he/she is assumed to have renounced this right, and a necessary decision will be made based on other evidence.

(4) The student, who provides an acceptable reason or who does not comply with the notification because of a compelling reason, is allocated an appropriate period of time. Arrested students are notified that they may submit their defence in written form.

(5) The investigation is conducted to allow the student to defend himself/herself properly.

Investigation Report

ARTICLE 16

(1) Once the investigation is concluded, a report is written. In the report, the approval given for the investigation, the starting date of the investigation, the identification of the investigated student, charges brought against the student, the phases of the investigation, the evidence and the

defence are summarized. The validity of the charge is discussed, and a disciplinary action is proposed. The original or copies of the investigation documents are attached to the report. The investigation report, together with the file, is entrusted to the authority that starts the investigation.

Concurrent Execution of Criminal Investigation and Disciplinary Investigation

ARTICLE 17

(1) The start of criminal investigation does not delay disciplinary investigation because of the same incident. Whether the student is involved in a criminal investigation or charged with a crime does not present an obstacle to the application of the disciplinary penalty.

Conclusion of the Investigation

ARTICLE 18

(1) Penalties such as warning, reprimand, and suspension from the institution of higher education for a period of one week to one month are imposed by the relevant faculty dean, director of graduate school, conservatory, school, or vocational school.

(2) University Rectors are authorized to impose penalties such as warning, reprimand, and suspension from the institution of higher education for a period of one week to one month that take place in public areas and places.

(3) Penalties such as a suspension from the institution of higher education for a period of one or two semesters and an expulsion from the institution of higher education are imposed by the authorized disciplinary board.

(4) The executive boards of faculties, graduate schools, schools, and vocational school function as the disciplinary board for the investigations conducted by them, and the university executive board function as the disciplinary board for the investigations conducted by the rectorate.

(5) If deemed necessary, the rector, the dean, director or disciplinary authority who examined the investigation documents may ask the same investigator or a member of the disciplinary board to complete the investigation.

The Disciplinary Board

ARTICLE 19

- (1) The disciplinary board assembles upon the call of the president at a place, day, and time determined by the president.
- (2) The president is in charge of setting the agenda, announcing the meeting, and carrying out the work regularly.
- (3) The meeting quorum of the executive board as the disciplinary board is the majority of the number of members of the board.

Work of Reporter and Deliberation

ARTICLE 20

- (1) The work of the reporter in the disciplinary board is carried out by a member appointed by the president. The member reporter finishes examining the documents to be transferred within two days and submits the report to the president.
- (2) In the board, the deliberation begins once the explanations of the reporter are heard. The board, if it deems necessary, may listen to the investigators. At the end of the deliberations, the board votes and the decision is announced by the president.

Voting and Final Decision

ARTICLE 21

- (1) The acceptance or the decline of the penalty suggested in the investigation report is at the discretion of the official or the disciplinary board authorized to impose disciplinary penalty. If they justify their decision, they can impose another disciplinary penalty.
- (2) The decisions are taken by the absolute majority of the participants of the meeting at the disciplinary boards. In case of a tied vote, the president has the casting vote.
- (3) If the investigator is a member of the disciplinary board, he/she cannot attend the meetings or vote for that investigation.

Decision Period

ARTICLE 22

- (1) Officials authorized to impose disciplinary penalty such as warning, reprimand and

suspension from school from one week up to one month are required to make these decisions in ten days of the completion of the investigation at the latest.

(2) In case of other disciplinary penalties, the documents are sent immediately to the disciplinary board. The disciplinary board is required to make a decision in ten days of receiving the documents at the latest.

Points to be taken into Consideration While Imposing Disciplinary Penalties

ARTICLE 23

(1) While deciding and imposing disciplinary penalties, authorized officials or the disciplinary boards take into consideration the weight of the actions and behaviours that constitute the disciplinary offense, whether the accused student has received another disciplinary penalty, and whether he or she feels any remorse for his or her behaviour, attitude, and actions.

SECTION FOUR

Implementation and Objection

Announcing the Punishment

ARTICLE 24

(1) The punishment given at the end of the disciplinary investigation is announced in writing by the official in charge of the investigation to the following:

- a) The student who is the subject of the disciplinary investigation,
- b) Any organization or institution of higher education providing a scholarship to the student,
- c) In the case of expulsion from the university, in addition to the above, all higher education institutions, Higher Education Council, OSYM-Student Selection and Placement Centre, departments of security, and local military recruiting offices.

Implementation

ARTICLE 25

(1) Should the relevant authority or board not specify the date on which the disciplinary punishment is to be enforced, it will be enforced from the date it is given.

The ways of objection to disciplinary punishments

ARTICLE 26

(1) An objection may be made within fifteen days to the university executive board concerning disciplinary penalties imposed by a disciplinary board or officials.

(2) In the event of an objection, the relevant authority, which is the university executive board, will carefully consider the decision and either approve it or reject it within fifteen days. In the event of the decision being rejected, the disciplinary board or another disciplinary authority will consider the rejection and make a final decision.

(3) A student may have recourse to the legal authorities with regard to the penalties based on this bylaw without using his/her right of objection.

SECTION FIVE

Various and Final Provisions

Notification Address

ARTICLE 27

(1) All kinds of written notifications are either delivered to the student in person or sent to the address of the student registered at the institution of higher education, or to a valid e-mail address requested by the student. If none of this is agreeable, then the notification will be completed by posting at the relevant institution of higher education.

(2) If a student does not inform the institution of higher education about any address change, or give a wrong or incomplete address, he/she will be considered notified once the notification has been sent to the address that is registered at the institution of higher education.

Delivery of Documents

ARTICLE 28

(1) Documents relating to disciplinary investigation are delivered and received together with a form bearing an official reference number. This is signed by both the person delivering the documents and the person receiving them.

Correspondence

ARTICLE 29

(1) The correspondence is to be carried out in accordance with the articles of Notification Law No: 7201, reserving the right to notify in article 28.

(2) In case of delivery in person, the signed document is kept in the investigation file.

On-Going Disciplinary Investigations

PROVISIONAL ARTICLE 1

(1) Any investigations, that were initiated before this regulation became effective and not completed, will be subject to the articles of this regulation.

Abolished Regulation

ARTICLE 30

(1) The Disciplinary Regulation for Students of Institutions of Higher Education published in Official Gazette dated January 13, 1985 and numbered 18634 have been abolished.

Effectiveness

Article 31

This regulation takes effect on the date of its publication in the Official Gazette.

Implementation

Article 32

The Head of the Board of Higher Education implements the articles of this regulation.