

HIGHER EDUCATION LAW

Law Number: 2547
Acceptance Date: 4/11/1981
Published in the Official Gazette: Date : 6/11/1981
Number : 17506
Published in the Statute Book: Book : 5 Volume : 21 Page :
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*For the provisions of this law are not in force, refer to
"Compilation of Repealed Provisions of Some Current
Laws" Volume: 2 Page: 1187*

*Student Disciplinary Matters:***Article 54 – (Amended :2/2/2023-7437/ Article 2)**

(1) Disciplinary penalties and the disciplinary offenses requiring such penalties:

- a) Reprimand: Written notification to the student for their faulty behavior related to their studentship. Offenses requiring a reprimand include:
 - 1) Providing incomplete or false information with the intention of misleading as requested by the higher education institution officials,
 - 2) Disrupting the order of activities such as classes, seminars, exams, laboratories, workshops, scientific meetings and conferences,
- 3) Sub-paragraph annulled by the Constitutional Court of the Republic of Türkiye decision dated 22 February 2024, numbered E: 2023/78, K: 2024/55)
 - 4) Distributing leaflets, hanging posters or banners without permission within the higher education institution,
 - 5) Tearing, ripping, altering, defacing or dirtying announcements, programs and similar items distributed by or with the permission of higher education institution,
 - 6) Attempting to cheat in exams,
 - 7) Smoking cigarettes and other tobacco products, as well as using electronic cigarettes outside the areas designated by university senate within the university campus..
- b) Suspension from higher education institution for a period from one week to one month: It is the written notification to the student that they are suspended from the higher education institution for a period from one week to one month that they cannot attend classes or exams during this period. Offenses requiring suspension for a period from one week to one month include:
 - 1) Engaging in actions that obstruct the freedom of learning and teaching or disrupt the peace of higher education institutions,
 - 2) Hindering the proper conduct of disciplinary actions,
 - 3) Lending a document that grants rights from the higher education institution to someone else for use or using someone else's document,
 - 4) Engaging in verbal or written acts that damage the honor and dignity of individuals within the premises of higher education institution,
 - 5) Engaging in verbal or written acts outside or within higher education institution that damage the honor and dignity of the higher education institution,
 - 6) Consuming alcoholic beverages within the premises of higher education institution,
- 7) Sub-paragraph annulled by the Constitutional Court of the Republic of Türkiye decision dated 22 February 2024, numbered E: 2023/78, K: 2024/55)
 - 8) Organizing meetings in closed or open areas of the higher education institution without authorization from the officials
 - 9) Threatening the personnel or students of the higher education institution.
- c) Suspension from the higher education institution for one semester: It is the written notification to the student that they are suspended from the higher education institution for one semester and they cannot benefit from the students rights during this period. Offenses requiring suspension for one semester include:
 - 1) Engaging in actions such as occupation and similar deeds that hinder the services of higher education institutions,
 - 2) Physically assaulting institution personnel or students,
 - 3) Committing theft within the premises of higher education institutions,
 - 4) Vandalizing buildings, fixed assets and similar materials within the premises of the higher education institution or damaging (hacking) information system
 - 5) Cheating or facilitating cheating in exams,
 - 6) Committing plagiarism in seminars, thesis and publications or having them partially or entirely written by others, except for contributions that do not include academic evaluation such as surveys and data collection
 - 7) Failing to comply with a suspension penalty previously received
 - 8) Committing any of the acts listed in the third and fourth paragraphs of Article 28/A of the Animal Protection Law No.5199, dated 24/6/2004, within the premises of higher education institutions
- ç) Suspension from the higher education institution for two semesters: It is the written notification to the student that they are suspended from the higher education institution for two semesters and they cannot benefit from student rights during this period. Offenses requiring suspension for two semesters include
 - 1) Using force and violence against the higher education institution officials to prevent them from performing their duties
 - 2) Using force and violence against students to prevent them from benefiting higher education services,
 - 3) Using, carrying or possessing narcotics or stimulants within the premises of higher education institutions,
 - 4) Cheating in exams through threats preventing students who cheat from being removed from the exam hall, taking the exam in place of someone else or having someone else take the exam in their place,
 - 5) Committing sexual harassment within the premises of higher education institutions,

6) Carrying and possessing firearms, their ammunition (cartridges), knives and other tools made specially for attack and defense as well as explosive materials, in violation of Law No. 6136 on Firearms, Knives and Other Tools dated 10/7/1953, within the premises of higher education institutions

7) Hacking into the higher education institutions information system to gain an unfair advantage for oneself or others or to cause harm to individuals

8) Threatening officials assigned to investigate,

9) Committing the acts listed in the second paragraph of Article 28/A of the Law no. 5199 within the premises of higher education institutions.

d) Expulsion from the higher education institution: It is the written notification to the student that they are expelled from the higher education institution, with no possibility of readmission. Offenses requiring expulsion from the higher education institution include:

1) Forming an organization for the purpose of committing a crime, managing such an organization, or being member of such an organization, provided that this has been definitively established by court decision

2) Acting on behalf of or assisting an organization formed for the purpose of committing crime,

3) Selling, providing to others or trafficking narcotics or stimulants,

4) Using firearms, their ammunition, knives and other tools specially made for attack and defense as well as explosive materials, in violation of Law No. 6136,

5) Violating individual's sexual integrity by sexual harassment.

(2) Recurrence of disciplinary offenses:

a) If an offense that has led to a disciplinary penalty is repeated after the notification of the penalty and within the statute of limitations for disciplinary penalties, a more severe penalty shall be applied.

b) Expulsion from the higher education institution cannot be imposed as a penalty for the recurrence of a disciplinary offense.

(3) Disciplinary superiors:

a) The dean of a faculty, the director of an institute, conservatory, college, or vocational school is authorized to initiate investigations due to disciplinary offenses committed by students within their respective faculties, institutes, conservatories, colleges or vocational schools.

b) Except for the provision in paragraph (a), the rector is authorized to initiate investigations for disciplinary offenses committed inside or outside of the higher education institutions, in communal areas or spaces, collective disciplinary offenses committed by students, and disciplinary offenses committed together by students of multiple faculties, institutes, conservatories, colleges or vocational schools.

c) The investigation is conducted by investigator(s) appointed by the disciplinary superior. If deemed necessary, the disciplinary superior may also request the appointment of an investigator from another higher education institution.

(4) Duration and statute of limitations of the investigation:

a) The disciplinary investigation begins immediately upon learning of the incident and must be concluded within thirty (30) days. If the investigation cannot be completed within this period, the investigator can request additional time with justification. Considering the presented reasons and statute of limitations, the disciplinary superior can grant additional time up to sixty (60) day and up to ninety (90) days for collectively committed offenses, without exceeding thirty (30) days at a time.

b) For students who commit actions constituting disciplinary offenses listed in this article, if the investigation is not initiated within;

1) One month for reprimand, suspension from the higher education institution for a period from one week to one month,

2) Three months from the higher education institution for one or two semesters and expulsion from the higher education institution,

the official to impose a disciplinary penalty expires due to the statute of limitations..

c) If a disciplinary penalty is not imposed within two years from the date of the action requiring a disciplinary penalty, the official to impose a disciplinary penalty expires due to the statute of limitations. However, for actions under subparagraph (d)(1) of the first paragraph, the statute of limitations begins from the date judicial ruling becomes final.

ç) If a disciplinary penalty is annulled by a judicial decision, a new disciplinary penalty can be imposed according to the requirements of the decision within the remaining statute of limitations period, provided that is done within three months if the statute of limitations period is about to expire or has less than three months remaining.

(5) Right to Defense:

a) The student against whom a disciplinary investigation is initiated is notified in writing at least seven days before the date they are to make their defense, regarding the nature of the crime attributed to them; this notification can also be made via the student information system, e-mail or text message. This document requests the student to be present to make their defense at the specified day, time and place.

b) The person coming to make a defense can present their defense verbally or submit it in writing. After submitting a written defense, the investigator may ask the student additional questions.

c) The invitation sent to the student states that if they fail to comply with the call without a valid excuse or fail to notify their excuse in time, they will be considered to have waived their right to defense, and a necessary decision will be taken based on the existing evidence.

ç) A reasonable period is given to the student who reports a valid excuse or is understood not to have complied with the invitation due to force majeure. Incarcerated students are informed that they can send their defense in writing.

d) The investigation is conducted in a manner that allows the student to adequately defend themselves.

(6) Principles to be followed in disciplinary investigations:

a) Confidentiality of the investigation is essential.

b) The investigator may hear witnesses, conduct inspections and consult experts. Investigation procedures are recorded in a report. The report specifies where and when the procedure was carried out, the nature of the procedure, who participated, statements if they are taken, the questions and answers and signed by the investigator, clerk, person giving the statement, and if present, those present during any inspection. Witnesses and experts, if appointed are sworn in the witness' identity, address and other explanatory information are specified.

c) Staff or higher education institutions provide all requested information, files and other documents without delay to the investigators and fulfill requested assistance.

ç) The investigator conducts and completes the investigation limited to the person and actions under investigation. If the investigator discovers other disciplinary offenses outside the scope of the investigated action or that other individuals should be included within the same offense, they report this to the competent authority.

d) Student' departure from the higher education institution for any reason after committing the disciplinary offense does not prevent the initiation, continuation and taking of any necessary decisions of the investigation.

e) When a student commits an offense requiring a disciplinary penalty while studying at another higher education institution, the authority to conduct an investigation and impose a disciplinary penalty belongs to that higher education institution. The decision made regarding the student is immediately communicated to the higher education institution where the student is registered for implementation.

f) Upon the proposal of the competent authority authorized to initiate an investigation or by the rector's decision on their own initiative, a precaution can be taken to prevent the student from entering higher education institution buildings for a period of not exceeding thirty days for offenses requiring suspension for one or two semesters and expulsion.

g) Upon the conclusion of the investigation, a report will be (is) prepared. The report summarizes the investigation approval, start date of investigation, evidence and a summary of the defense taken. Whether the attributed crime is proven is discussed, and if found to be proven a disciplinary penalty matching the offense is proposed. Originals or copies of documents related to the investigation are attached to the report with a series list. The investigation report along with the file is submitted to the authority that initiated the investigation.

ğ) The initiation of criminal prosecution against the student for the same incident does not delay the disciplinary investigation. The opening of a criminal prosecution against the student, their conviction or acquittal does not prevent the imposition of a disciplinary penalty.

(7) Authority to impose disciplinary penalties:

a) The authority to impose reprimand and suspension from higher education institutions for a period from one week to one month belongs to the dean of the relevant faculty, directors of institutes, conservatories, colleges or vocational schools.

b) The authority to impose reprimand and suspension from higher education institutions for up to one month for disciplinary offenses committed in common spaces belongs to the rector.

c) Suspension from the higher education institution for one or two semesters and expulsion from the higher education institution are imposed by the competent disciplinary board.

ç) In investigations conducted by faculties, institutes, conservatories, colleges or vocational schools, their management boards act as the disciplinary board while in investigations conducted by the rectorate, the university management board performs this duty.

(8) Working Procedures of the Disciplinary Board

a) The disciplinary board convenes at the place, day and hour to be determined upon the call of the chairperson..

b) The preparation of the meeting agenda, notification to concerned parties and orderly conduct of the board meetings are ensured by chairperson.

c) The quorum for the management board's meeting as a disciplinary board is the absolute majority of the total number of members.

ç) The duty of rapporteur in disciplinary boards is performed by a member appointed by the chairperson. The rapporteur member completes the examination of the case file assigned to them within a maximum of five days.

d) The board first listens to the explanations of the rapporteur. If necessary, the board can also hear from the investigators. After the discussions voting takes place and the decision is announced by the chairperson.

(9) Voting, Decision and Decision Periods:

a) Authorities with the authorization to impose disciplinary penalties can return the file for completion if deficiencies are detected in the investigation, can impose the disciplinary penalty recommended by the investigator as it is, can mitigate it or reject it..

b) Decisions in disciplinary boards are made by the absolute majority of those attending the meeting. In the event of a tie, the side on which the chairperson has voted is considered to have the majority..

c) If the investigator is a member of the disciplinary board, they cannot participate in the meetings or vote on the file they have investigated..

ç) Authorities with the authorization to impose disciplinary penalties must decide within a maximum of ten days from the completion of the investigation on reprimand and suspension from the other higher education institution for a period from one week to one month. In cases requiring other disciplinary penalties, the file is immediately referred to the disciplinary board. The disciplinary board must decide within a maximum of ten days from the date of receiving the file.

d) Authorities with the authorization to impose disciplinary penalties and disciplinary boards can impose a lesser penalty by considering the severity of the actions constituting the disciplinary penalty whether they feel remorse for the act committed and their past behavior, works and achievements in the higher education institution. The authority competent to impose the original penalty imposes the lesser penalty..

(10) Notification of the Outcome of the Disciplinary Investigation, Appeal Procedures and Implementation of Penalties:

a) The result of the disciplinary investigation is notified to the student subject to the disciplinary investigation and if applicable, the victim.

b) The disciplinary penalty given at the end of the disciplinary investigation is also notified to the organization providing scholarships or loans to the student and to the higher education institution. In addition to those mentioned above, by the authority competent to initiate the investigation.

c) If it is not specified from which date the decision by the authority or board competent to impose disciplinary penalties will be implemented, disciplinary penalties are applied from the date are given..

ç) Appeals against the disciplinary penalties imposed by disciplinary authorities and boards can be made to the university management board within fifteen days. A person who is directly victimized by the act constituting the disciplinary offense can also appeal the decision in the same manner within the file content. Penalties are recorded in the student's file.

d) In the event of an appeal, the university management board accepts or rejects the appeal within fifteen days. If the appeal is accepted the competent disciplinary authority or board considers the reason for acceptance and decides within thirty days.

e) Students may also resort to administrative judicial procedures without using the right to appeal against the disciplinary penalties given to them.

(11) Except for cases specially arranged, the provisions of the Notification Law No. 72.01 dated 11/2/10959, apply to notifications to be made to students. However, a notification sent to the address registered in the higher education institution is considered duly served if the student has changed the address provided at the time of registration to the higher education institution without notifying the institution or has provided an incorrect or incomplete address..

(12) Files related to disciplinary investigation are delivered and received with a document inventory, which is signed by both the delivering and receiving parties.