

**RULES AND PROCEDURES TO BE FOLLOWED IN THE DISCIPLINARY
INVESTIGATIONS THAT WILL BE CONDUCTED AS PER THE DISCIPLINARY
REGULATIONS FOR STUDENTS OF HIGHER EDUCATION INSTITUTIONS**

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**(ATTENTION: IF THE STUDENT, AGAINST WHOM AN INVESTIGATION WILL BE
INITIATED, HAS A SITUATION THAT WILL JEOPARDIZE THE PUBLIC ORDER IN
THE COURSE OF THE INVESTIGATION, THE CHIEF AUTHORIZED TO INITIATE THE
INVESTIGATION SHOULD TAKE THE RELEVANT INTERIM MEASURE DECISION
AND THEN, APPOINT AN INVESTIGATOR.)**

**PHASE 1: THE CIRCUMSTANCE SHALL BE WRITTEN INTO THE RECORD
IMMEDIATELY AFTER THE ACTION THAT WILL CAUSE THE DISCIPLINARY
INVESTIGATION HAS BEEN FOUND OUT AND THE PERSON WHO COMMITTED THE
ACTION HAS BEEN IDENTIFIED.**

THE TEXT OF THE RECORD TO BE PREPARED IS AS FOLLOWS:

.... /.... /20...

RECORD (SAMPLE)

It has been determined that the student (...) with the number has cheated/has attempted to cheat by using the paper placed under the desk during the midterm/final exam held for the course “.....” and initiated in the classroom/lecture hall no. at [hour] on..../..../20..., the crib sheet used by the student and the student’s answer sheet have been seized, it has been ensured that the student has signed the presence list, the student has been removed from the classroom/lecture hall and thereupon, this record has been prepared.

Invigilator

(Signature)

Encl.:

1-) The student’s answer sheet

2-) The crib sheet

PHASE 2: THE RELEVANT PERSON(S) SHOULD REPORT THE RECORD THEY HAVE PREPARED TO THE COMPETENT DISCIPLINARY CHIEF AS WELL AS THE INFORMATION AND DOCUMENTS ENCLOSED THEREWITH, IN WRITING, IN A FILE.

THE TEXT OF THE LETTER TO BE PREPARED IS AS FOLLOWS: (SAMPLE)

TO THE DEANSHIP OF THE FACULTY

.... /.... /20...

During the exam held for [course] in the classroom/lecture hall no. at [hour] on.... /.... /20..., it has been determined that the student with the number, whose name is, has cheated by, and thereupon the relevant record has been prepared about the student. The relevant record and the crib sheet are enclosed herewith.

Kindly submitted for your information.

Invigilator

(Signature)

Encl.

- 1-) The student's answer sheet
- 2-) The crib sheet
- 3-) The record

PHASE 3: COMMENCEMENT OF THE DISCIPLINARY INVESTIGATION: THE INVESTIGATION PROCESS SHALL COMMENCE ABOUT THE STUDENT UPON THE COMPETENT DISCIPLINARY CHIEF'S DECISION AS REQUIRED BY THE REGULATIONS. THE COMPETENT DISCIPLINARY CHIEF SHOULD ISSUE THIS INVESTIGATION ORDER WITHOUT DELAY. THE MATTER TO BE TAKEN INTO CONSIDERATION IS SET FORTH IN THE FOOTNOTE NO. (2) BELOW. IT IS NECESSARY TO COMPLY WITH THE PERIODS SPECIFIED.

DISCIPLINARY INVESTIGATION ORDER (SAMPLE)

No.:

Subject: Assignment

Mr. /Ms. (Name-title-place of duty of the person assigned as the investigator)

In light of the letter dated, it is understood that, who is a student of our University's Faculty/Department/College, has committed the action "....." on [date]. A disciplinary investigation has been initiated against the student due to (the action allegedly committed by the student) as per the provisions of the Disciplinary Regulations for Students of Higher Education Institutions. You are assigned as the investigator for the disciplinary investigation initiated. You are requested to carry out the disciplinary investigation and deliver to the Office of the Dean/Director in a timely manner¹ the investigation file and report (in duplicate) you will prepare in this regard. I kindly submit the above matters for your information and request you to take the relevant necessary action.

Dean /Director²

¹ As per the relevant article of the Disciplinary Regulations for Students of Higher Education;

(1) A disciplinary investigation shall be commenced immediately after the incident is found out. Such investigation shall be concluded within fifteen days as from the approval date. **In case the investigation could not be completed within this period of time, the investigator shall request for grant of time extension and specify the relevant justifications. The disciplinary chief authorized to initiate disciplinary investigation may extend the duration of the investigation, if found acceptable by the disciplinary chief. (ATTENTION: THE UNDERLINED PROVISION HAS BEEN ANNULLED IN THE JUDGMENT NO: 2012/9483 (FILE), 2016/4594 (JUDGMENT) RENDERED BY THE 8TH CHAMBER OF THE COUNCIL OF STATE.)**

(2) As regards the students who have committed the actions of disciplinary offense nature as referred to in these Regulations, the power to inflict the relevant disciplinary punishment shall be time barred if the disciplinary investigation has not been commenced;

a) in the disciplinary punishments "warning", "reprimand", "suspension from higher education institution for a period of time between one week and one month": within one month,

b) in the disciplinary punishments "suspension from higher education institution for one semester or for two semesters" and "expulsion from higher education institution": within three months as from the date when the chiefs authorized to initiate the disciplinary investigation find out that those actions have been committed.

(3) The power to inflict the relevant disciplinary punishment shall be time barred, if the disciplinary punishment is not inflicted in no later than two years as of the date that the actions requiring disciplinary punishment have been committed. However, in cases where the disciplinary chief or board needs a judicial order, the lapse of time shall start to run as from the date that the judicial order becomes final. Such need shall be determined under the relevant decision or resolution to be taken by the competent disciplinary chief or board.

² As per article 12 of the Disciplinary Regulations for Students of Higher Education Institutions, the chiefs authorized to initiate disciplinary investigations are as follows:

(1) The chiefs authorized to initiate disciplinary investigations are as follows:

a) The dean, due to the disciplinary offenses committed by the faculty students;

b) The institute director, due to the disciplinary offenses committed by the institute students;

c) The director, due to the disciplinary offenses committed by the college or vocational school students;

d) The conservatory director, due to the disciplinary offenses committed by the conservatory students;

e) The university rectors, in relation to the collective student actions that take place in common areas or spaces.

(2) **(As amended by: O.G.-23/12/2016-29927)** The chiefs authorized to initiate disciplinary investigations may either carry out the investigations by themselves or have the investigations carried out by means of the investigator(s) to be assigned by the chiefs. If the chiefs deem necessary, they may also request another higher education institution to assign an investigator for this purpose. **(ATTENTION: THIS IS A NEW ADDITIONAL PARAGRAPH)**

PHASE 4: THE INVESTIGATOR HAS TO GRANT THE INVESTIGATED STUDENT THE RIGHT OF DEFENSE. ALL KINDS OF DISCIPLINARY PUNISHMENT DECISIONS/RESOLUTIONS, ESTABLISHED WITHOUT THE GRANT OF THIS RIGHT, SHALL BE ABOLISHED WITHOUT THE REQUIREMENT OF A FURTHER REVIEW.

LETTER OF INVITATION FOR DEFENSE

Mr./Ms. (Student),

Reference: The letter dated ... and no ... issued by the office of ...

By the reference letter, I am appointed as the investigator for the disciplinary investigation initiated under the allegation that you have cheated by during the [course name] exam held in the classroom/lecture hall no. ... at ... [hour] on/...../20.... You have the right of defense as per article ... of the Disciplinary Regulations for Students of Higher Education Institutions. I importantly notify that you should be present at ... [hour] on [date] in [venue] to submit your defense about the incident (the time granted should not be less than 7 days) and that you shall be deemed to have waived of your right to submit your defense and the investigation report shall be prepared about you on the basis of the available evidence in case you do not comply with the invitation although you do not have an excuse or in case you do not submit your excuse within the time for defense.

Investigator

Signature

PHASE 5: TAKING UP THE DEFENSE. THE STUDENT MAY SUBMIT HIS/HER DEFENSE EITHER IN WRITING OR HIS/HER VERBAL DEFENSE SHALL BE WRITTEN OUT SUBSEQUENTLY BY A CLERK. IN THIS PHASE, AN OATH SHALL NOT BE ADMINISTERED TO THE STUDENT WHO SUBMITS HIS/HER DEFENSE. IT IS NECESSARY THAT THE FULL IDENTITY AND ADDRESS INFORMATION ABOUT THE ONE WHO SUBMITS HIS/HER DEFENSE AND OTHER MATTERS ARE ALSO CONTAINED IN THE RECORD.

RECORD OF DEFENSE [SAMPLE]

INVESTIGATOR: (The investigator's name, surname and position)

INVESTIGATED STUDENT'S:

Name and surname:

Identity information:

Address:

SUBJECT MATTER OF THE INVESTIGATION: (A detailed description of the action for which the disciplinary investigation has been initiated and which constitutes disciplinary offense)

THE DATE WHEN AND THE VENUE WHERE THE DEFENSE HAS BEEN TAKEN UP: At ... [hour], on [date] and at [venue]

THE DEFENSE WRITTEN OUT BY: Sworn Clerk (name, surname and position):

OATH:

An oath has duly been administered to the Clerk whose identity information is indicated above.

An oath has not been administered to the student who has submitted his/her defense. (As per the relevant Regulations; an oath shall not, in his/her statement, be administered to the person whose defense is taken up.)

DEFENSE

Question 1: The action, for which the disciplinary investigation has been initiated and which constitutes disciplinary offense, has been explained to the student. The student has been asked to explain what he/she knows about the incident constituting the subject matter of the disciplinary investigation.

Answer 1:

Question 2:

Answer 2:

The student has been asked if he/she has anything else to say about the incident.

The student said: "I have nothing else to say". This record has been read aloud and the signatures have been taken. [Date]

Investigated Student

Sworn Clerk

Investigator

(signature)

(signature)

(signature)

PHASE 6: IN THIS PHASE, A LETTER OF INVITATION SHALL BE PREPARED FOR THOSE WHO ARE CONSIDERED APPROPRIATE TO BE HEARD IN THEIR CAPACITY AS WITNESS WITH REGARD TO THE ACTION CONSTITUTING THE SUBJECT MATTER OF THE DISCIPLINARY INVESTIGATION. AFTER THE LETTER OF INVITATION IS SENT, THE STAGE "TAKING THE WITNESS'S TESTIMONY" SHALL COMMENCE. IN THIS STAGE, IT IS MANDATORY TO ADMINISTER AN OATH TO THE WITNESS. IN CASE THE TESTIMONY IS TAKEN IN THE ABSENCE OF AN OATH ADMINISTERED DULY; THIS SHALL BE CONSIDERED AS AN IRREGULAR PROCEEDING.

SAMPLES OF THE LETTER OF INVITATION AND THE WITNESS TESTIMONY RECORD ARE AS FOLLOWS.

LETTER OF INVITATION FOR TESTIMONY

Mr./Ms. (Student/Lecturer)

Reference: The letter dated ... and no ... issued by the office of /.... /20...

By the reference letter, I am appointed as the investigator for the disciplinary investigation initiated under the allegation that the student whose name is has cheated by during the [course name] exam held in the classroom/lecture hall no. ... at ... [hour] on/...../20.... By this letter of invitation, I hereby notify that you should submit your testimony in writing by [date] (or be present at the testimony venue, namely [name of the venue] at [hour] on [date]) since it is necessary to take your testimony in respect of the matter in this disciplinary investigation being conducted.

Investigator

(Signature)

WITNESS TESTIMONY RECORD

Upon [name of the witness], who was invited to receive information from as a witness within the framework of the disciplinary investigation initiated against, has entered the room at [hour] on [date]; the witness has appeared before the investigator.

The witness, is the son/daughter of and was born in [location] on [date] and currently resides at [address]. The witness is an employer/employee/student in There is no circumstance constituting an impediment against the witness to testify.

The investigator has explained the subject matter of the investigation and said that an oath shall be administered to the witness. Those present have stood up and then, the text “I swear on my honor and conscience that I will tell you straightly what I know, without fear of anyone, without being under an

influence and without concealing anything and adding something” has been read aloud by the investigator and repeated aloud by the witness. The investigator has proceeded with the witness’s testimony about the incident.

Question 1:

Answer 1:

Question 2:

Answer 2:

Question 3: Do you have anything else to add?

Answer 3: That is all I know; I have nothing to add.

This witness testimony has been read by the witness and then, the witness has confirmed the trueness of the testimony by his/her signature before us.

Investigator

Witness

Sworn Clerk (if he/she has taken part)

Signature

Signature

Signature

PHASE 7: THE INVESTIGATOR SHALL PREPARE A LETTER OF REQUEST IN ORDER THAT THE DEPARTMENT FOR STUDENT AFFAIRS IS ASKED IF THE INVESTIGATED STUDENT WAS PREVIOUSLY PUNISHED WITH A DISCIPLINARY PUNISHMENT AS A RESULT OF AN INVESTIGATION. THEN, THE INVESTIGATOR SHALL FORWARD THIS LETTER TO THE INVESTIGATOR’S FACULTY OR COLLEGE AS THE CASE MAY BE. THE REQUIREMENTS OF THIS LETTER SHALL BE FULFILLED BY THE DEANSHIPS OR DIRECTORATES WITHOUT DELAY.

WHY IS THIS INFORMATION NEEDED IN THIS PHASE? GIVEN THE MATTER TOGETHER WITH THE PROVISIONS OF THE REGULATIONS SET FORTH IN THE FOOTNOTE BELOW³, THIS INFORMATION IS OF SIGNIFICANCE IN DETERMINING THE TYPE OF THE PUNISHMENT TO BE INFLICTED ON THE STUDENT. THE MATTERS “WHETHER OR NOT A PUNISHMENT OF A LOWER DEGREE SHALL BE INFLICTED AND WHETHER OR NOT THE REPETITION PROVISIONS SHALL APPLY” WILL BE HANDLED IN THE LIGHT OF THIS INFORMATION.

THE SAMPLE LETTER IS AS FOLLOWS.

TO THE DEANSHIP OF THE FACULTY

.... /.... /20...

Reference: The letter dated ... and no ... issued by the office of ...

By the reference letter, I am appointed as the investigator for the disciplinary investigation initiated under the allegation that the student with the number, whose name is, has cheated during the [course name] exam held in the classroom/lecture hall no. ... at ... [hour] on [date].

I kindly request that I am urgently informed on whether or not the student was previously punished with a disciplinary punishment within the scope of an investigation.

Investigator

(Signature)

³ **Repetition of a disciplinary offense**

ARTICLE 11 – (1) The punishment, which is heavier in one degree, shall be inflicted in the case of repetition of an action that resulted in disciplinary punishment.

(2) The punishment “expulsion from higher education institution” shall not be inflicted in the case of repetition of disciplinary offense.

Matters to be taken into consideration while inflicting disciplinary punishments

ARTICLE 23 – (1) The chiefs and disciplinary boards authorized to inflict disciplinary punishments shall, while inflicting one of these punishments, take into consideration the severity of the actions constituting the disciplinary offense, the matter “whether or not the investigated student was previously punished with a disciplinary punishment”, the behaviors, attitudes and acts exhibited by the student and whether or not the student feels remorse for the action he/she committed and for the act he/she exhibited.

PHASE 8: IN THIS PHASE, THE INVESTIGATOR SHALL PREPARE A REPORT SPECIFYING WHETHER OR NOT THE ACTION CONSTITUTING THE SUBJECT MATTER OF THE INVESTIGATION HAS TAKEN PLACE, THE PUNISHMENT TO BE ASSESSED BY THE INVESTIGATOR IF THE ACTION HAS TAKEN PLACE (EVEN AN ATTEMPT TO CHEAT SHALL BE PUNISHED), WHETHER OR NOT A PUNISHMENT OF A LOWER DEGREE SHOULD BE INFLICTED, HOW THE INVESTIGATOR HAS ASSESSED THE EVIDENCE ETC.; AND THEN, THE INVESTIGATOR SHALL SUBMIT THE REPORT TO THE DISCIPLINARY CHIEF OR BOARD IN WRITING. THE MATTERS HANDLED IN THE REPORT AS WELL AS THE OPINIONS AND CONCLUSIONS REACHED IN THE REPORT ARE OF SIGNIFICANCE.

INVESTIGATION REPORT [SAMPLE]

INVESTIGATION APPROVAL: The letter dated ... and no ... issued by the office of ...

INVESTIGATED STUDENT'S:

Identity Information

Address:

SUBJECT MATTER OF THE INVESTIGATION: (A detailed description of the action which is allegedly committed by the student, for which the disciplinary investigation has been initiated and which constitutes disciplinary offense)

DATE OF THE OFFENSE:

THE DATE THAT THE INVESTIGATION HAS BEEN COMMENCED:

EVIDENCE: Information and documents obtained within the scope of the investigation

(Defense submitted by the accused, testimony of the witness, etc.)

PHASES OF THE INVESTIGATION: (The investigation process, the proceedings carried out within the scope of the investigation shall be written item by item)

SUMMARY OF THE DEFENSE:

EVALUATION AND RESULT:

Investigator

(Signature) (Date)

PHASE 9: THE REPORT PREPARED BY THE INVESTIGATOR SHALL BE DELIVERED TO THE COMPETENT DISCIPLINARY CHIEF TOGETHER WITH THE INFORMATION AND DOCUMENTS ENCLOSED THEREWITH; AND THE DELIVERY AND RECEIPT SHALL TAKE PLACE AS ACCOMPANIED BY THE RELEVANT LETTER.

THE SAMPLE LETTER IS AS FOLLOWS.

.... /.... /20...

RETURN OF THE INVESTIGATION FILE

**TO THE DEANSHIP/DIRECTORATE OF THE VOCATIONAL SCHOOL
OF THE FACULTY**

Reference: Your letter dated ... and no. ...

By the reference letter, I am appointed as the investigator for the disciplinary investigation initiated under the allegation that the student with the number, whose name is, has cheated by during the [course name] exam held in the classroom/lecture hall no. ... at ... (hour) on/...../20.....

Please find enclosed herewith the file and the investigation report prepared as a result of the disciplinary investigation conducted against as per the provisions of the Disciplinary Regulations for Students of Higher Education Institutions.

I respectfully submit the above matters for your information and kindly request you to take necessary action.

Investigator

(Signature)

Encl.:

1-The Investigation File (... Pages)

(Attention! The investigation file shall be returned along with all of its enclosures and the list of contents.)

PHASE 10: THE DECISION/RESOLUTION TO BE TAKEN BY THE COMPETENT DISCIPLINARY CHIEF OR BOARD. THE MATTERS WHICH ARE NECESSARY TO BE COMPLIED WITH DURING THIS PHASE AND ARE CONSIDERED THE MANDATORY PROVISIONS OF THE REGULATIONS, AND THE NECESSARY CONTENTS IN THE

TEXT OF THE DECISION/RESOLUTION TO BE PREPARED ARE SET FORTH BELOW ITEM BY ITEM. ACCORDINGLY:

1. CONCLUSION OF THE INVESTIGATION:

ARTICLE 18 –

(1) The disciplinary punishments “**warning, reprimand and suspension from higher education institution for a period of time between one week and one month**” shall be inflicted by **the dean** of the relevant faculty and **the director** of the relevant institute, conservatory, **vocational school** or college.

(2) **The rector is authorized to inflict the disciplinary punishments “warning, reprimand and suspension from higher education institution for a period of time up to one month” due to the disciplinary offenses committed in common areas.**

(3) The disciplinary punishments “**suspension from higher education institution for one semester or for two semesters and expulsion from higher education institution**” shall be inflicted **by the competent disciplinary board.**

(4) In the investigations conducted by the faculty, institute, conservatory, college or vocational school, the executive boards of these units shall function as the disciplinary board. In the investigations conducted by the rectorate, the executive board of the university shall function as the disciplinary board.

(5) After having reviewed the investigation file; the rector, dean, director or the disciplinary board may, if necessary, request the same investigator or a member of the disciplinary board to complete certain investigation proceedings found to be incomplete.

2. MATTERS TO BE TAKEN INTO CONSIDERATION WHILE TAKING A RESOLUTION FOR PUNISHMENT:

*****TERM FOR DECISION/RESOLUTION:**

ARTICLE 22 –

(1) The chiefs authorized to inflict disciplinary punishment have to resolve the punishments “warning, reprimand, suspension from higher education institution for a period of time between one week and one month” in no later than ten days as of the date that the investigation has been completed.

(2) In the cases requiring infliction of other disciplinary punishments, the file shall immediately be referred to the disciplinary board. The disciplinary board has to resolve the file in no later than ten days as of the date that the file has been received by the disciplinary board.

3. RAPPORTEUR PRACTICE AT DISCIPLINARY BOARDS:

It is necessary to pay attention to the rapporteur system which is, in practice, skipped or omitted in a punishment resolution to be taken by a disciplinary board. What is this system? At the disciplinary board, the work of rapporteur shall be carried out by a member to be assigned by the chairperson. The rapporteur member shall complete, within two days at the latest, the examination of the file to be referred to him/her, shall complete his/her report and submit the report to the chairperson. At the board, the rapporteur’s statements shall firstly be heard. If the board deems necessary, the board may also hear the investigators. At the end of the discussions, the voting shall take place and the resolution shall be declared by the chairperson.

4. FORMATION OF THE DISCIPLINARY BOARD, AND RESOLUTION QUORUM:

The following are the most significant matters to be taken into consideration in this phase: **If the investigator is a member of the disciplinary board, he/she shall not attend and cast vote at the meetings to be held for the file related to the investigation carried out by the investigator. Likewise, if the investigator is a member of the University Executive Board that will review the objection submitted by the student against the punishment resolution, the investigator should not attend the meeting where the objection will be discussed.**

At disciplinary boards, the resolutions shall be taken by simple majority of the meeting participants. In the case of equality of votes, the majority shall be deemed to have been achieved in the direction of the vote casted by the chairperson.

5. THE MATTERS NECESSARY TO BE CONTAINED IN A PUNISHMENT DECISION/RESOLUTION:

In the punishments ordered by the disciplinary chiefs directly or by the disciplinary boards; it is – by virtue of article 42 of the Constitution – necessary to specify the disciplinary punishment with which the student is punished, which article of the Regulations shall be enforced, the type of the punishment of a lower degree (if such punishment has been ordered) and finally, it is necessary to specify that it is possible to object to the punishment decision/resolution within 15 days and that it is possible to file a case against the punishment in administrative jurisdiction within 60 days, if the right to objection is not exercised.

6. NOTIFICATION OF PUNISHMENT DECISIONS/RESOLUTIONS, AND THE OBLIGATION TO DECLARE AN ADDRESS:

ARTICLE 27 –

(1) All kinds of notifications arising from or in connection with disciplinary investigations shall be made by hand-delivery against signature or in writing at the address declared to the higher education institution by the student, or **by electronic means to the person who declared an electronic address convenient for notifications and then, requested that the notifications be made to the electronic address.** In cases where it is not possible to make the notification by these ways, the notification shall be deemed to have been completed once the notification paper has been announced in the relevant higher education institution.

(2) Although the student has changed his/her address that he/she declared while enrolling in the higher education institution, in case the student has not ensured that his/her new address is registered with the institutions of which he/she is a member or in case the student has provided inaccurate or incomplete address information, the notification sent to the student shall be deemed to have been completed if the notification was made at his/her former address available at the higher education institution.