

# **HIGHER EDUCATION INSTITUTIONS**

## **STUDENT DISCIPLINE REGULATION**

### **PART ONE**

#### **Purpose, Scope, Basis and Definitions**

##### **Purpose and Scope**

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

(2) This Regulation covers all students in higher education institutions.

##### **Basis**

**ARTICLE 2-** (1) This Regulation has been prepared on the basis of Article 54 of the Higher Education Law dated 4/11/1981 and numbered 2547, and sub-clause (9) of paragraph (a) of Article 65.

##### **Definitions**

**ARTICLE 3 -** (1) The expressions in this directive mean:

- (a) Student: Persons studying associate degree, bachelor's degree, master's degree, doctorate, specialty in medicine or proficiency in art in higher education institutions
- (b) Reprimand: Notifying the student in writing that he or she is condemned for their flawed student behavior,
- (c) Warning: A written warning to the student that he / she should be more careful in his / her student behavior,
- (d) Higher Education Institutions: Universities, high technology institutes and their faculties, institutes, colleges, conservatories, vocational schools and application and research centers,
- (e) Suspension from the Higher Education Institution from One Week to One Month: Notifying in writing that the student has been suspended from the higher education institution for a week to a month and that he / she cannot attend classes and exams within this period,
- (f) Suspension from Higher Education Institution for One Semester: Notifying in writing that the student has been suspended from the higher education institution for one semester and that he / she cannot benefit from student rights during this period,
- (g) Exclusion from Higher Education Institution: Notifying the student in writing that he / she has been dismissed from his / her student status in order not to be admitted to the higher education institution where he / she was removed,
- (h) Suspension from the Higher Education Institution for Two Semesters: Notifying in writing that the student has been suspended from the higher education institution for two semesters and that he / she cannot benefit from student rights during this period.

### **PART TWO**

#### **Disciplinary Penalties and Disciplinary Offenses Requiring Disciplinary Penalties**

##### **Disciplinary offenses requiring a warning**

**ARTICLE 4** – (1) The actions that require warning punishment are the following;

- a) Failing to answer the questions asked by the higher education institution authorities in a timely manner without a just cause
- b) Posting advertisements in places other than those determined by the higher education institution authorities
- c) To rip, tear, change, slander or pollute the announcements, programs and similar posted with the permission of the higher education institution.

**Disciplinary offenses requiring reprimand**

**ARTICLE 5** – (1) Actions that require reprimand are as follows;

- a) To report the information requested by the higher education institution authorities incompletely or inaccurately
- b) Disrupting the order of activities such as lectures, seminars, applications, laboratories, workshops, scientific meetings and conferences.
- c) **(Change: RG-7/11/2013-28814)<sup>2</sup>** Distributing papers, hanging posters and banners within the higher education institution without permission
- d) To rip, tear, change, slander or pollute the announcements, programs and the like posted things by the higher education institution,
- e) Attempting to cheat in exams.

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

**ARTICLE 6** – (1) The actions that require suspension from one week to one month from the higher education institution are as follows;

- a) **(Change: RG-23/12/2016-29927)** To take actions that hinder the freedom of learning and teaching or disturb the functioning and peace of higher education institutions.
- b) To prevent disciplinary investigations from being carried out in a healthy way,
- c) Giving someone else a document that provides their rights from the higher education institution or using a document belonging to someone else,
- d) To perform verbal or written actions that damage the honor and dignity of the persons in the higher education institution,
- e) To take verbal or written actions that damage the honor and dignity of the staff of the higher education institution, inside or outside the institution,
- f) Drinking alcoholic beverages in a higher education institution,
- g) To organize meetings in closed and open areas of the higher education institution without permission from the authorities.

**Disciplinary offenses requiring suspension from the higher education institution for one semester**

**ARTICLE 7** - (1) Actions that require suspension from the higher education institution for one semester are as follows;

- a) Threatening the staff and students of higher education institutions,
- b) To act in higher education institutions preventing the services of higher education institutions by means of occupation and similar acts,
- c) To attack the staff and students of the institution,

- d) Stealing in higher education institutions,
- e) To destroy existing buildings, fixtures and similar materials within the body of the higher education institution or to damage the information system,
- f) Cheating or having it pulled in exams,
- g) Plagiarizing in seminars, theses and publications.
- h) **(Addition: RG-23/12/2016-29927)** Not complying with this decision, despite being suspended from the higher education institution.

**Disciplinary offenses requiring suspension from the higher education institution for two semesters**

**ARTICLE 8** - (1) Actions that require suspension from the higher education institution for two semesters are as follows;

- a) To prevent the officers of higher education institutions from performing their duties by using force and violence,
- b) Preventing students from using higher education services by using force and violence,
- c) **(Change:RG-7/11/2013-28814)** Committing *acts that are considered criminal<sup>1</sup>* or forcing a person or group to organize or participate in an action that is considered a crime by force or threat
- d) Using, carrying, keeping drugs and stimulants within higher education institutions,
- e) Threatening cheating in exams, preventing students who cheat from being removed from the exam hall, having someone else take the exam for themselves or taking the exam on behalf of someone else,
- f) Sexually harassing in higher education institutions,
- g) Carrying and keeping firearms and bullets, other tools specially made to be used in attack and defense with knives, explosives in violation of the Law on Firearms and Knives and Other Tools dated 10/7/1953 and numbered 6136,
- h) Entering the information system of the higher education institution and providing an unfair advantage for the benefit of himself or someone else.
- i) **(Addition: RG-23/12/2016-29927)** Threatening those assigned to the investigation.

**Disciplinary offenses requiring exclusion from higher education institutions**

**ARTICLE 9** - (1) Actions that require exclusion from the higher education institution are as follows;

- a) Provided that it is finalized by a court decision, to establish an organization for the purpose of committing a crime, to manage such an organization or to become a member of an organization established for this purpose, to act on behalf of the organization or to assist, although not a member,
- b) Selling, buying, giving to others and trading drugs or stimulants in higher education institutions,
- c) Using firearms, bullets and knives and other tools specially made for use in attack and defense, explosives against the Law on Firearms and Knives and Other Tools numbered 6136,
- d) To violate the sexual immunity of persons by performing sexual acts on their bodies.

### **Unforeseen disciplinary offenses**

**ARTICLE 10** - (1) In addition to disciplinary offenses requiring suspension and expulsion from the higher education institution, those who commit similar actions in terms of nature and severity to actions requiring warning and reprimand are also given the same type of disciplinary penalties.

### **Repetition of disciplinary offense**

**ARTICLE 11** - (1) One degree of severe punishment is imposed for the repetition of an action that has led to a disciplinary penalty.

(2) In case of repetition of the disciplinary offense, the penalty of exclusion from the higher education institution cannot be imposed.

## **PART THREE**

### **Disciplinary Investigation**

#### **Superiors authorized to open an investigation**

**ARTICLE 12** - (1) The superiors authorized to open a disciplinary investigation are as follows;

- a) The dean for disciplinary crimes committed by faculty students,
- b) The director of the institute due to disciplinary offenses committed by the institute students,
- c) The director due to the disciplinary offenses committed by the students of higher education and vocational schools,
- d) Conservatory director due to disciplinary offenses committed by conservatory students,
- e) **(With the decision of the Eighth Department of the Council of State dated 23/12/2020 and numbered E.:2019/6735; K.:2020/5892, annulment clause: University rectors regarding collective student actions in common areas or spaces.)**

(2) **(Change: RG-23/12/2016-29927)** Supervisors authorized to initiate investigations can either carry out the investigation in person or have it done by appointment of an investigator or investigators; If they deem necessary, they can also request the appointment of an investigator from another higher education institution.

#### **Investigation duration and limitation**

**ARTICLE 13** - (1) Disciplinary investigation starts immediately after learning of the incident. The investigation is concluded within fifteen days from the date of approval. (The second sentence annulled by the decision of the Eighth Chamber of the Council of State dated 9/5/2016 and numbered E.:2012/9483; K.:2016/4594; E.:2016/4019 dated 19/4/2017, K.:2017/1660 with the Approval decision numbered, the aforementioned decision became final.)

(2) From the date that students who committed the acts of disciplinary offense listed in this Regulation are learned by the superiors authorized to open an investigation;

a) Within one month in penalties of warning, condemnation, suspension from the higher education institution from one week to one month,

b) In the case of suspension from the higher education institution for one or two semesters and expulsion from the higher education institution within three months, the authority to impose disciplinary punishment expires if a disciplinary investigation is not initiated.

(3) If the disciplinary penalty is not given within two years at the latest from the date on which the actions requiring disciplinary punishment are committed, the authority to give disciplinary punishment is expired. (**Annulment sentence with the decision of the Eighth Chamber of the Council of State dated 23/12/2020 and numbered E.:2019/6735; K.:2020/5892:** *However, in cases where the disciplinary chief or board needs a judicial judgment, the statute of limitations It starts from the day it is finalized. The need in question is determined by the decision of the authorized disciplinary supervisor or board.*)

### **How the investigation was conducted**

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

(2) The investigator can listen to witnesses, make discovery and apply to an expert. Investigation procedures are determined with a report. Minutes; where and when the transaction was carried out, the nature of the transaction, who participated, questions and answers if statements were taken, and signed by the investigator, the clerk, the statement owner and, if any, by those present during the discovery. While the statement is being taken, the witness and in case of appointment of an expert, an oath is made to the expert; Identity, address and similar explanatory information of the witness are stated.

(3) The staff of higher education institutions shall provide all kinds of information, files and other documents requested by the investigators without any delay and fulfill the requested assistance.

(4) The investigator conducts and completes the investigation, limited to the persons and actions against whom an investigation is opened. The investigator, who determines that other disciplinary offenses were committed other than the action investigated during the investigation or that other persons should be included in the investigation within the scope of the same crime, notifies the situation to the competent authority.

(5) The student's relocation within the higher education institution after committing a disciplinary offense or his departure from the higher education institution for whatever reason does not constitute an obstacle to the opening of an investigation, its continuation and taking the necessary decisions.

(6) (**Appendix: RG-7/11/2013-28814**)<sup>2</sup> Investigators; If they deem it necessary, they may request from the competent authority to open a disciplinary investigation to decide on the prohibition of the students under investigation from entering the higher education institution buildings during the investigation.

### **Right to defense**

**ARTICLE 15** - (1) The student who is subject to a disciplinary investigation is notified in writing at least seven days before the date of his defense that the offense is charged. In this text; The student is asked to be present to make his defense at the specified day, time and place.

(2) (**Change: RG-23/12/2016-29927**) A person who comes to defend can present his / her defense verbally or in writing. After the written defense has been presented, the investigator can direct additional questions to the student.

(3) In the invitation to be sent to the student; It is stated that if he does not comply with the call despite being unexcused or does not notify his apology in time, he will be deemed to have waived the defense and the necessary decision will be made based on other evidence.

(4) A student who declares a valid apology or who is found not to comply with the invitation due to force majeure is given an appropriate time. Detained students are informed that they can send their defense in writing.

(5) The investigation is conducted in a way that allows the student to defend himself properly.

### **Investigation report**

**ARTICLE 16** - (1) A report is prepared when the investigation is concluded. The report summarizes the approval of the investigation, the starting date of the investigation, the identity of the investigated, the crimes charged, the stages of the investigation, the evidence and the defense received. It is discussed whether the alleged crime is fixed or not and the necessary disciplinary action is offered. The original or copies of the documents related to the investigation are attached to a series of compasses and attached to the report. The investigation report, together with the file, is submitted to the authority that initiated the investigation.

### **Conducting the criminal prosecution and disciplinary investigation together**

**ARTICLE 17** - (1) The fact that a criminal prosecution has started against the student due to the same incident does not delay the disciplinary investigation. The fact that a criminal prosecution has been filed against the student, whether he is convicted or not according to the law does not prevent disciplinary punishment.

### **Conclusion of the investigation**

**ARTICLE 18** - (1) Penalties of warning, condemnation and suspension from higher education institutions from one week to one month are given by the dean of the relevant faculty, the director of the institute, conservatory, college or vocational school.

(2) (**Annulment clause with the decision of the Eighth Chamber of the Council of State dated 23/12/2020 and numbered E.:2019/6735; K.:2020/5892: Warning, condemnation and suspension from higher education institutions up to one month for disciplinary offenses committed in common areas the authority to issue belongs to the rector.**)

(3) The penalty of suspension from the higher education institution for one or two semesters and expulsion from the higher education institution are given by the authorized disciplinary board.

(4) In the investigations carried out by faculties, institutes, conservatories, colleges and vocational schools, the administrative boards of these units (**Annulment clause with the**

**decision of the Eighth Department of the Council of State, dated 23/12/2020 and numbered E.:2019/6735; K.:2020/5892:** *In the investigations carried out by the rectorate, the university administrative board*) fulfills its duty of the disciplinary board.

(5) Examining the investigation file (**Annulment statement with the decision of the Eighth Chamber of the Council of State dated 23/12/2020 and numbered E.:2019/6735; K.:2020/5892:** *the rector*), the dean, the director or the disciplinary committee, if deemed necessary, request the completion of certain investigative procedures from the same investigator or a member of the disciplinary board.

### **Working procedure of the disciplinary board**

**ARTICLE 19** - (1) The disciplinary board convenes at the place, day and time to be determined upon the call of the president.

(2) The preparation of the meeting agenda, its announcement to the relevant parties, and the regular execution of the board's work are provided by the chairman.

(3) As the disciplinary board, the meeting quorum of the board of directors is the absolute majority of the total number of board members.

### **Reporting and interview procedure**

**ARTICLE 20** - (1) The duty of reporting in the Disciplinary Boards is carried out by the member appointed by the president. The reporter member completes the examination of the file to be transferred within two days at the latest and presents the report to be prepared to the president.

(2) First of all, the statements of the reporter are listened to in the committee. If deemed necessary, the board can listen to the investigators. At the end of the negotiations, voting is held and the decision is announced by the chairman.

### **Voting and decision**

**ARTICLE 21** - (1) The supervisor or disciplinary committee authorized to impose disciplinary punishment is free to accept or reject the punishment suggested in the investigation report; It may also take another disciplinary action provided that the reasons are shown.

(2) Decisions in disciplinary committees are taken with the absolute majority of the participants in the meeting. In case of equality of votes, the majority in the direction of the vote cast by the president is deemed to have been achieved.

(3) If the investigator is a member of the disciplinary committee, he cannot attend the meetings of the file he is investigating and cannot vote.

### **Decision time**

**ARTICLE 22** - (1) Supervisors authorized to give disciplinary punishments are obliged to decide within ten days at the latest from the day the investigation is completed on the penalties of warning, condemnation, suspension from the higher education institution from one week to one month.

(2) In cases where other disciplinary penalties are required, the file is immediately transferred to the disciplinary board. The disciplinary board has to make a decision within ten days at the latest from the date it receives the file.

### **Matters to be considered in disciplinary action**

**ARTICLE 23** - (1) While the superiors and disciplinary committees authorized to give disciplinary penalties give one of these penalties, the severity of the actions that constitute the disciplinary offense, whether the student under investigation has received a disciplinary punishment before, the behavior, attitude and actions, whether he feels regret for the act he has committed and the action he has taken. they take into account.

## **PART FOUR**

### **Application and Objection**

#### **Notification of penalties**

**ARTICLE 24** - (1) The disciplinary penalty given at the end of the disciplinary investigation, by the chief authorized to open an investigation;

- a) A student who has been subject to a disciplinary investigation,
- b) To the institution and higher education institution providing scholarship or credit to the student,
- c) In case of a penalty of expulsion from the university, in addition to the above, all higher education institutions are notified to the Higher Education Council, ÖSYM, police authorities and relevant military service branches.

#### **Application of disciplinary penalties**

**ARTICLE 25** - (1) If the decision of the supervisor or board authorized to give disciplinary punishment does not specify from what date it will be applied, disciplinary penalties are applied from the date they are given.

#### **Remedies against disciplinary penalties**

**ARTICLE 26** - (1) An objection can be made to the university administrative board within fifteen days against disciplinary penalties imposed by the disciplinary superiors and boards.

(2) In the event of an objection, the university administrative board, which is the object of objection, shall make a final decision within fifteen days. In case of an objection, the university administrative board, which is the object of objection, examines the decision and accepts or rejects the punishment. In case of refusal, the disciplinary committee or the competent disciplinary authority shall decide on the objection, considering the reason for the refusal.

(3) Against the penalties imposed according to this Regulation, administrative court can be applied without using the right of objection.

## **PART FIVE**

### **Miscellaneous and Final Provisions**

## **Notification and address reporting**

**ARTICLE 27** - (1) Due to the disciplinary investigation, all kinds of notifications, hand delivery with signature or in writing to the address notified by the student to the higher education institution or by giving an electronic address suitable for notification, the person who wants to be notified to this address is notified electronically. In cases where notification is not possible by these means, the notification is deemed to have been completed by announcing the notification at the relevant higher education institution.

(2) Students who change the address they have notified while enrolling in the higher education institution, but who have not registered it with the institutions they are affiliated with, or who have given an incorrect or incomplete address, are deemed to have been notified to their current addresses at the higher education institution.

## **File delivery**

**ARTICLE 28** - (1) The files of the disciplinary investigation are delivered and received together with the series of documents. Below the array compass are the signatures of the deliverer and the recipient.

## **Correspondence form**

**ARTICLE 29** - (1) In correspondence with persons, the provisions of the Notification Law numbered 7201 shall apply for other matters, without prejudice to the form of notification in Article 28.

(2) If the document is handed over, the signed document is kept in the investigation file.

## **Ongoing disciplinary investigations**

**PROVISIONAL ARTICLE 1** - (1) The provisions of this Regulation shall be applied in disciplinary investigations that were initiated but not completed before the effective date of this Regulation.

## **Ongoing disciplinary investigations**

### **PROVISIONAL ARTICLE 2 - (Ek:RG-23/12/2016-29927)**

(1) In disciplinary investigations that were initiated but not completed before the effective date of this article, the provisions of the second paragraph of the amended Article 15 of this Regulation shall be applied before the amendment.

## **The abolished Regulation**

**ARTICLE 30** - (1) The Higher Education Institutions Student Disciplinary Regulation published in the Official Gazette dated 13/1/1985 and numbered 18634 has been abolished.

## **Force**

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

## **Executive**

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

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<sup>1</sup> With the decision of the Council of State Council of Administrative Law Divisions dated 3/11/2014 and numbered YD Appeal No: 2014/843, the execution of the statement "... to commit acts considered as crimes..." in the first paragraph of Article 8 has been suspended. Later, the Eighth Chamber of the Council of State dated 29/11/2018 and the Act No: 2013/11920; Decision No: 2018/7538, it was decided to annul the expression "committing acts considered as crimes" in sub-clause (c) of the first paragraph of Article 8.

<sup>2</sup> With the decision of the Eighth Chamber of the Council of State dated 30/4/2014 and numbered E: 2013/11920, it was decided to suspend the execution of these changes. The appeal against the decision was rejected.

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	1. 7/11/2013	28814
2. 23/12/2016	29927	
3.		