

DISCIPLINARY REGULATIONS FOR STUDENTS OF HIGHER EDUCATION INSTITUTIONS

PART ONE

Objective, Scope, Legal Basis and Definitions

Objective and scope

ARTICLE 1 – (1) The objective of these Regulations is to set forth the principles and procedures regarding disciplinary punishments to be inflicted on the students of higher education institutions as well as the principles and procedures for investigations.

(2) These Regulations cover all the students at higher education institutions.

Legal basis

ARTICLE 2 – (1) These Regulations have been prepared on the basis of article 54 of the Higher Education Law No. 2547 of 4/11/1981 and the subparagraph (9) of paragraph (a) of article 65 contained in the same Law.

Definitions

ARTICLE 3 – (1) In these Regulations:

a) Student: shall refer to the persons who receive education for associate degree, bachelor's degree, doctoral degree, specialization in medicine or competency in fine arts at higher education institutions;

b) Reprimand: shall refer to the written notification which is made to a student and states that the student is reprimanded due to his/her faulty behaviors;

c) Warning: shall refer to the written notification which is made to a student and states that the student should be more careful about his/her behaviors related to being a student;

d) Higher Education Institutions: shall refer to universities, advanced technology institutes, and faculties, institutes, colleges, conservatories, vocational schools and research and application centers affiliated therewith;

e) Suspension from Higher Education Institution for a Period of Time Between One Week and One Month: shall refer to the written notification which is made to a student and states that the student is suspended from the higher education institution for a period of time between one week and one month and that the student shall not attend any courses and exams during this period of time;

f) Suspension from Higher Education Institution for One Semester: shall refer to the written notification which is made to a student and states that the student is suspended from the higher education institution for one semester and that the student shall not exercise his/her student rights during this period of time;

g) Expulsion from Higher Education Institution: shall refer to the written notification which is made to a student and states that the student is expelled from the higher education institution and that the student shall not be readmitted to the higher education institution from which he/she is expelled;

h) Suspension from Higher Education Institution for Two Semesters: shall refer to the written notification which is made to a student and states that the student is suspended from the higher education institution for two semesters and that the student shall not exercise his/her student rights during this period of time.

PART TWO
Disciplinary Punishments, and
Disciplinary Offenses Requiring Disciplinary Punishments

Disciplinary offenses requiring the disciplinary punishment “warning”

ARTICLE 4 – (1) The actions requiring the disciplinary punishment “warning” are as follows:

- a) Not to answer, in due time and without a justified reason, the questions asked by the officials of the higher education institution;
- b) To post notices at any places outside the places determined by the officials of the higher education institution;
- c) To pull off, tear, change, smudge or stain the announcements, schedules and similar ones posted by the approval of the higher education institution.

Disciplinary offenses requiring the disciplinary punishment “reprimand”

ARTICLE 5 – (1) The actions requiring the disciplinary punishment “reprimand” are as follows:

- a) To provide incompletely or inaccurately any information requested by the officials of the higher education institution;
- b) To disturb the atmosphere of the activities such as a lecture, a seminar, a practical work, a laboratory work, a workshop, a scientific meeting or a conference;
- c) **(As amended by: O.G.-7/11/2013-28814)²** To distribute unauthorized leaflets, to post unauthorized banners and posters within the premises of higher education institution;
- d) To pull off, tear, change, smudge or stain the announcements, schedules and similar ones posted by the higher education institution;
- d) To attempt to cheat during exams.

Disciplinary offenses requiring the disciplinary punishment “suspension from higher education institution for a period of time between one week and one month”

ARTICLE 6 – (1) The actions requiring the disciplinary punishment “suspension from higher education institution for a period of time between one week and one month” are as follows:

- a) **(As amended by: O.G.-23/12/2016-29927)** To commit actions that impede the freedom of learning and teaching or that disturb the functioning of and the peace at higher education institutions;
- b) To impede the proper conduct of disciplinary investigations;
- c) In case there is a document which has been obtained from the higher education institution by the student and grants a right to the student, to deliver such document to another person and thus, to allow this person to use this document, or to use a document pertaining to or belonging to another person;
- d) To commit actions in writing or verbally which damage the honor and dignity of persons in the higher education institution;
- e) To commit actions in writing or verbally which damage the honor and dignity of the personnel employed by the higher education institution in or outside the higher education institution;
- f) To consume alcoholic beverages in the higher education institution;
- g) To organize meetings at the indoor or outdoor spaces belonging to the higher education institution without obtaining permission from the officials.

Disciplinary offenses requiring the disciplinary punishment “suspension from higher education institution for one semester”

ARTICLE 7 – (1) The actions requiring the disciplinary punishment “suspension from higher education institution for one semester” are as follows:

- a) To threaten the students of or the personnel employed by the higher education institution;
- b) To commit actions, such as invading and similar ones, that impede the conduct of the services provided by the higher education institution;
- c) To assault the students of or the personnel employed by the higher education institution;
- d) To commit a theft in the higher education institution;
- e) To destroy the buildings, fixtures and similar materials located within the body of the higher education institution or to damage the information system of the higher education institution;
- f) ___To cheat or to help other students cheat during exams;
- g) ___To plagiarize in seminars, theses, or publications;
- h) **(Added by: O.G.-23/12/2016-29927)** Although the student is punished with suspension from the higher education institution, not to comply with this decision/resolution.

Disciplinary offenses requiring the disciplinary punishment “suspension from higher education institution for two semesters”

ARTICLE 8 – (1) The actions requiring the disciplinary punishment “suspension from higher education institution for two semesters” are as follows:

- a) To prevent the officers of the higher education institution from performing their tasks by using force and violence against these officers;
- b) To prevent the students from making use of the higher education services by using force and violence against these students;
- c) **(As amended by: O.G.-7/11/2013-28814)**¹ *To commit actions deemed as a crime*; or to force a person or a group to organize an action deemed as a crime or participate in such an action by using force or threat,¹
- d) To use, keep or possess narcotics and stimulants in higher education institutions;
- e) During exams, to cheat by using threat, to prevent the removal of a cheating student from the classroom, to have another student take an exam for him/her, or to take an exam for another student;
- f) To commit sexual harassment in higher education institutions;
- g) In higher education institutions, to keep or possess firearms, ammunition thereof and other tools specially made for use in attacking and defending by knives, or explosives in violation of the Law No. 6136 of 10/7/1953 on Firearms, Knives and Other Tools;
- h) To take unjust advantage for his/her benefit or for the benefit of another person by hacking into the information system of the higher education institution;
- i) **(Added by: O.G.-23/12/2016-29927)** To threaten those assigned for investigation;

Disciplinary offenses requiring the disciplinary punishment “expulsion from higher education institution”

ARTICLE 9 – (1) The actions requiring the disciplinary punishment “expulsion from higher education institution” are as follows:

- a) To form an organization in order to commit a crime, to manage such an organization or to become a member of an organization formed for this purpose, to provide assistance to or carry

out an activity in the name of such an organization although he/she is not a member of such an organization, provided that these actions are proven by final court decision(s);

b) To sell, purchase or supply to others or trade narcotics or stimulants in higher education institutions;

c) To use firearms, ammunition thereof and other tools specially made for use in attacking and defending by knives, or explosives in violation of the Law No. 6136 on Firearms, Knives and Other Tools;

d) To violate their sexual immunity by committing sexual behaviors on persons' bodies.

Disciplinary punishments not prescribed

ARTICLE 10 – (1) Disciplinary punishments of the same type shall also be inflicted on those who have committed actions similar to the actions requiring warning or reprimand by their characteristics and severity, other than the disciplinary offenses requiring suspension or expulsion from higher education institution.

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 a disciplinary punishment.

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

PART THREE Disciplinary Investigations

Chiefs authorized to initiate disciplinary investigations

ARTICLE 12 – (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.

Duration of investigation and lapse of time

ARTICLE 13 – (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.⁽³⁾

(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 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.

Procedures concerning the conduct of investigations

ARTICLE 14 – (1) It is essential that the investigations should be conducted confidentially.

(2) The investigator may hear witnesses, carry out fact-finding and exploration activities and consult experts. The investigation proceedings shall be written into a report. The report shall be prepared in such a content specifying where and when the proceedings have been carried out, the nature of the proceedings, the persons that have taken part in the proceedings, and the questions and answers if a statement or testimony has been taken, and shall be undersigned by the investigator, the clerk, the person whose statement or testimony has been taken and – if any – by the persons who were present during the fact-finding or exploration. While their statements/testimonies are taken, the witness and the expert (if the expert has been appointed) shall take an oath, and the witness’s identity, address and other similar descriptive/explanatory information shall be specified.

(3) The personnel of higher education institution shall provide, without causing any delay, all kinds of information, files and other documents requested by the investigators and shall also provide the assistances to be requested.

(4) The investigator shall carry out and complete the investigation which should be limited to the persons against whom and the actions for which the investigation has been initiated. If, in the course of the investigation, the investigator finds out that other disciplinary offenses have been committed apart from the action investigated or that other persons should be included into the investigation within the scope of the same offense, the investigator shall report the circumstance to the competent authority.

(5) In the case that the student has changed his/her department in the higher education institution after he/she has committed the disciplinary offense or that the student has been placed in another higher education institution after he/she has committed the disciplinary offense or that the student has permanently left the higher education institution for whatsoever reason after he/she has committed the disciplinary offense, these cases shall not constitute an impediment against the initiation of the investigation, the continuation of the investigation and the taking of necessary decisions or resolutions.

(6) **(Added by: O.G.-7/11/2013-28814)**² If the investigators deem necessary, during the investigation, the investigators may request the authority –competent to initiate the disciplinary investigation– to take a decision/resolution about prohibiting the entrance of the investigated students to the buildings of the higher education institution.

Right of defense

ARTICLE 15 – (1) The student against whom the disciplinary investigation has been initiated shall be informed about the nature and content of the accusation in advance of at least seven days to the date that the student will submit his/her defense, which information shall be provided in writing. In this letter, the student shall be requested to be present at the indicated hour, on the indicated day and at the indicated venue to submit his/her defense.

(2) **(As amended by: O.G.-23/12/2016-29927)** The person, who is present in order to submit his/her defense, may submit his/her defense verbally or in writing. After submission of the written defense, the investigator may ask additional questions to the student.

(3) The invitation to be sent to the student shall specify that the student shall be deemed to have waived of his/her right of defense and the necessary decision/resolution shall be taken about the student on the basis of other evidence in case the student does not comply with the invitation although he/she does not have an excuse or in case the student does not submit his/her excuse in a timely manner.

(4) An appropriate period of time shall be granted to the student who has submitted a valid excuse or who is understood not to have complied with the invitation due to a compelling reason.

Arrested students shall be notified that they may send their defenses in writing.

(5) The investigation shall be conducted in such a way to allow the student to defend himself/herself properly.

Investigation report

ARTICLE 16 – (1) Once the investigation is concluded, a report shall be prepared. The report shall summarize the approval granted for the investigation, the date that the investigation has been commenced, the identity of the investigated student, the subject matters of the offenses with which the student is charged, the phases of the investigation, the evidence and the defense that has been taken up. The matter “whether or not the offense, with which the student is charged, is proven” shall be discussed and the necessary disciplinary punishment shall be proposed. The investigation-related documents shall be specified in a list of contents, and the originals or copies of these documents shall be attached to the report. The investigation report shall, along with the file, be entrusted to the authority that initiated the investigation.

Conducting a criminal prosecution and a disciplinary investigation concurrently

ARTICLE 17 – (1) In case a criminal prosecution has been commenced against the student due to the same incident, this circumstance shall not delay the disciplinary investigation. In case a criminal prosecution has been commenced against the student, and where the student is sentenced or is not sentenced judicially, these cases shall not constitute an impediment against infliction of the disciplinary punishment.

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.

Disciplinary board's working principles

ARTICLE 19- (1) Upon the invitation by the chairperson, the disciplinary board shall meet at the hour, on the date and at the venue to be determined.

(2) The chairperson shall ensure the preparation of the meeting agenda, the announcement of the meeting agenda to the persons concerned and the regular conduct of the works pertaining to the board.

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

Work of rapporteur, and discussion procedure

ARTICLE 20 – (1) In the disciplinary board, the work of the 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.

(2) At the board, the rapporteur's statements shall firstly be heard. If the board deems it 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.

Voting and decision/resolution

ARTICLE 21 – (1) The chief or disciplinary board authorized to inflict disciplinary punishment is free to adopt or not to adopt the punishment proposed in the investigation report or may inflict another disciplinary punishment provided that the relevant justifications are specified in the decision/resolution.

(2) 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.

(3) If the investigator is a member of the disciplinary board, he/she shall not attend and cast a vote at the meetings to be held for the file related to the investigation carried out by the investigator.

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.

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 has exhibited.

PART FOUR

Enforcement and Objection

Notification of punishments

ARTICLE 24 – (1) The disciplinary punishment decided/resolved at the end of the disciplinary investigation shall be notified to:

- a) the student against the whom the disciplinary investigation has been carried out,
- b) the organization and higher education institution providing scholarship or loan to the student,
- c) in addition to the above, all higher education institutions, the Council of Higher Education, the Assessment, Selection and Placement Center (OSYM), the security departments and the relevant military recruiting offices, if the punishment “expulsion from university” is inflicted, by the chief authorized to initiate the investigation.

Enforcement of disciplinary punishments

ARTICLE 25 – (1) In case the relevant decision/resolution taken by the chief or board authorized to inflict disciplinary punishment does not specify the date as of which the disciplinary punishment shall be enforced, the disciplinary punishment shall be enforced as of the date that it has been ordered.

Legal remedies against disciplinary punishments

ARTICLE 26 – (1) It is possible to object to the disciplinary punishments -inflicted by disciplinary chiefs or boards- before the relevant university executive boards within fifteen days.

(2) In case of an objection, the relevant authority namely the university executive board shall resolve the objection conclusively within fifteen days. In case of an objection, the relevant authority namely the university executive board shall review the decision/resolution and then, shall adopt exactly or reject the punishment ordered. In case of a rejection, the disciplinary board or the competent disciplinary chief shall resolve the objection by taking into consideration the justifications of the rejection.

(3) Without exercising the right of objection, it is also possible to resort to administrative judicial remedies against the punishments ordered under these Regulations.

PART FIVE

Miscellaneous and Final Provisions

Notifications and declaration of 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.

Delivery of files

ARTICLE 28 – (1) The file pertaining to a disciplinary investigation shall be delivered and received along with a list of contents. The list of contents shall be undersigned by the deliverer and the recipient.

Correspondence procedures

ARTICLE 29 – (1) In the correspondences with persons, without prejudice to the service procedure regulated in article 28, the provisions of the Notifications Law No. 7201 shall apply to other matters.

(2) Also, in case a document is delivered by hand, the signed document shall be kept in the investigation file.

Ongoing disciplinary investigations

TEMPORARY ARTICLE 1 – (1) The provisions of these Regulations shall apply to the disciplinary investigations which have been initiated prior to the effective date of these Regulations, however, not have been completed.

Ongoing disciplinary investigations

TEMPORARY ARTICLE 2 – (Added by: O.G.-23/12/2016-29927)

(1) The provisions in article 15/2 of these Regulations, effective prior to the amendment, shall apply to the disciplinary investigations which have been initiated prior to the effective date of this article, however, not have been completed.

Repealed Regulations

ARTICLE 30 – (1) The Higher Education Institutions Student Disciplinary Regulations, published in the Official Gazette dated 13/1/1985 and issue no. 18634, is hereby repealed.

Effectiveness

ARTICLE 31 – (1) These Regulations shall become effective on the date of its publication.

Execution

ARTICLE 32 – (1) The provisions of these Regulations shall be executed by the President of the Council of Higher Education.

1 *Execution of the wording "...To commit actions deemed as a crime...", which is contained in this subparagraph, has been stayed in the judgment dated 3/11/2014 and No: 2014/483 (Stay of Execution Objection) rendered by the Council of State, the Plenary Session of the Chambers for Administrative Cases.*

2 *In the judgment dated 30/4/2014 and No: E.2013/11920 rendered by the 8th Chamber of the Council of State, it has been ordered that the execution of these amendments is hereby stayed; then, the objection submitted against this judgment has been rejected in the judgment dated 3/11/2014 and No: 2014/483 (Stay of Execution Objection) rendered by the Council of State, the Plenary Session of the Chambers for Administrative Cases.*

3 *In the judgment No: 2012/9483 (File), 2016/4594 (Judgment) rendered by the 8th Chamber of the Council of State, it has been ordered that the last sentence of the first paragraph contained in article 13 of the Regulations is hereby annulled.*

Of the Official Gazette in which the Regulations have been published	
Date	Issue No.
18/8/2012	28388
Of the Official Gazettes in which the Regulations Amending these Regulations have been published	

	Date	Issue No.
1.	7/11/2013	28814
2.	23/12/2016	29927
3.		