

HIGHER EDUCATION INSTITUTIONS STUDENT DISCIPLINARY REGULATIONS

PART ONE

Purpose, Scope, Basis and Definitions

Purpose and scope

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

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

Basis

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

Definitions

ARTICLE 3 - (1) The following terms this Regulation are defined as follows;

a) Student: Persons studying associate, undergraduate, graduate, postgraduate, doctorate, medical specialty or proficiency in art in higher education institutions,

b) Reprimand: Notifying the student in writing that he/she has been reprimanded for his/her misconduct related to being a student,

c) Warning: To warn the student in writing that the student should be more careful in his/her behavior related to being a student,

ç) Higher Education Institutions: Universities, institutes of high technology and their faculties, institutes, colleges, conservatories, vocational schools, application and research centers,

d) Suspension from the Higher Education Institution from One Week to One Month: Notifying the student in writing that he/she has been suspended from the higher education institution for a period of one week to one month and that he/she cannot attend classes and exams during this period,

e) Suspension from Higher Education Institution for One Semester: Notifying the student in writing that he/she is suspended from the higher education institution for one semester and cannot benefit from student rights during this period,

f) Expulsion from Higher Education Institution: Notifying the student in writing that he/she is dismissed from the higher education institution from which he/she was dismissed,

g) Suspension from Higher Education Institution for Two Semesters: Notifying the student in writing that he / she is suspended from the higher education institution for two semesters and cannot benefit from student rights during this period.

PART TWO

Disciplinary Penalties and Disciplinary Penalties

Disciplinary offenses requiring a warning penalty

ARTICLE 4 - (1) Actions that require a warning penalty are as follows;

- a) Failing to answer the questions asked by the higher education institution authorities on time without a justified reason,
- b) Posting advertisements outside the places determined by the higher education institution authorities,
- c) Tearing, tearing, changing, defacing or defiling the announcements, programs and the like posted with the permission of the higher education institution.

Disciplinary offenses requiring reprimand

ARTICLE 5 - (1) Actions that require the penalty of reprimand are as follows;

- a) Reporting incomplete or incorrect information requested by the higher education institution authorities,
- b) Disrupting the order of studies such as lectures, seminars, practices, laboratories, workshops, scientific meetings and conferences,
- c) (Change: OG-7/11/2013-28814)² Distributing leaflets, hanging banners and posters inside the higher education institution without permission,
- ç) Tearing, tearing, changing, defacing or defiling the announcements, programs and the like posted by the higher education institution,
- d) Attempting to cheat in exams.

Disciplinary offenses that require suspension from the higher education institution for one week to one month

ARTICLE 6 - (1) Actions that require suspension from the higher education institution from one week to one month are as follows;

- a) (Change: RG-23/12/2016-29927) Acting in a way that prevents the freedom of learning and teaching or disrupts the functioning and peace of higher education institutions,
- b) Preventing the healthy conduct of disciplinary investigations,
- c) Giving a document from a higher education institution that entitles him/her to use it by giving it to someone else or using a document belonging to someone else,
- ç) Performing verbal or written actions that damage the honor and dignity of individuals in the higher education institution,
- d) Engaging in verbal or written actions that damage the honor and dignity of higher education institution personnel, inside or outside the institution,
- e) Drinking alcoholic beverages in the higher education institution,
- f) Organizing meetings in enclosed and open spaces belonging to the higher education institution without permission from the authorities.

Disciplinary offenses that require 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 the higher education institution,
- b) Engaging in actions that prevent the services of higher education institutions by invading and similar acts in higher education institutions,
- c) Physically assaulting the staff and students of the Institution,
- ç) Theft in higher education institutions,
- d) Destroying existing buildings, fixtures and similar materials within the higher education institution or damaging the information system,
- e) Cheating or having cheated in exams,
- f) Plagiarizing in seminars, thesis and publications.
- g) (Addition: OG-23/12/2016-29927) Failure to comply with this decision despite being suspended from the higher education institution.

Disciplinary offenses that require 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) Preventing the performance of the duty by using force and violence against the higher education institution officials,
- b) Preventing students from benefiting from higher education services by using force and violence against them,
- c) (Change: OG-7/11/2013-28814) (The phrase whose execution was suspended by the decision of the Council of State Administrative Appeals Board dated 3/11/2014 and numbered YD Appeal No: 2014/843; the phrase canceled by the decision of the Eighth Chamber of the Council of State dated 29/11/2018 and numbered 2013/11920; Decision No: 2018/7538; Committing criminal acts) (the phrase canceled by the decision of the Eighth Chamber of the Council of State dated 3/6/2022 and numbered File No: 2021/1387; Decision No: 2022/3777; or forcing a person or group to organize or participate in a criminal act by force or threat,)
- ç) Using, carrying or possessing drugs and stimulants within higher education institutions,
- d) Cheating in exams with threats, preventing the removal of cheating students from the exam hall, letting someone else take the exam in their place or taking the exam in someone else's place,
- e) Sexual harassment in higher education institutions,
- f) Carrying and keeping firearms and their bullets, knives and other tools specially made for use in attack and defense, explosive substances in higher education institutions in violation of the Law No. 6136 on Firearms, Knives and Other Tools dated 10/7/1953,
- g) To gain an unfair advantage for himself/herself or for the benefit of someone else by accessing the information system of the higher education institution.
- ğ) (Addition: OG-23/12/2016-29927) Threatening those assigned with the investigation.

Disciplinary offenses requiring expulsion from the higher education institution

ARTICLE 9 - (1) Actions that require the penalty of expulsion from the higher education institution are as follows;

- a) Establishing an organization for the purpose of committing a crime, leading such an organization, or being a member of an organization established for this purpose, or, although

not being a member, carrying out activities on behalf of the organization or aiding it, provided that it has been decreed by a court decision,

b) Selling, buying, giving to others and trading drugs or stimulants in higher education institutions,

c) Using firearms, bullets, knives and other tools specially made for use in attack and defense, explosive substances in violation of the Law No. 6136 on Firearms, Knives and Other Tools,

ç) Violating the sexual inviolability of persons by performing sexual acts on their bodies.

Unforeseen disciplinary offenses

ARTICLE 10 - (1) Except for the disciplinary offenses that require suspension and expulsion from the higher education institution, those who commit acts similar in nature and severity to the acts that require a warning and reprimand penalty are also given the same type of disciplinary penalties.

Repetition of disciplinary offense

ARTICLE 11 - (1) In the repetition of an act that has led to the imposition of a disciplinary penalty, a penalty that is one level higher than the original ruling is applied.

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

PART THREE

Disciplinary Investigation

Authorized supervisors to open an investigation

ARTICLE 12 - (1) The supervisors authorized to open disciplinary investigations are as follows;

a) Dean for disciplinary offenses committed by faculty students,

b) The director of the institute for disciplinary offenses committed by the students of the institute,

c) The director for disciplinary offenses committed by the students of colleges and vocational schools,

ç) Conservatory director for disciplinary offenses committed by conservatory students,

d) (Revoked by the decision of the Eighth Chamber of the Council of State dated 23/12/2020 and numbered F.:2019/6735; D.:2020/5892: University rectors in relation to collective student protests in common areas or places.)

(2) (Amended: OG-23/12/2016-29927) The supervisors authorized to open an investigation may conduct the investigation in person or by appointing an investigator or investigators; if deemed necessary, they may also request the appointment of an investigator from another higher education institution.

Duration of the investigation and statute of limitations

ARTICLE 13 - (1) Disciplinary investigation is started immediately after the incident is learned. The investigation is concluded within fifteen days from the date of approval. (Second sentence canceled by the decision of the Eighth Chamber of the Council of State dated 9/5/2016 and numbered F.:2012/9483; D.:2016/4594; the aforementioned decision became final with the decision of the Council of State's Plenary Board of Administrative Law Chambers dated 19/4/2017 and numbered F.:2016/4019, D.:2017/1660).

(2) Students who commit the acts of disciplinary offenses listed in this Regulation shall be sentenced to

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

b) Within three months for the penalties of suspension from the higher education institution for one or two semesters and expulsion from the higher education institution,

If a disciplinary investigation is not initiated, the authority to impose disciplinary punishment shall lapse.

(3) If a disciplinary penalty is not imposed within two years at the latest from the date of the acts requiring disciplinary punishment, the authority to impose disciplinary punishment shall lapse. (Annulled by the decision of the Eighth Chamber of the Council of State dated 23/12/2020 and numbered F.:2019/6735; D.:2020/5892: However, in cases where the disciplinary supervisor or board needs a judicial judgment, the statute of limitations starts from the day the judicial judgment becomes final. The said need is determined by a decision to be taken by the authorized disciplinary supervisor or board).

How the investigation is conducted

ARTICLE 14 - (1) Confidentiality of the investigation is essential.

(2) The investigator may hear witnesses, make discovery and consult experts. Investigation procedures shall be recorded in a report. The report shall be prepared in such a way as to

indicate where and when the procedure was carried out, the nature of the procedure, who participated, the questions and answers if a statement was taken, and shall be signed by the investigator, the clerk, the statement taker and, if any, those present during the discovery. While taking a statement, the witness and, in case an expert is appointed, the expert shall be made to take an oath; the identity, address and similar explanatory information of the witness shall be indicated.

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

(4) The investigator shall carry out and complete the investigation limited to the persons and acts under investigation. If during the investigation, the investigator determines that other disciplinary offenses other than the action under investigation have been committed or that other persons should be included in the investigation within the scope of the same offense, the investigator notifies the competent authority.

(5) The fact that the student has moved within the higher education institution or has changed the higher education institution after committing the disciplinary offense or has left the higher education institution for any reason whatsoever does not constitute an obstacle to the opening and continuation of the investigation and taking the necessary decisions.

(6) (Addition: OG-7/11/2013-28814) (Annulled paragraph with the decision of the Eighth Chamber of the Council of State dated 3/6/2022 and numbered File No: 2021/1387; Decision No: 2022/3777; Investigators may request the authority authorized to open the disciplinary investigation to decide on the prohibition of the investigated students from entering the buildings of the higher education institution during the investigation if they deem it necessary).

Right to defense

ARTICLE 15 - (1) The student against whom a disciplinary investigation is initiated is notified in writing at least seven days before the date of his/her defense. In this letter; the student is asked to be present on the specified day, time and place to make his/her defense.

(2) (Amended:OG-23/12/2016-29927) The person who comes to make his/her defense may present his/her defense either orally or in writing. After the written defense is presented, the investigator may ask additional questions to the student.

(3) In the invitation to be sent to the student; it is stated that if he/she does not comply with the call without an excuse or does not notify his/her excuse on time, he/she will be deemed to have given up the defense and the necessary decision will be made about him/her based on other evidence.

(4) An appropriate period of time shall be given to the student who submits a valid apology or fails to comply with the invitation due to force majeure. Students under arrest are informed that they can submit their defense in writing.

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

Investigation report

ARTICLE 16 - (1) When the investigation is concluded, a report shall be prepared. The report summarizes the approval of the investigation, the date of commencement of the investigation, the identity of the investigated, the alleged crime, the stages of the investigation, the evidence and the defense taken. It is discussed whether the alleged offense is fixed or not and the necessary disciplinary action is proposed. The original or copies of the documents related to the investigation are attached to the report with a series of notes. The investigation report shall be submitted to the authority that opened the investigation together with the file.

Conducting criminal prosecution and disciplinary investigation together

ARTICLE 17 - (1) The initiation of criminal proceedings against a student for the same incident does not delay the disciplinary investigation. The fact that criminal proceedings have been initiated against the student, whether or not he/she has been convicted according to the law does not constitute an obstacle to the imposition of disciplinary punishment.

Finalization of the investigation

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

(2) (Canceled paragraph with the decision of the Eighth Chamber of the Council of State dated 23/12/2020 and numbered F.:2019/6735; D.:2020/5892: The rector has the authority to impose warning, reprimand and suspension of up to one month from higher education institutions for disciplinary offenses committed in common places).

(3) The penalties of suspension from the higher education institution for one or two semesters and expulsion from the higher education institution are imposed 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 (canceled by the decision of the Eighth Chamber of the Council of State dated 23/12/2020 and numbered F.:2019/6735; D.:2020/5892: In the investigations carried out by the rectorate, the university administrative board fulfills the duty of the disciplinary board).

(5) The dean, director or disciplinary board, which examines the investigation file (revoked by the decision of the Eighth Chamber of the Council of State dated 23/12/2020 and numbered F.:2019/6735; D.:2020/5892: rector), may request the same investigator or a member of the disciplinary board to complete certain investigation procedures that it deems incomplete if deemed necessary.

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 chairman.

(2) Preparation of the agenda of the meeting, announcement thereof to the relevant persons and orderly conduct of the work of the board shall be ensured by the chairman.

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

Rapporteur and interview procedure

ARTICLE 20 - (1) The duty of rapporteur in the Disciplinary Boards shall be carried out by the member to be assigned by the chairman. The rapporteur member shall complete the examination of the file to be referred within two days at the latest and submit the report to the chairman.

(2) The Board shall first listen to the statements of the rapporteur. The Board may also hear the investigators if deemed necessary. At the end of the discussions, voting shall be held and the decision shall be announced by the chairman.

Voting and decision

ARTICLE 21 - (1) The supervisor or disciplinary board authorized to impose disciplinary punishment is free to accept or reject the punishment proposed in the investigation report; it may also impose another disciplinary punishment provided that it shows its justifications.

(2) Decisions of the disciplinary boards shall be taken with the absolute majority of those attending the meeting. In case of equality of votes, the vote cast by the chairman shall be deemed to be the majority.

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

Decision period

ARTICLE 22 - (1) The supervisors authorized to impose disciplinary penalties must decide on the penalties of warning, reprimand, suspension from the higher education institution from one week to one month within ten days at the latest from the day the investigation is completed.

(2) In cases requiring other disciplinary penalties, the file is immediately referred to the disciplinary board. The disciplinary board must decide within ten days at the latest from the date it receives the file.

Matters to be considered when imposing disciplinary penalties

ARTICLE 23 - (1) The supervisors authorized to impose disciplinary penalties and the disciplinary boards, while imposing one of these penalties, take into account the severity of the acts constituting the disciplinary offense, whether the student under investigation has previously received a disciplinary punishment, his/her behavior, attitude and actions, and whether he/she regrets the act he/she has committed and the action he/she has taken.

SECTION FOUR Implementation and appeal

Notification of penalties

ARTICLE 24 - (1) The disciplinary penalty imposed at the end of a disciplinary investigation is determined by the supervisor authorized to conduct the investigation;

a) To the student against whom the disciplinary investigation is conducted,

b) To the organization and higher education institution granting scholarships or loans to the student,

c) If the penalty of dismissal from the university is imposed, in addition to the above, to all higher education institutions, the Council of Higher Education, Student Selection and Placement Center (ÖSYM), security authorities and the relevant military branches are notified.

Implementation of disciplinary penalties

ARTICLE 25 - (1) Disciplinary penalties shall be applied as of the date they are imposed, unless it is specified in the decisions of the supervisors or boards authorized to impose disciplinary penalties as from which date they shall be applied.

Ways of appealing against disciplinary penalties

ARTICLE 26 - (1) Disciplinary penalties imposed by disciplinary supervisors and boards may be appealed to the university administrative board within fifteen days.

(2) In case of an objection, the university board of directors, which is the objection authority, finalizes the objection within fifteen days. In case of objection, the university board of directors, which is the objection authority, examines the decision and accepts or rejects the punishment imposed. In case of rejection, the disciplinary board or the authorized disciplinary supervisor decides on the objection by considering the reason for rejection.

(3) Against the penalties imposed according to this Bylaw, administrative judicial remedy can be applied without using the right of appeal.

SECTION FIVE

Miscellaneous and Final Provisions

Written communications and address notification

ARTICLE 27 - (1) Due to the disciplinary investigation, all kinds of notifications are delivered in person with a signature or in writing to the address provided by the student to the higher education institution or by electronic means to the person who has provided an electronic address suitable for notification and requests notification to be made to this address. In cases where it is not possible to be notified in these ways, the notification is deemed to be completed by announcing the notification warrant in the relevant higher education institution.

(2) Students who have changed the address they declared while enrolling in the higher education institution, but have not registered it with the institutions they belong to, or who have given an incorrect or incomplete address, shall be deemed to have been notified if the notification is made to their current address in the higher education institution.

File submission

ARTICLE 28 - (1) The files pertaining to the disciplinary investigation shall be delivered and received together with the index sheet. Signatures of the deliverer and the receiver shall be found under the index sheet.

Form of correspondence

ARTICLE 29 - (1) Without prejudice to the form of notification in Article 28 in correspondence with persons, the provisions of the Notification Law No. 7201 shall apply in other matters.

(2) In case the document is delivered by hand, the signed document is kept in the investigation file.

Ongoing disciplinary investigations

PROVISIONAL ARTICLE 1 - (1) The provisions of this Regulation shall apply to disciplinary investigations that have been initiated but not completed before the effective date of this Regulation.

Ongoing disciplinary investigations

PROVISIONAL ARTICLE 2 - (Additional: OG-23/12/2016-29927)

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

Repealed Regulation

ARTICLE 30 - (1) The Regulation on Student Discipline of Higher Education Institutions published in the Official Gazette dated 13/1/1985 and numbered 18634 has been repealed.

Effectiveness

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

Execution

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

	Of the Official Gazette in which this Regulation is Published	
	Date	Issue
	18/8/2012	28388
	Of the Official Gazette in which this Regulation is Amended	
	Date	Issue
1.	7/11/2013	28814
2.	23/12/2016	29927
3.		