

DISCIPLINARY BY-LAW REGARDING STUDENTS OF INSTITUTIONS OF HIGHER EDUCATION

SECTION ONE

Aim, Scope, Basis and Definitions

Aim and Scope

ARTICLE 1 – (1) The purpose of this by-law is to regulate the disciplinary penalties to be given to the students of institutions of higher education, and procedures and principles of investigation.

(2) This by-law covers the all students in institutions of higher education.

Basis

ARTICLE 2 – (1) This by-law has been prepared in accordance with article 54 and paragraph (a)/(9) of article 65 of the Law No. 2547 and dated 4/11/1981 regarding Higher Education.

Definitions

ARTICLE 3 – (1) In this by-law the following are defined as:

(a) Students: People enrolled in an associate, undergraduate, graduate, post-graduate program, programs for medical specialty or competency in fine arts in an institution of higher education,

(b) Reprimand: Written notification to the student explaining that she/he has been reprimanded for her/his faulty behavior with relation to being a student,

(c) Warning: Written notification to the student warning that she/he needs to be more careful about her/his behavior related with being a student,

(ç) Institutions of Higher Education: Universities, institutes of high technology; faculties, institutes, graduate schools, conservatories, vocational schools and application and research centers affiliated with these.

(d) Suspension from the Institution of Higher Education for a period of one week to one month: Written notification to the student explaining that she/he has been suspended from the institution of higher education for a period of one week to one month and she/he 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 she/he has been suspended from the institution of higher education for a period of one semester and she/he is not to exercise any of her/his studentship rights during this period of time,

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

(g) Suspension from the Institution of Higher Education for Two Semesters: Written notification to the student explaining that she/he has been suspended from the institution of higher education for a period of two semesters and she/he is not to exercise any of her/his studentship rights 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 are:

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, programs 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 are:

a) Providing incomplete or false information required by the authorities of the institution of higher education,

b) Disturbing the order of a lesson, seminar, workshop, laboratory, meetings such as scientific conference,

c) Posting unauthorized bulletin, banners and posters within the premises of the institution of higher education,

ç) Pulling off, tearing, changing, smudging, or staining the announcements, bulletins, programs and such that were posted by the institution of higher education,

d) Attempting to cheat at the exams.

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 are;

a) Preventing the freedom of learning and teaching or engaging in activities that distorts the operation and peace of the institution of higher education,

b) Hindering orderly execution of disciplinary investigations,

c) Giving a document that entitles studentship rights issued by the institution of higher education to somebody else for personal use or using another student's document,

ç) Insulting the honor and dignity of the persons in speech or writing within the premises of the institution of higher education,

d) Insulting the honor and dignity of the staff in speech or writing within or out of the 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 indoor or outdoor 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 are;

a) Threatening the staff and students of the institution of higher education,

- b) Engaging in activities such as invading et cetera in order to prevent the services provided by the institution of higher education,
- c) Assaulting the staff and students of the institution,
- ç) Committing theft within the premises of the institutions of higher education,
- d) Vandalizing 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,
- g) Non-compliance with the disciplinary penalty of suspension from the institution of higher education.

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 are;

- a) Preventing the authorities of the institution of higher education from performing their duties by using force and violence,
- b) Preventing the students from utilizing the services of the institution of higher education by using force and violence,
- c) Committing a crime or else compelling a person or a group by using force and violence into organizing or participating an action which is a crime (*1*),
- ç) Using, bearing or possessing narcotics and stimulants within the premises of the institutions 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 assuming her/his place, or entering an exam assuming the identity of another student,

- e) Sexual harassment within the premises of the institutions of higher education,
- f) Acting in express violation of “Law Nr. 6136 and dated 10/7/1953 regarding Firearms, Knives and Other Weapons” by carrying firearms, bullet cartridges, knives and other tools or explosives either to be used in defense or attack, within the premises of the institutions of higher education grounds,
- g) Hacking into the information system of the institution of higher education and taking unjust advantage for herself/himself or others,
- ğ) Threatening the persons appointed to the investigation.

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

ARTICLE 9 – (1) Offenses that warrant an expulsion from the institution of higher education are;

- a) Provided that it is proven by a court decision, establishing an organization to commit 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.
- 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 and dated 10/7/1953 regarding Firearms, Knives and Other Weapons” by using firearms, bullet cartridges, knives and other tools or explosives either to be used in defense or attack,
- ç) Violating persons’ sexual privacy by physically harassing them.

Unforeseen disciplinary offenses

ARTICLE 10 – (1) Same type of penalties will be imposed to those whose conduct are similar in quality and severity to offenses that warrant warnings and reprimands, excluding offenses that warrant the suspension or expulsion penalties.

The recurrence of disciplinary offenses

ARTICLE 11 – (1) The recurrence of the action that caused a disciplinary penalty to be imposed, will result in imposition of the next level of penalty.

(2) The recurrence of the disciplinary offense cannot 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 a disciplinary 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 Institute or Vocational School in relation to the disciplinary charges brought against the students of the institute or vocational 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 common areas and places.

(2) The officials who are authorized to initiate a disciplinary investigation may carry out the investigation either in person or by appointing an investigator or investigators; if they deem necessary they may also require the appointment of an investigator from another institution of higher education.

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 initiation. *In case the investigation is not concluded within this period, the investigator requests an extension of time detailing the reasons for it. Disciplinary authority who is authorized to initiate a disciplinary investigation may extend the duration of the investigation if the request is found appropriate.* (3)

(2) As soon as the disciplinary authorities who are authorized to initiate a disciplinary investigation are informed about the disciplinary offenses mentioned in this by-law, the investigation of students for charges that warrant;

a) Warning, reprimand and 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 lapsed.

(3) The authority to impose a disciplinary penalty will be time lapsed if the disciplinary penalty is not imposed within two years following the date of the actions committed which require disciplinary penalty. However, if the disciplinary authority or the disciplinary board needs a court judgement, then the lapse of time starts from the day when the court's judgement becomes res judicata. Such need is determined with the decision of the disciplinary authority or the disciplinary board.

The Conduct of the Investigation

ARTICLE 14 – (1) The confidentiality of the investigation is essential.

(2) The investigator may listen to the witnesses, may conduct exploration, and may consult an expert. Each investigation process is documented with a written report. The report presents the time, place and the essence of the investigation process; the people involved in the process, if conducted all the questions and answers of any interrogation, and the report is signed by the investigator, the clerk, the interrogated and others present during the exploration. In the report, the identification of the witness, the address and other necessary information are presented explicitly; the witness or the expert is also asked to take an oath.

(3) All personnel of the Institutions of Higher Education are required to provide information, files and other documents immediately and fulfill the assistance required by the investigator.

(4) The investigator carries out and completes the investigation limited to the persons and actions investigated. 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 issue to the competent authority.

(5) Transfer of the student within in the institution of higher education, transfer to another 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 neither to initiation or continuance of the investigation nor taking necessary decisions.

(6) Investigators, if they deem necessary, may request the competent authorities to initiate an investigation to decide for prohibition of the investigated student from the premises of the institution of the higher education during the investigation process.

The Right to Defend

ARTICLE 15 – (1) The investigated student is informed in written form about disciplinary charges brought against her/him at least seven days before her/his defense hearing. In this written invitation, the student is asked to be present on the indicated day, time and place to make her/his defense.

(2) The student who is present to the defense hearing may defend herself/himself verbally or written. The investigator may ask additional questions to the student after the written defense is submitted.

(As to the Provisional Article 2, the previous version: (2) If the student requests a written defense, she/he may be granted a period of time not less than three days. The investigator may ask additional questions to the student after the written defense is submitted.)

(3) The invitation for defense hearing shall state that; if the student does not comply with the invitation without a reason or does not state her/his reason in a timely manner, she/he is assumed to have renounced her/his right to defend and necessary decision about her/him will be made based on other evidence.

(4) The student, who provides an acceptable reason or who does not comply to the invitation due to force majeure, is allocated an appropriate period of time. Arrested students are notified that they may submit a written defense.

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

Investigation Report

ARTICLE 16 – (1) Once the investigation is finalized, a report is written. In the report, the authorization 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 defense are summarized. It is discussed whether the charged disciplinary crimes were committed and necessary disciplinary penalty is proposed. The original or copies of the investigation documents are attached to the report with a list of contents. The investigation report, together with the file, is entrusted to the authority that initiated the investigation.

Concurrent Execution of Criminal Investigation and Disciplinary Investigation

ARTICLE 17 – (1) Initiation of a criminal prosecution about a student due to the same incident, does not delay disciplinary investigation. Neither the initiation of a criminal prosecution, nor conviction or non-conviction according to criminal codes does not constitute an impediment to imposition of a disciplinary penalty.

Conclusion of the Investigation

ARTICLE 18 – (1) Penalties of 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 institute, conservatory, graduate school or vocational school.

(2) University Rectors are authorized to impose penalties of warning, reprimand and suspension from the institution of higher education for a period of one week to one month for disciplinary crimes that are committed in common places.

(3) Penalties of 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 function as the disciplinary board for the investigations conducted by of the faculties, institutes, conservatories, graduate schools and vocational schools, 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 board who examined the investigation file may ask the same investigator or a member of the disciplinary board to complete specific incomplete processes of the investigation.

The Work of the Disciplinary Board

ARTICLE 19 – (1) The disciplinary board assembles at the place, day, and time determined upon the call of the president.

(2) The president is in charge of setting and announcement of the meeting agenda as well as keeping the work of the board in order.

(3) The meeting quorum of the executive board as the disciplinary board is the absolute majority of the number of members of the board.

Work of the 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 examination of the file which is transferred to her/him within two days of delivery and submits her/his report to the president.

(2) In the board, the deliberation begins once the explanations of the reporter are heard. The board, if deemed 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, she/he 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.

Issues 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 severity 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 or a student loan to the student,
- c) In the case of expulsion from the university, in addition to the above, all higher education institutions, Higher Education Council, ÖSYM (Student Selection and Placement Centre), police departments, 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 her/his right of objection.

SECTION FIVE

Various and Final Provisions

Notification and declaration of 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 if requested and on condition that a valid e-mail address is provided by the student, notification is sent electronically. If notification cannot be done by none of these means, then the notification is done by announcement at bulletin boards of the relevant institution of higher education.

(2) If a student does not declare any address change or give a wrong or incomplete address to the institution of higher education, notification is considered to be completed by posting to the address that is declared to the institution of higher education at the enrollment process.

Delivery of files

ARTICLE 28 – (1) Files regarding disciplinary investigations are delivered and received together with a list of contents. The list of contents is signed by both the person delivering the documents and the person receiving the file.

Correspondence

ARTICLE 29 – (1) The correspondence is to be carried out in accordance with the articles of Law Nr. 7201, regarding Notification, except for the the notification of files expressed in article 28.

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

On-Going Disciplinary Investigations

PROVISIONAL ARTICLE 1 – (1) Any investigations, that were initiated but not completed before this by-law takes effect, will be subject to the articles of this by-law.

Continuous investigations

PROVISIONAL ARTICLE 2 – (1) For the disciplinary investigations which were initiated but not completed before the entry into force of this article, the second paragraph of Article 15 is carried out in its previous form.

Abolished By-law

ARTICLE 30 – (1) The Disciplinary By-law for Students of Institutions of Higher Education published in Official Gazette Nr. 18634 and dated 13/1/1985 have been abolished.

Effectiveness

ARTICLE 31 – This by-law 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 by-law.

(1) Plenary Session of the Administrative Law Chamber of the Council of State, with the decision dated 03/11/2014 and YD İtiraz No: (Objection to the Stay of Execution Nr.) 2014/843 decided to stay the execution of the phrase “Committing a crime ...”.

(2) 8th Chamber of the Council of State, with the decision dated 30/04/2014 and E.2013/11920, decided to stay the execution of the amendments in Article 5/1(c) and Article 14/6; Plenary Session of the Administrative Law Chamber of the Council of State, with the decision dated 03/11/2014 and YD İtiraz No: (Objection to the Stay of Execution) 2014/843 dismissed the objection to the stay of execution.

(3) 8th Chamber of the Council of State, with the decision Esas No:2012/9483 and Karar No:2016/4594 decided to annul the last sentence of the Article 13/1. Plenary Session of the Administrative Law Chamber of the Council of State, with the decision dated 19/04/2017 and E.2016/4019, K.2017/1660, decided to dismiss the appeal regarding Article 13/1.