

REGULATIONS FOR STUDENT DISCIPLINE AT HIGHER EDUCATION INSTITUTIONS

SECTION I Purpose, Scope, Legal Basis, and Terms

Purpose and scope

ARTICLE 1 (1) The purpose of these regulations is to establish principles and procedures regarding the disciplinary investigations and sanctions at higher education institutions.

(2) These regulations apply to all students at higher education institutions.

Legal Basis

ARTICLE 2 (1) These regulations have been prepared based on Article 54 and Article 65 (paragraph a, clause 9) of Act No. 2547: The Higher Education Law, dated 4 November 1981.

Terms

ARTICLE 3 (1) The following terms used in these regulations refer to:

a) Student: an individual who pursues an associate degree, bachelor's degree, graduate degree, or residency at a higher education institution,

b) Reprimand: a written notification to inform the student that his/her behavior was unacceptable,

c) Warning: a written notification to inform the student that s/he should be mindful of his/her behavior as a student,

d) Higher Education Institutions: colleges and advanced technology institutes, and faculties, graduate schools, schools, conservatories, vocational schools, and research centers within them,

e) Suspension from the university up to a month: a written notification to inform the student that s/he has been separated from the university up to a month and s/he cannot attend classes or exams during this period,

f) Suspension from the university for a semester: a written notification to inform the student that s/he has been separated from the university for a semester and his/her student privileges are revoked during this period,

g) Dismissal: a written notification to inform the student that s/he has been dismissed from the university and s/he is ineligible to return to the university,

h) Suspension from the university for two semesters: a written notification to inform the student that s/he has been separated from the university for two semesters and his/her student privileges are revoked during this period.

SECTION II Disciplinary Sanctions and Misconduct Subject to these Sanctions

Misconduct subject to warning

ARTICLE 4 (1) The misconducts subject to warning are as follows:

- a) Failure to respond to inquiries carried out by the officials of the higher education institution in a timely manner without a valid excuse.
- b) Posting flyers and notices in places other than the space designated by the higher education institution,
- c) Damaging (i.e., take down, tear, alter, or draw on etc.) notices, flyers, and schedules authorized by the higher education institution.

Misconduct subject to reprimand

ARTICLE 5 (1) The misconducts subject to reprimand are as follows:

- a) Providing incomplete or false information to the officials of the higher education institution,
- b) Causing disturbance during lectures, seminars, applied practices, lab sessions, workshops, scientific meetings, conferences etc.,
- c) (**Amendment: RG-07/11/2013-28814**)² Distributing handouts, and placing posters and banners within the higher education institution without permission,
- d) Damaging (take down, tear, alter, or draw etc.) the notices, schedules, flyers etc. posted by the higher education institution,
- e) Attempting to cheat during exams.

Misconduct subject to suspension up to a month

ARTICLE 6 (1) The misconducts subject to suspension up to a month are as follows:

- a) Obstructing learning and teaching activities,
- b) Hampering the proper execution of the disciplinary investigation,
- c) Handing over a document issued exclusively for the individual to others for their use, or making use of documents issued for others,
- d) Engaging in actions damaging the honor, dignity, or reputation of the individuals either verbally or in the form of writing at the higher education institutions,
- e) Engaging in actions damaging the honor, dignity, or reputation of the staff members inside or outside the higher education institutions either verbally or in the form of writing,
- f) Consumption of alcoholic beverages within the higher education institution,
- g) Holding indoor or outdoor meetings within the higher education institution without obtaining permission from the officials.

Misconduct subject to suspension for a semester

ARTICLE 7 (1) The misconducts subject to suspension for a semester are as follows:

- a) Threatening staff members or students at the higher education institution,
- b) Obstructing services at higher education institution through invasion or similar actions,
- c) Engaging in physical assault against staff members or students at the higher education institution,
- d) Committing theft at the higher education institution,
- e) Causing damage to buildings or properties at the higher education institution, or involving in a cyber-attack against the information system of the higher education institution,
- f) Cheating on exams or letting others cheat off during the exam,
- g) Engaging in plagiarism in theses, dissertations, and publications.

Misconduct subject to suspension for two semesters

ARTICLE 8 (1) The misconducts subject to suspension for two semesters are as follows:

- a) Restraining higher education staff from carrying out their duties with force or violence,
- b) Restraining students from using higher education services with force or violence,
- c) (**Amendment: RG-07/11/2013-28814**)¹ Committing a crime, or forcing an individual or a group of individuals to commit a crime or to involve in crime with threat or force,
- d) Using or possessing illegal drugs or stimulants within a higher education institution,
- e) Cheating on exams using coercion, preventing cheaters from being dismissed from the exam room, sitting someone’s exam or having an exam impersonator take their exam,
- f) Engaging in sexual harassment at higher education institutions,
- g) Possessing or carrying firearms, ammunition, knives or other offensive or defensive weapons at higher education institutions in deficiency of Act No.6136: “Law on Firearms, Knives and Other Weapons and Equipment”,
- h) Hacking into the information system of the higher education institution to gain an unfair advantage for themselves or others.

Misconduct subject to dismissal from the higher education institution

ARTICLE 9 (1) The misconducts subject to dismissal from the higher education institution are as follows:

- a) Having been punished for establishing an organization for the purpose of engaging in criminal activity, leading or being affiliated with a criminal organization, or supporting or acting on behalf of a criminal organization by a court decision.
- b) Selling, buying, supplying or trading illegal drugs and/or stimulants at higher education institutions,
- c) Using firearms, ammunition, knives or other offensive or defensive weapons at higher education institutions in deficiency of Act No.6136: “Law on Firearms, Knives and Other Weapons and Equipment”,
- d) Being engaged in sexual assault that violates the sexual inviolability.

Unforeseen disciplinary offences

ARTICLE 10 (1) Except for the misconducts subject to suspension or expulsion from the university, those who engage in behaviors or actions comparable to misconduct that require warning and reprimand in nature and severity are subject to the same type of disciplinary sanctions.

Repeated misconduct

ARTICLE 11 (1) A more severe sanction is imposed in case of the repetition of an offence that was previously sanctioned.

(2) The student is not expelled from the university due to the recurrence of the offence.

SECTION III Disciplinary Investigation

Officials authorized to launch an investigation

ARTICLE 12 (1) Officials authorized to launch an investigation include:

a) The Dean in the event that the disciplinary offence is committed by a student enrolled in a faculty,

b) The Provost of the Graduate School in the event that the disciplinary offence is committed by a graduate student,

c) The School Director in the event the disciplinary offence is committed by a student enrolled in a school or vocational school,

d) The Conservatory Director in the event the disciplinary offence is committed by a student enrolled in a conservatory,

e) University Rectors in the event that the disciplinary offence is committed collectively by a group of students in common spaces and areas.

(2) Officials who are authorized to initiate an investigation can personally conduct the investigation. Likewise, they can delegate investigator(s).

Investigation period and lapse of time

ARTICLE 13 (1) A disciplinary investigation is launched immediately after the misconduct is reported. The investigation is completed within 15 days from the date of the approval. In the event that the investigation cannot be completed within this period, the investigator requests an extension. The investigator must specify a valid reason for an extension. The official authorized to initiate the investigation may approve the extension, if deemed appropriate.

(2) For students who have been engaged in offences described in these regulations, the authorized official must initiate an investigation:

a) within a month for offences subject to warning, reprimand, suspension up to a month,

b) within three months for offences subject to suspension for a semester or two semesters, or expulsion from the university, after the offence is reported. Failure to initiate the investigation within these periods results in revocation of authorization to impose a sanction due to the lapse of time.

(3) The failure to impose a sanction within two years after the offence is committed results in revocation of authorization to impose a sanction due to the lapse of time. However, in the event that disciplinary committee or the official calls for a judicial decree, lapse of time starts on the date the verdict is accepted. The need for the judicial decree is determined by the authorized disciplinary committee or the official.

Investigation process

ARTICLE 14 (1) Disciplinary investigations are confidential.

(2) The investigator may hear from witnesses, conduct a field investigation, and consult subject-matter experts. The written reports of the disciplinary proceedings are kept for official records. The reports detail the place, time and nature of the proceeding, as well as individuals present in the proceeding. If a testimony is heard, questions asked, and responses are also included in the report. The report is signed by the investigator, the secretary, witness(es), and other individuals present in the field investigation, if conducted. The witnesses and subject matter experts, if consulted, take an oath before hearing the testimony. The identification details, contact address and other explanatory notes about the witness(es) are stated in the report.

(3) Higher education institution staff is responsible to immediately provide all necessary information, files, documents and the assistance sought by the investigator.

(4) The investigator only pursues an investigation about the cases or individuals that are the subject of that particular investigation. If the investigator identifies offences other than the one investigated or determines other individuals should be involved in the investigation regarding that particular offence, they notify the relevant authorities of the situation.

(5) Transfers within the higher education institution, transfers to another higher education institution, or withdrawal from the higher education institution for some reason after the disciplinary offence is committed does not prevent initiating or conducting an investigation or taking the necessary decisions about investigation.

(6) **(Insertion: RG-07/11/2013-28814)**² If they deem it necessary, investigators may ask the authorized officials to take a decision to ban students under investigation from buildings and facilities of the higher education institutions while the investigation is proceeding.

Disciplinary Hearing

ARTICLE 15 (1) The student under disciplinary investigation is given a written notification of the allegations seven days at the latest before the date of the disciplinary hearing. The student is asked to be present in the hearing at the specified date, time and place to respond to the allegations.

(2) In the event that the student requests to respond to allegations in writing, they are given at least three days. The student under investigation might face additional questions after the submission of the written defense.

(3) A summons is issued to be delivered to the student, which indicates that the student will forfeit their right for the hearing and that a decision will be rendered based on the other evidence if they fail to attend the hearing without a valid excuse or report their excuse in a timely manner.

(4) The student may be granted an extension for the hearing if it is determined that the student was unable to obey the summons due to *force majeure* or if they report a valid excuse. Students under arrest are notified that they can submit a written defense.

(5) The investigation should allow the student to defend themselves properly.

Investigation Report

ARTICLE 16 (1) A final report is written after the investigation has been completed. The report summarizes the investigation approval, the date investigation has been begun, the identification details of the student under investigation, the scope of the allegations, the phases of investigation, evidence, and the hearings. The report also discusses whether allegations are proven or not and proposes the required sanctions. Originals or copies of all investigation documents are attached to the report along with a table of contents. The investigation report and files are then submitted to the authorities that initiated the investigation.

Prosecuting criminal proceeding and disciplinary investigation concomitantly

ARTICLE 17 (1) The fact that a prosecution has been initiated for the same offence does not impede the disciplinary investigation. Similarly, the fact that the prosecution has been initiated, the student has been or has not been convicted does not impede imposition of the disciplinary sanction.

Resolution of the Investigation

ARTICLE 18 (1) Sanctions of warning, reprimand, and suspension up to a month are imposed by the faculty deans or the directors of graduate schools, conservatories, schools, or vocational schools.

(2) The rector has the authority to impose warning, reprimand and suspension up to one month for disciplinary offenses committed in common areas.

(3) Sanctions of suspension for a semester or two are imposed by the authorized disciplinary committee.

(4) For those investigations conducted within faculties, graduate schools, conservatories, schools, and vocational schools, the relevant executive board serves as the disciplinary committee. For

those investigations conducted by the Rector's Office, the University Board of Directors serves as the disciplinary committee.

(5) The rector, dean, director or the disciplinary committee may ask the same investigator or a member of the disciplinary committee to complete investigation procedures which they deem insufficient if necessary.

Operating procedures of disciplinary committee

ARTICLE 19 (1) The disciplinary committee convenes upon the Chair's call, on a specified date, time and location.

(2) The Chair ensures that the meeting agenda is set, relevant bodies are informed of the agenda, and the committee activities are run smoothly.

(3) The meeting quorum for the disciplinary committee is the absolute majority of the members of the Board of Directors.

Rapporteur and deliberative process

ARTICLE 20 – (1) The chair of the disciplinary committee designates one of the committee members as the rapporteur. The rapporteur reviews the disciplinary file transferred to the committee within two days and delivers a report to the Chair.

(2) The committee first hears rapporteur's statement. If deemed necessary, the committee might also hear the investigators. Following the deliberations, the committee takes a vote, and the result is declared by the Chair.

Voting and making decisions

ARTICLE 21 (1) The disciplinary committee or the official reserves the right to accept or reject the sanction recommended in the investigation report. Provided that they state the reasons, they may impose a different sanction.

(2) The Disciplinary Board takes a decision only if the absolute majority is achieved among the committee members present in the meeting. In case of a tie, the chair has the casting vote.

(3) If a member of the disciplinary committee is tasked with pursuing a disciplinary investigation for a case, they cannot attend the committee meetings related with this particular case nor cast a vote for the case.

Decision Period

ARTICLE 22 (1) In case of a misconduct that is subject to warning, reprimand or suspension up to a month, officials must come to a decision within ten days after the investigation has been completed.

(2) In the case of a more severe misconduct, the disciplinary file is immediately transferred to the disciplinary committee. The committee must reach a decision within ten days after the file is received.

Sanctioning Guidelines

ARTICLE 23 (1) Disciplinary committee or officials consider the severity of the misconduct, previous disciplinary record, student's behaviors and attitudes, expression of remorse for their misconduct when they assign sanctions.

SECTION IV Imposition of Sanctions and Appeal

Notification of the sanctions

ARTICLE 24 (1) The disciplinary sanction imposed on the student after the disciplinary investigation is reported to the following parties by the official authorized to initiate the investigation:

- a) The student under investigation,
- b) The higher education institution or organization which provides a scholarship or funding to the student,
- c) In case of dismissal from the university, all higher education institutions, Higher Education Council of Turkey (YÖK), ÖSYM, law enforcement agencies, and military recruitment offices besides parties listed above.

Imposing the sanctions

ARTICLE 25 (1) Unless the authorized official or the disciplinary committee specifies another date, the sanction takes effect on the date it is assigned.

Appeals against sanctions

ARTICLE 26 (1) Students can appeal against the sanctions imposed by the officials or disciplinary committee within 15 days the sanction is assigned. The appeal should be submitted to the Board of Directors of the university.

(2) In case of an appeal, the Board of Directors of the university which has the authority to process the appeals reaches a decision it within 15 days. The board reviews the sanction and either approves or rejects it. In case of a rejection, disciplinary committee or the official makes a decision about the appeal after carefully reviewing the reasons for rejection.

(3) The student has the right to take the disciplinary sanction to the administrative court without filing an appeal against the decision with the higher education institution.

SECTION V

Miscellaneous and Final Provisions

Written notifications and change of address

ARTICLE 27 (1) Formal notifications regarding the disciplinary investigation can be delivered by hand to the student (i.e., a signature is requested upon delivery), mailed to the address provided by the student, or sent electronically to a valid email address upon student's request. In the event that the notification cannot be sent via any of the above methods, the notification is posted in the higher education institution and the student is deemed to be notified.

(2) In the event that students fail to notify a change of address or provide an inaccurate or incomplete address and notifications are sent to the address in the records and students are deemed to be notified.

Submitting the investigation file

ARTICLE 28 (1) Investigation files to be submitted or received should include a table of contents with signatures of both the submitter and the recipient.

Official correspondence procedures

ARTICLE 29 (1) In addition to the Article 28 of these regulations, related provisions in Act No. 7201: "Law on Formal Notifications" are followed in formal correspondence with the respondent.

(2) In the event that documents are delivered by hand, the signed receipts are kept in the investigation file.

Ongoing disciplinary investigations

PROVISIONAL ARTICLE 1 (1) For ongoing investigations that have not been completed by the enforcement date of these regulations, the provisions in these regulations are applied.

Repealed regulations

ARTICLE 30 (1) Regulations for Student Discipline at Higher Education Institutions published in the Official Gazette No: 18634 on 13 January 1985 have been repealed.

Enforcement Date

ARTICLE 31 (1) These regulations become effective on the date of its publication.

Execution

ARTICLE 32 (1) The provisions in these regulations are executed by the President of Higher Education Council of Turkey.

These regulations were published in the *Official Gazette* No.28388, dated 18 August 2012.

Amendments to these regulations were published in the *Official Gazette* No.28814, dated 7 November 2013.