

# **RULES AND REGULATIONS FOR STUDENT DISCIPLINE AT HIGHER EDUCATION INSTITUTIONS**

(Publication Date on the Official Gazette: 18 August 2012; Number of the Official Gazette: 28388)

## **SECTION ONE**

### **Purpose, Scope, Legal Ground and Definitions**

#### **Purpose and Scope**

##### **ARTICLE 1 –**

- (1) The purpose of these rules and regulations is to set forth the principles and procedures pertaining to disciplinary actions and investigations applied to students at higher education institutions.
- (2) These rules and regulations apply to all students at higher education institutions.

#### **Legal Ground**

##### **ARTICLE 2 –**

- (1) These Rules and Regulations have been prepared pursuant to Article 54 and Article 65, paragraph (a), subparagraph (9) of Higher Education Law No: 2547, dated November 4, 1981.

#### **Definitions**

##### **ARTICLE 3 –**

- (1) For the purpose of these Rules and Regulations, the following terms shall have the following meaning hereinafter:
  - a) Student: Any individual pursuing their Associate Degree, Bachelor's Degree, Master's Degree, Doctoral Degree, Doctor of Medicine, or Doctor of Fine Arts Degree at a higher education institution.
  - b) Reprimand: A written notification to the student that the student's behavior is unacceptable.
  - c) Warning: A written notification to the student that the student must pay more careful attention to his/her behavior.
  - ç) Higher Education Institutions: Universities and higher technology institutes as well as their faculties, graduate schools, schools, conservatories, vocational schools, and research centers.
  - d) Suspension from the University for 1 week to 1 month: Written notification to the student that the student has been suspended from the University for a period of 1 week to 1 month and that the student may not attend courses or sit for examinations during his/her suspension.
  - e) Suspension from the University for 1 semester: Written notification to the student that the student has been suspended from the University for 1 semester and that the student may not benefit from his/her student privileges during his/her suspension.
  - f) Expulsion: Written notification to the student that the student has been expelled and shall not be admitted back to the University.
  - g) Suspension from the University for 2 semesters: Written notification to the student that the student has been suspended from the University for 2 semesters and that the student may not benefit from his/her student privileges during his/her suspension.

## **SECTION TWO**

### **Disciplinary Offences and Actions**

#### **Disciplinary Offences Requiring Warning**

##### **ARTICLE 4 –**

- (1) Disciplinary offences that require the disciplinary action of warning are as follows:
  - a) Failure to respond in a timely manner to the authorities at the higher education institution in which they are enrolled about issues investigated without a justified reason,
  - b) Posting notices and posters in unauthorized places,
  - c) Pulling down, tearing down, altering, scratching or tarnishing the announcements, schedules, and other similar documents posted with the authorization of the higher education institution.

## **Disciplinary Offences Requiring Reprimand**

### **ARTICLE 5 –**

(1) Disciplinary offences that require the disciplinary action of reprimand are as follows:

- a) Providing incomplete or inaccurate information to the authorities of the higher education institution,
- b) Causing disruption in lectures, seminars, recitation sessions, laboratory sessions, workshop sessions, scientific meetings, conferences, and the like,
- c) **(Amendment: RG-07/11/2013-28814)** Distributing unauthorized leaflets, and putting up unauthorized posters and banners within the higher education institution,
- ç) Pulling down, tearing down, altering, scratching or tarnishing the announcements, schedules, and other similar documents posted by the higher education institution,
- d) Attempting to cheat during examinations.

## **Disciplinary offences requiring suspension from the University for 1 week to 1 month**

### **ARTICLE 6 –**

(1) Disciplinary offences that require suspension from the University for a period of 1 week to 1 month are as follows:

- a) **(Amendment: RG-23/12/2016-29927)** Restricting others from learning and teaching, or disrupting the operation and peace of higher education institutions,
- b) Impeding, obstructing, impairing and interfering with the orderly conduct of disciplinary proceedings,
- c) Lending a document issued by the university for personal use only to others, or using documents that belong to others,
- ç) Committing demeaning and humiliating acts and actions within the higher education institution, either verbally or in writing, that offend the dignity of others,
- ç) Committing demeaning and humiliating acts and actions within or outside the higher education institution, either verbally or in writing, that offend the dignity of staff,
- e) Consuming alcoholic beverages within the higher education institution,
- f) Organizing unauthorized meetings indoors or outdoors on the premises of the higher education institution.

## **Disciplinary offences requiring suspension from the University for 1 semester:**

### **ARTICLE 7 –**

(1) Disciplinary offences that require suspension from the University for 1 semester are as follows:

- a) Threatening members of staff or students at the higher education institution,
- b) Obstructing the services offered by the higher education institution through occupations or similar other acts,
- c) Physically assaulting staff members or students at the higher education institution,
- ç) Committing theft at the higher education institution,
- d) Vandalizing and damaging buildings, furniture and other similar items, or tampering with the information system at the higher education institution,
- e) Cheating or helping others to cheat on examinations,
- f) Committing plagiarism in seminars, theses, dissertations, and publications.
- g) **(Insertion: RG-23/12/2016-29927)** Failing to comply with the imposed disciplinary action of suspension from the higher education institution.

## **Disciplinary offences requiring suspension from the University for two semesters:**

### **ARTICLE 8 –**

(1) Disciplinary offences requiring suspension from the university for two semesters are as follows:

- a) Impeding members of staff at the higher education institution with the use of force or violence from carrying out their duties,

- b) Impeding students with the use of force or violence from benefitting from higher education services,
- c) **(Amendment: RG-07/11/2013-28814)** Commit a criminal act, or forcing a person or a group with the threat or use of force and violence to commit or participate in a criminal act,
- ç) Being in the possession of or using drugs or other stimulants on the premises of the higher education institution,
- d) Coercing others to cheat on/during examinations, preventing students who cheat from being dismissed from the examination room, taking an exam for another person or having someone take an exam in one's place,
- e) Committing sexual harassment at higher education institutions,
- f) Being in possession of or carrying explosives, fire arms, ammunition, knives or any other offensive and defensive weapons at higher education institutions in violation of "Law No:6136 on Firearms, Knives and Other Equipment",
- g) Hacking into the information system of the higher education institution to advance one's own interest or the interests of others.
- ğ) **(Insertion: RG-23/12/2016-29927)** Threatening staff assigned to the investigation.

### **Disciplinary Offences Requiring Expulsion**

#### **ARTICLE 9 –**

- (1) Disciplinary offences requiring expulsion from the university are as follows:
  - a) Having been charged beyond a reasonable doubt via a court decision of establishing, running, being affiliated with, or otherwise acting on behalf of or aiding a criminal organization,
  - b) Purchasing, selling, giving or trading drugs or stimulants at higher education institutions,
  - c) Using explosives, fire arms, ammunition, knives or any other offensive and defensive weapons at higher education institutions in violation of "Law No:6136 on Firearms, Knives and Other Equipment",
  - ç) Violating a person's "bodily inviolability" through acts and actions of a sexual nature.

### **Unforeseen Disciplinary Offences**

#### **ARTICLE 10 –**

- (1) Apart from the aforementioned disciplinary offences that require suspension or expulsion from the higher education institution, any comparable offences that require a reprimand or warning given their nature and gravity shall be subject to the respective disciplinary actions.

### **Repetition of a Disciplinary Offence**

#### **ARTICLE 11 –**

- (1) Repetition of any act or action that previously resulted in a disciplinary action shall lead to a more severe disciplinary action.
- (2) Disciplinary Supervisors can personally conduct the investigation or may opt to either assign an Investigator or Investigators. Also, if they deem necessary, they may request the assignment of an investigator from another higher education institution.

## **SECTION THREE**

### **Disciplinary investigation**

### **Disciplinary Supervisors Authorized to Initiate a Disciplinary Investigation**

#### **ARTICLE 12 –**

- (1) Disciplinary Supervisors are authorized to initiate a disciplinary investigation for disciplinary offences committed by students. Authorized disciplinary supervisors include the following:
  - a) The Dean in the event that disciplinary offences are committed by students of a faculty
  - b) The Graduate School Director in the event that disciplinary offences are committed by students of a graduate school,

- c) The School Director in the event that disciplinary offences are committed by students of a school or vocational school,
- ç) The Conservatory Director in the event that disciplinary offences are committed by students of a conservatory,
- d) University Rectors in the event that disciplinary offences are committed collectively by a group of students in common spaces and areas.

- (2) **(Amendment: RG-23/12/2016-29927)** Disciplinary Supervisors can personally conduct the investigation or may opt to either assign an Investigator or Investigators. Also, if they deem necessary, they may request the assignment of an investigator from another higher education institution.

### **Investigation Period and Statute of Limitations**

#### **ARTICLE 13 –**

- (1) A disciplinary investigation must be initiated immediately after the offence is reported. The investigation must be completed within 15 days from the official approval of the investigation. In the event that the investigation cannot be completed within the aforementioned period of time, the investigator may ask for a grace period (extension) specifying the reasons thereof. The disciplinary supervisor, if s/he deems it appropriate, may extend the period of investigation.
- (2) Failure to initiate a disciplinary investigation against students who have committed a disciplinary offence specified in these rules and regulations within the following times, from the date the incident was reported, to the disciplinary supervisors will result in the loss of the right to impose disciplinary actions due to the expiration of the statute of limitations:
- a) one month in the case of disciplinary offences requiring a warning, reprimand, and suspension from the higher education institution for 1 week to 1 month,
  - b) three months in the case of disciplinary offences requiring suspension from the higher education institution for a semester or two semesters,
- (3) Failure to impose a disciplinary action within two years from the date the disciplinary offence was committed will result in the loss of the right to impose disciplinary actions due to the expiration of the statute of limitations. However, where the disciplinary supervisor or board needs a court order to impose an appropriate disciplinary action, the statute of limitations will begin from the effective date of the court order. The need for a court order is documented with the decision of the authorized disciplinary supervisor or board.

### **Investigation Procedures**

#### **ARTICLE 14 –**

- (1) Disciplinary investigations are confidential.
- (2) The investigator may hear the testimony of witnesses, conduct on-site examinations, and consult subject-matter experts. The proceedings must be documented with minutes. The minutes must include the place, time and nature of the proceeding, the identification details of those present, and the affidavit/statement, if taken, with questions asked and answers provided. The minutes are then signed by the investigator, the secretary, the owner of the affidavit/statement, and those present during the on-site examination, if conducted. The witnesses and subject matter experts, if appointed, swear an oath during the testimony and the witnesses' identities, addresses, and other relevant details are clearly stated.
- (3) Staff of the higher education institution will promptly provide all necessary information, files, documents and assistance the investigator(s) may require.
- (4) The investigator conducts and concludes the investigation. The investigation must be strictly confined to the accused for whom and the offences for which the investigation is initiated. Where the investigator determines during the investigation that, apart from the disciplinary offence under investigation, other disciplinary offences have also been committed, or other individuals should also

be included in the investigation due to having committed the same disciplinary offence, the investigator must notify the appropriate authorities.

- (5) Transferring to another department within the same higher education institution, or to another higher education institution, or withdrawing from the higher education institution for any reason after the disciplinary offence is committed shall not obstruct the initiation, conducting, and concluding of the disciplinary investigation, nor the rendering of the decision.
- (6) **(Insertion: RG-07/11/2013-28814)** Investigators, when they deem necessary, may ask the competent authority with the power to initiate disciplinary investigations to prohibit the students under investigation from accessing the higher education institution's buildings during the course of the investigation.

### **The Right To Defense**

#### **ARTICLE 15 –**

- (1) The student under investigation is notified of the alleged offense in writing at the latest seven days before the date of the defense hearing. The notification letter shall direct the student to appear at a specified date, time and place to present his/her defense.
- (2) **(Amendment: RG-23/12/2016-29927)** The defendant may submit his/her defense either orally or in writing. Upon submitting the written defense, the investigator may also pose additional questions to the student.
- (3) The summon letter sent to the student shall warn the student that failure to obey the summons without a valid excuse or failure to submit a valid excuse in a timely manner will result in the forfeiture of his/her right to a defense and as such the decision will be rendered based on other findings.
- (4) In the event that the student submits a valid reason or should it be determined that the student could not obey the summons due to unavoidable reasons, the student may be granted a grace period. Arrested students are informed that they can present their defense in writing.
- (5) The investigation is conducted in a manner to allow the student to defend himself/herself properly.

### **Investigation Report**

#### **ARTICLE 16 –**

- (1) A final report is prepared upon the conclusion of the investigation. The report summarizes the approval for the investigation, the start date of investigation, the identification details of the defendant, the scope of the alleged offence, the phases of investigation, findings, and the defense of the defendant. The report also discusses whether the defendant is proven guilty as charged and, if so, recommends the required disciplinary action. Originals and copies of all documents pertaining to the investigation are attached to the report with a table of contents. The investigation report and file are submitted to the competent authorities that initiated the investigation.

### **Concurrent Conduct of Criminal and Disciplinary Proceedings**

#### **ARTICLE 17 –**

- (1) The disciplinary investigation will proceed without regard to the commencement of concurrent criminal proceedings involving the same student and incident. The disciplinary action will not be subject to challenge on the grounds that criminal proceedings have been initiated against the student, or that the student has been convicted or released.

### **Conclusion of the Disciplinary Investigation**

#### **ARTICLE 18 –**

- (1) Disciplinary actions involving warnings, reprimands, and suspension from the higher education institution for one week to one month are imposed by the deans of the faculties and the directors of graduate schools, conservatories, schools, or vocational schools.

- (2) In cases where disciplinary offences were committed in common spaces, the warning, reprimand and suspension from the higher education institution for up to one month is imposed by the Rector.
- (3) The disciplinary actions of suspension from the higher education institution for a semester or two semesters are imposed by the authorized disciplinary board.
- (4) In the case of disciplinary investigations conducted within faculties, graduate schools, conservatories, schools, and vocational schools, the executive boards thereof will serve as the disciplinary board. In the case of disciplinary investigations being conducted by the Rector's Office, the University Executive Board will serve as the disciplinary board.
- (5) The rector, dean, director or the disciplinary board may ask the same investigator or a member of the disciplinary board to complete incomplete disciplinary proceedings, if applicable.

### **The Mode of Operation of the Disciplinary Board**

#### **ARTICLE 19 –**

- (1) The disciplinary board convenes upon the call of the Chair, on a specified date, at a specified time and place.
- (2) The Chair ensures the preparation and announcement of the meeting agenda and effective management of board's activities.
- (3) The quorum is the simple majority of the members of the executive board serving as the disciplinary board.

### **Spokesperson and Deliberation**

#### **ARTICLE 20 –**

- (1) The Chair appoints a member as the Spokesperson of the disciplinary board. The spokesperson reviews the file to be submitted within two days and presents a report to the Chair.
- (2) The board will first hear the opinions of the spokesperson. The board, if deemed necessary, may also hear the opinions of the investigators. Upon the conclusion of the deliberations, the board will conduct a vote and the result of the voting will be announced by the Chair.

### **Voting and Decision**

#### **ARTICLE 21 –**

- (1) The Disciplinary Supervisor or Disciplinary Board reserves the right to accept or reject the disciplinary action recommended in the investigation report and may opt to impose a different disciplinary action by providing a justified reason.
- (2) The Disciplinary Board will reach a decision with the simple majority of the members present in the meeting. In the event of a tie, the chair will have the casting vote.
- (3) In the event that the investigator is also a member of the disciplinary board, s/he cannot attend the investigation meeting, nor cast a vote during it.

### **Decision Period**

#### **ARTICLE 22 –**

- (1) In the case of disciplinary offences requiring the disciplinary action of warning, reprimand and suspension from the higher education institution for 1 week to 1 month, Disciplinary Supervisors must reach a decision within ten days from the date the investigation is concluded.
- (2) In the case of disciplinary offences requiring more severe disciplinary actions, the file will be promptly submitted to the disciplinary board. The disciplinary board must reach a decision within ten days from the date the file is received.

## **Important Guidelines For Imposing Disciplinary Actions**

### **ARTICLE 23 –**

- (1) Disciplinary actions to be imposed by Disciplinary Supervisors and Boards must be proportionate to the severity of the disciplinary offence, and take into consideration the student's conduct, previous disciplinary record, and genuine remorse for his misconduct and violation.

## **SECTION FOUR Execution and Appeal**

### **Notification of Disciplinary Actions**

#### **ARTICLE 24 –**

- (1) The Disciplinary Supervisor notifies the following parties of the disciplinary action imposed pursuant to the disciplinary investigation:
  - a) The student investigated,
  - b) The organization or higher education institution awarding a scholarship or a loan to the student,
  - c) In the case of expulsion from the university, in addition to the aforementioned parties, all higher education institutions, the Higher Education Council of Turkey, the Student Selection and Placement Center (OSYM), law enforcement authorities, and relevant military entrance processing stations are notified.

### **Execution of Disciplinary Actions**

#### **ARTICLE 25 –**

- (1) Unless the effective date of the disciplinary action is clearly specified in the decision rendered by the Disciplinary Supervisor or the Disciplinary Board, the disciplinary action will take effect on the date it is imposed.

### **Appeals of Disciplinary Actions**

#### **ARTICLE 26 –**

- (1) All disciplinary actions imposed by the Disciplinary Supervisor or the Disciplinary Board may be appealed to the University Executive Board within 15 days.
- (2) In the event that a disciplinary action is appealed, the University Executive Board, which is the competent authority handling appeals, shall render the final decision about the appeal within 15 days. The University Executive Board will review the disciplinary action as the competent authority of appeals, and will either approve or reject the imposed disciplinary action. In the case of rejection, the Disciplinary Supervisor or the Disciplinary Board will review the reasons for rejection and reach a final decision about the appeal.
- (3) Appeals of disciplinary actions may also be directly filed with the administrative courts without exercising the right to appeal within the higher education institution.

## **SECTION FIVE Miscellaneous and Final Provisions**

### **Notifications and Change of Address**

#### **ARTICLE 27 –**

- (1) All notifications pertaining to the disciplinary investigation are either handed to the recipient, obtaining the recipient's signature, or sent as a hardcopy via mail to the mailing address the student provided to the higher education institution, or where the recipient requested to receive the notifications via email, sent as a softcopy via email to an email address specified by the student. Where it is not possible to send the notifications via the aforementioned methods, the notice is deemed served when it is announced by the higher education institution.

- (2) In the case where students have changed the address they provided to the higher education institution at the time of enrollment, but failed to report their change of address to the higher education institution, or provided an inaccurate or incomplete address, the notices sent to such students' addresses are deemed served.

#### **File Submission**

##### **ARTICLE 28 –**

- (1) All files pertaining to the disciplinary investigation are handed and received together with a table of contents. The table of contents must also bear the signatures of the deliverer and the recipient.

#### **Mode of Correspondence**

##### **ARTICLE 29 –**

- (1) Notwithstanding with the mode of correspondence specified in Article 28, all correspondences between the parties shall be subject to the provisions of Law No: 7201 on Notifications.
- (2) In the event the correspondence is delivered in person, the signed receipt must be kept in the file.

#### **Ongoing Disciplinary investigations**

##### **PROVISIONAL ARTICLE 1–**

- (1) The provisions of these rules and regulations shall also apply to ongoing disciplinary investigations which have already been initiated but have not been concluded on the date these rules and regulations take effect.

#### **Ongoing Disciplinary investigations**

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

- (1) In the case of ongoing disciplinary investigations which were initiated but have not been concluded before the effective date of this article, the pre-amendment provisions of the amended Article 15, clause two shall prevail.

#### **Abolished Rules and Regulations**

##### **ARTICLE 30 –**

- (1) The Rules and Regulations for Student Discipline at Higher Education Institutions published in the Official Gazette No: 18634 on January 13th, 1985 have been abolished.

#### **Effectiveness**

##### **ARTICLE 31 –**

- (1) These rules and regulations shall enter into force as of the date of publication.

#### **Execution**

##### **ARTICLE 32 –**

- (1) These directives are executed by the President of the Higher Education Council of Turkey.