

## HIGHER EDUCATION INSTITUTIONS STUDENT DISCIPLINE REGULATION

### PART ONE

#### Objective, Scope, Basis and Definitions

##### Objective and Scope

**ARTICLE 1** – (1) The objective of this Regulation is to regulate disciplinary punishments to be inflicted to the students of higher education institutions and principles and procedures for investigations.

(2) This Regulation includes all of the students in higher education institutions.

##### Basis

**ARTICLE 2** – (1) This Regulation is based on Article 54 and item (9) of paragraph (a) of Article 65 of Higher Education Law dated 4/11/1981 and numbered 2547.

##### Definitions

**ARTICLE 3** – (1) The following terms used in this Regulation shall have the meanings given;

a) Student: the persons who receive associate degree, bachelor's degree, master degree, doctorate, specialty in medicine or proficiency in art education,

b) Reprimand: written notification to a student when the student is reprimanded due to his/her misconducts about studentship,

c) Warning: a student is warned in writing about being more careful of his/her student conducts,

d) Higher Education Institutions: Universities, higher technology institutions and their faculties, institutes, colleges, conservatories, vocational schools of higher education and application and research centres,

e) Suspension from Higher Education Institution from One Week to One Month: Written notification to the student that the student has been suspended from higher education institution from one week to one month and that the student cannot attend the lessons and exams within this period,

f) Suspension from Higher Education Institution for One Term: Written notification to the student that the student has been suspended from higher education institution for one term and that the student cannot use student rights within this period,

g) Dismissal from Higher Education Institution: Written notification to the student that the student has been dismissed from higher education institution so as not to be accepted to the same higher education institution again,

h) Suspension from Higher Education Institution for Two Terms: Written notification to the student that the student has been suspended from higher education institution for two terms and that the student cannot use student rights within this period.

### PART TWO

#### Disciplinary Punishments and Disciplinary Actions Requiring Punishment

##### Disciplinary actions requiring warning

**ARTICLE 4** – (1) The actions requiring warning are;

a) Not to respond to the questions asked by the authorities of higher education institution in time without any justified reason,

b) To put up notices on the places other than determined by the authorities of higher education institution,

c) To pull off, tear, change, score out or dirty the notices put up with the permission of higher education institution.

##### Disciplinary actions requiring reprimand

**ARTICLE 5** – (1) The actions requiring reprimand are;

- a) To give missing or inaccurate information to the authorities of higher education,
- b) To disturb the studies such as lessons, applications, laboratory and workshop activities, scientific meetings and conferences,
- c) **(Amended: RG-7/11/2013-28814)<sup>2</sup>** To distribute leaflets, to put up posters and banners without permission within the higher education institution,
- d) To pull off, tear, change, score out or dirty the notices, programs and etc. put up by the higher education institution
- e) To attempt to cheat in the exams.

**Disciplinary actions requiring suspension from higher education institution from one week to one month**

**ARTICLE 6** – (1) The actions requiring suspension from higher education institution from one week to one month are;

- a) **(Amended: RG-23/12/2016-29927)** To do the actions which prevent learning and teaching freedom or disturb operation and peace of higher education institutions,
- b) To prevent proper execution of disciplinary investigations,
- c) To give the document taken from higher education institution and giving rights to another person for use, or to use a document belonging to another person,
- d) To do verbal or written actions which damage reputation of the persons in higher education institution,
- e) To do verbal or written actions which damage reputation of the higher education institution personnel within or out of the institution,
- f) To drink alcoholic beverages in the higher education institution,
- g) To arrange meetings in closed and open places of the higher education institution without permission of the authorities.

**Disciplinary actions requiring suspension from higher education institution for one term**

**ARTICLE 7** – (1) The actions requiring suspension from higher education institution for one term are;

- a) To threaten the personnel and students of the higher education institution,
- b) To do actions which prevent services of the higher education institution with occupation and similar acts in higher education institutions,
- c) To assault the personnel and students of the institution,
- d) To commit a theft in higher education institutions,
- e) To destroy the existing buildings, furniture and similar materials or give harm to information system within the higher education institution,
- f) To cheat or help to cheat in the exams,
- g) To plagiarize in seminars, dissertations and publications.
- h) **(Addition: RG-23/12/2016-29927)** No to abide by the decision of suspension from higher education institution.

**Disciplinary actions requiring suspension from higher education institution for two terms**

**ARTICLE 8** – (1) The actions requiring suspension from higher education institution for two terms are;

- a) To prevent officers of the higher education institution from doing their duties by force and violence against these officers,
- b) To prevent the students from benefitting from services of the higher education institution by force and violence against these students,
- c) **(Amended: RG-7/11/2013-28814)<sup>1</sup>** To commit offences or to urge anyone or any group to commit or participate in any offence by force and violence,<sup>1</sup>
- d) To use, carry, keep drugs and stimulants within higher education institutions,
- e) To cheat in the exams by threat, to prevent cheating students from being removed out of the examination room, to have someone else take the exam for himself/herself or to take the exam for someone else,
- f) To commit sexual harassment in higher education institutions,

g) To carry and keep firearms and their bullets, knives and other tools made specially to attack and defend, explosive materials in higher education institutions in contravention of the Law on Firearms and Knives and Other Tools dated 10/7/1953 and numbered 6136,

h) To gain unfair advantage for himself/herself or other persons by entering information system of the higher education institution.

i) **(Addition: RG-23/12/2016-29927)** To threaten investigating officers.

#### **Disciplinary actions requiring dismissal from higher education institution**

**ARTICLE 9 – (1)** The actions requiring dismissal from higher education institution are;

a) Provided that it is concluded by court decision, to found an organization for the purpose of committing offence, to manage such an organization or become a member of such an organization, to do actions in the name of organization or help the organization although not being a member thereof,

b) To sell, buy, give to other persons and trade drugs or stimulants in higher education institutions,

c) To use firearms and their bullets, knives and other tools made specially to attack and defend, explosive materials in contravention of the Law on Firearms and Knives and Other Tools numbered 6136

d) To violate sexual inviolability of people by sexual acts on their bodies.

#### **Unanticipated disciplinary actions**

**ARTICLE 10 – (1)** Other than the disciplinary actions requiring suspension and dismissal from higher education institution, the same disciplinary punishments are given also to those doing the acts which are similar to the actions requiring warning and reprimand by quality and severity.

#### **Repetition of disciplinary action**

**ARTICLE 11 – (1)** In case of repetition of an action having led to disciplinary punishment, the upper punishment is given.

(2) In case of repetition of disciplinary action, the punishment of dismissal from higher education institution is not given.

### **PART THREE**

#### **Disciplinary Investigation**

##### **The chiefs authorized to open an investigation**

**ARTICLE 12 – (1)** The chiefs authorized to open an investigation are;

a) The dean for disciplinary actions committed by faculty students,

b) The head of institute for disciplinary actions committed by institute students,

c) The principal for disciplinary actions committed by the students of colleges and vocational schools of higher education,

d) Head of conservatory for disciplinary actions committed by conservatory students,

e) University rectors for collective student actions in common areas or places.

(2) **(Amended: RG-23/12/2016-29927)** The chiefs authorized to open an investigation may make the investigation in person as well as by appointing investigator(s); if they deem necessary, the chiefs may request from another higher education institution for appointment of an investigator.

##### **Period of investigation and timeout**

**ARTICLE 13 – (1)** The disciplinary investigation is initiated immediately after learning of the event. The investigation is concluded within fifteen days after the date of approval. *If the investigation is not concluded within the abovementioned period, the investigator request for additional time justifiably. The disciplinary chief authorized to open the investigation may extend the period of investigation if he/she deems convenient.* <sup>(3)</sup>

(2) About the students who commit the disciplinary actions stated in this Regulation, the authority to give disciplinary punishment times out if the disciplinary investigation is not initiated:

a) within one month for the punishments of warning, reprimand, suspension from higher education institution from one week to one month,

b) within three months for the punishments of suspension from higher education institution for one or two terms and dismissal from higher education institution, after the chiefs authorized to open the investigation learn those disciplinary actions.

(3) If a disciplinary punishment is not given within two years as of the date of committing disciplinary actions, the authority to give disciplinary punishment times out. However, in the cases when the disciplinary chief or board needs a judicial award, the timeout period starts from the date of conclusion of the judicial award. The abovementioned need is determined with a decision to be taken by the authorized disciplinary chief or board.

#### **The way of investigation**

**ARTICLE 14** – (1) Confidentiality of the investigation is essential.

(2) The investigator may hear a witness, reconnoitre and apply to an expert. The investigation operations are recorded in a report. This report is prepared as to show where and when the operation is carried out, nature of the operation, the participants and, if statements are taken, the questions and the answers, and the report is signed by the investigator, clerk, affiant and, if any, those who participate the reconnaissance. The witness takes oath while his/her statement is being taken and, if any expert is appointed, the expert takes oath; identity, address and similar explanatory information of the witness are stated.

(3) The personnel of higher education institutions give any and all information, files and other documents requested by the investigators without any delay and fulfil the helps to be asked.

(4) The investigator executes and completes the investigation provided that it is limited to the person and actions under investigation. If the investigator detects during the investigation that other disciplinary actions were also committed or other persons should be included in the investigation within the scope of the same offence, the investigator notifies this situation to the authorized body.

(5) If the student has changed his/her position within the higher education institution or has changed his/her higher education institution or has left the higher education institution for any reason whatsoever after committing a disciplinary action, this situation does not prevent opening, continuing of the investigation and taking of necessary decisions.

(6) **(Addition: RG-7/11/2013-28814)<sup>2</sup>** The investigators, if they deem necessary, may request from the body authorized to open a disciplinary investigation for a decision of banning the students under investigation from entering into the buildings of higher education institution.

#### **Right of Defence**

**ARTICLE 15** – (1) The student against whom an investigation has been opened is informed about what the alleged offence consists of in writing at least seven days before the date of defence. In this letter; the student is asked to be present in the stated date, time and place to make his/her defence.

(2) **(Amended: RG-23/12/2016-29927)** The person who comes for defence may make his/her defence orally as well as submitting in writing. After the written defence is submitted, the investigator may ask additional questions to the student.

(3) In the letter sent to the student, the student is informed about the fact that the student shall be deemed to give up the right of defence and necessary decision shall be given based on the other evidence if the student does not conform to the letter without excuse or does not inform his/her excuse in time.

(4) The student who gives a valid excuse or detected not to conform to the letter due to force majeure is given a reasonable time. The students under arrest are informed that they can send their defences in writing.

(5) The investigation is executed as to enable the student to defend himself/herself properly.

#### **Investigation report**

**ARTICLE 16** – (1) When the investigation is concluded, a report is arranged. This report summarizes the approval of investigation, date of starting investigation, identity of the student under investigation, the alleged offences, stages of the investigation, evidence and the defences taken. Whether the alleged offence is proven or not is discussed and necessary disciplinary punishment is offered. The originals or copies of the documents related to the investigation is included in a list of

contents and attached to the report. The investigation report is submitted with the file to the body opening the investigation.

#### **Execution of criminal prosecution and disciplinary investigation together**

**ARTICLE 17** – (1) If a criminal prosecution is initiated for a student due to the same event, this doesn't retard disciplinary investigation. If a student is under criminal prosecution, the student is or isn't sentenced legally, this situation does not prevent giving of disciplinary punishment.

#### **Conclusion of investigation**

**ARTICLE 18** – (1) The punishments of warning, reprimand and suspension from higher education institutions from one week to one month are given by the dean of the relevant faculty, the principal of the relevant institute, conservatory, college or vocational school of higher education.

(2) The rector is authorized to give the punishments of warning, reprimand and suspension from higher education institutions up to one month due to the disciplinary actions committed in common areas.

(3) The punishments of suspension from higher education institution for one or two terms and dismissal from higher education institution are given by the authorized disciplinary board.

(4) During the investigations executed by faculties, institutes, conservatories, colleges and vocational schools of higher education, the administrative committees of these units perform the duty of disciplinary board, and for the investigations executed by the rector's office, the university administrative committee performs this duty.

(5) The rector, dean, principal or disciplinary board who examines the investigation file, if they deem necessary, may request from the same investigator or a member of the disciplinary board for completion of certain missing transactions.

#### **Working principle of disciplinary board**

**ARTICLE 19** – (1) The disciplinary board assembles in the place, day and time to be determined upon invitation of the chairman.

(2) The chairman ensures the agenda of the meeting is prepared, the agenda is notified to the relevant people and operations of the board are executed properly.

(3) As the disciplinary board, the quorum of the administrative committee is the absolute majority of total member number of the board.

#### **Reporter and procedures of discussion**

**ARTICLE 20** – (1) In Disciplinary Boards, the duty of reporter is done by the member to be appointed by the chairman. The reporter completes examination of the file to be sent within two days the latest and submits his/her report to the chairman.

(2) During the meeting, explanations of the reporter are listened first. If the board deems necessary, the investigators may also be listened. Voting is taken at the end of the discussions and the decision is announced by the chairman.

#### **Voting and decision**

**ARTICLE 21** – (1) The chief or disciplinary board authorized to give disciplinary punishment is free to accept or decline the punishment offered in the investigation report; another disciplinary punishment may be given provided that the reasons are explained.

(2) In disciplinary meetings, the decisions are taken with absolute majority of the participants. In case of equality of votes, the majority is regarded to be constituted with the vote of the chairman.

(3) If the investigator is a member of the disciplinary board, he/she cannot attend the meetings of the file he/she investigates and cannot vote.

#### **Term of decision**

**ARTICLE 22** – (1) The chiefs authorized to give disciplinary punishment are obliged to give decision within ten days following the date of completion of the investigation for the punishments of warning, reprimand and suspension from higher education institution from one week to one month.

(2) In case of other disciplinary punishments, the file is sent to the disciplinary board immediately. The disciplinary board is obliged to give decision within ten days following the date of receipt of the file.

#### **Considerations to be attended when giving disciplinary punishment**

**ARTICLE 23** – (1) The chiefs and disciplinary boards authorized to give disciplinary punishments take account of severity of the disciplinary actions, whether the student under investigation has received disciplinary punishment before, the behaviours, attitudes and acts of the student and whether the student repents of his/her action and behaviour when giving one of the punishments.

#### **PART FOUR** **Application and objection**

##### **Notification of punishments**

**ARTICLE 24** – (1) The disciplinary punishment given as a result of disciplinary investigation is notified by the chief authorized to open investigation to:

- a) the student against whom the disciplinary investigation was opened,
- b) the organization which gives scholarship or credit to the student and higher education institution,
- c) to all higher education institutions, Council of Higher Education, Student Selection and Placement Centre, security offices and relevant recruiting offices in addition to those above in case of the punishment of dismissal from university.

##### **Application of disciplinary punishments**

**ARTICLE 25** – (1) If the date from which the disciplinary punishment shall be applied is not stated in the decisions of the chief or board authorized to give disciplinary punishment, the disciplinary punishments are applied beginning from the date they are given.

##### **Remedies against disciplinary punishments**

**ARTICLE 26** – (1) The students given disciplinary punishments by disciplinary chiefs and boards may apply to the university administrative committee to object the punishment within fifteen days.

(2) In case of any objection, the university administrative committee – the authority for complaints – concludes the objection finally within fifteen days. In case of any objection, the university administrative committee – the authority for complaints – accepts totally or rejects the punishment given by examining the decision. In case of rejection, the disciplinary board or authorized disciplinary chief concludes the objection taking the reason for rejection into consideration.

(3) Administrative remedies may be applied to without using the right of objection against the punishments given under this Regulation.

#### **PART FIVE** **Miscellaneous and Final Provisions**

##### **Notices and address information**

**ARTICLE 27** – (1) Any and all notices required due to disciplinary investigation are delivered by hand against signature or in writing to the address notified by the student to the higher education institution, or electronically to the person who wants to be notified electronically by giving an electronic address suitable for notification. In the cases when it is impossible to send notices through the above methods, the notification is deemed to be completed by announcement of the notice document in the relevant higher education institution.

(2) The students who change their addresses given to the higher education institution at the time of registration and do not inform the institution about change of address, or who give wrong or missing addresses are deemed to have received the notices when the notices are sent to their addresses recorded in the higher education institution.

##### **Delivery of file**

**ARTICLE 28** – (1) The files pertaining to the disciplinary investigation are delivered and received with the list of contents. The bottom side of the list of contents bears signatures of deliverer and recipient.

##### **Type of correspondence**

**ARTICLE 29** – (1) In the correspondence with persons, the provisions of the Notification Law No 7201 are applied, saving for the method of notification in Article 28.

(2) If the paper is delivered by hand, the signed document is kept in the investigation file.

**Ongoing disciplinary investigations**

**PROVISIONAL ARTICLE 1** – (1) The provisions of this Regulation are applied to the disciplinary investigations which have been initiated before effective date of this Regulation but have not been completed yet.

**Ongoing disciplinary investigations**

**PROVISIONAL ARTICLE 2 – (Addition: RG-23/12/2016-29927)**

(1) The provision of the amended second item of Article 15 of this Regulation before amendment is applied to the disciplinary investigations which have been initiated before effective date of this Article but have not been completed yet.

**The Repealed Regulation**

**ARTICLE 30** – (1) Higher Education Institutions Student Discipline Regulation published in the Official Gazette dated 13/1/1985 and numbered 18634 was repealed.

**Effective Date**

**ARTICLE 31** – (1) This Regulation enters into force on the date of its publication.

**Execution**

**ARTICLE 32** – (1) The provisions of this Regulation are executed by the Head of Council of Higher Education.

<sup>1</sup> Under the Decision dated 3/11/2014 and with YD Objection No: 2014/843 of Plenary Session of Administrative Law Divisions, execution of the expression of “...To commit the actions deemed as offence...” in this item was stopped.

<sup>2</sup> Under the Decision dated 30/4/2014 and numbered E.: 2013/11920 of the Council of State for the Eighth Circuit, it was decided to stop execution of these amendments; then, the objection to this Decision was rejected under the Decision dated 3/11/2014 and with YD Objection No: 2014/843 of Plenary Session of Administrative Law Divisions.

<sup>3</sup> Under the Decision with Merits No: 2012/9483 and Decision No: 2016/4594 of the Council of State for the Eighth Circuit, it was decided to cancel the last sentence of the first item of Article 13 of the Regulation.

<b>The Official Gazette in which the Regulation was Published</b>		
	<b>Date</b>	<b>Number</b>
	18/8/2012	28388
<b>The Official Gazettes in which the Regulations Making the Amendments in the Regulation were Published</b>		
	<b>Date</b>	<b>Number</b>
1.	7/11/2013	28814
2.	23/12/2016	29927
3.		