

The Higher Education Council's Rules and Regulations for Student Discipline have been abolished by Law No: 32129 dated 11/03/2023. The relevant articles on student discipline have been added to Article 54 of Law No:2547 and promulgated in the Official Gazette with Law No:7437 dated 02/02/2023.

HIGHER EDUCATION LAW (Law No: 2547) ARTICLE 54:

Student Disciplinary Proceedings:

Article 54 – (Amended: 2/2/23 - 7437/Article 2)

(1) Disciplinary actions and disciplinary offenses requiring disciplinary actions

a) Reprimand: A written notification to the student that the student's behavior is unacceptable. Disciplinary offenses that require the disciplinary action of reprimand are as follows:

- 1) Providing incomplete or inaccurate information to the authorities at the higher education institution with the intent of misleading them,
- 2) Causing disruption in lectures, seminars, examinations, recitation sessions, laboratory sessions, workshop sessions, scientific meetings, conferences and the like,
- 3) Distributing unauthorized leaflets and putting up unauthorized posters or banners within the higher education institution,
- 4) Pulling down, tearing down, altering, scratching or tarnishing the current announcements, schedules, and other similar documents posted by or with the permission of the higher education institution,
- 5) Attempting to cheat during examinations,
- 6) Smoking cigarettes, all other types of tobacco products, or electronic cigarettes outside the Senate-designated smoking areas on the University campus.

b) Suspension from the higher education institution for one week to one month: Written notification to the student that the student has been suspended from the higher education institution for a period of one week to one month and that the student may not attend courses or sit examinations during his/her suspension. Disciplinary offenses that require suspension from the higher education institution for a period of one week to one month are as follows:

- 1) Restricting others from learning and teaching, or disrupting the operation and peace of higher education institutions,
- 2) Impeding, obstructing, impairing, and interfering with the orderly conduct of disciplinary proceedings,
- 3) Lending a document issued by the higher education institution for personal use only to others, or using documents that belong to others,
- 4) Committing demeaning and humiliating acts and actions within the higher education institution, either verbally or in writing, that offend the dignity of others,
- 5) 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,
- 6) Consuming alcoholic beverages within the higher education institution,
- 7) Organizing unauthorized meetings indoors or outdoors on the premises of the higher education institution,
- 8) Threatening members of staff or students at the higher education institution.

c) Suspension from the higher education institution for a semester: Written notification to the student that the student has been suspended from the higher education institution for a semester and that the student may not benefit from his student privileges during his/her suspension. Disciplinary offenses that require suspension from the higher education institution for a semester are as follows:

- 1) Obstructing the services offered by the higher education institution through occupations or similar other acts,
- 2) Physically assaulting staff members or students at the higher education institution,
- 3) Committing theft at higher education institutions,
- 4) Vandalizing and damaging buildings, furniture, and other similar items, or tampering with the information system at the higher education institution,
- 5) Cheating or helping others cheat on examinations,
- 6) Committing plagiarism in seminars, theses, and publications, or commissioning others to write these either partially or entirely, without putting in any personal effort or one's own academic knowledge, excluding non-academic contributions such as surveys or data collection,
- 7) Failing to comply with the imposed disciplinary action of suspension from the higher education institution,
- 8) Committing one of the actions stipulated in Article 28/A, clause three and four of Animal Protection Law No:5199 dated 24/6/2004 at the higher education institution.

ç) Suspension from the higher education institution for two semesters: Written notification to the student that the student has been suspended from the higher education institution for two semesters, and that the student may not benefit from his/her student privileges during his/her suspension, Disciplinary offenses requiring suspension from the higher education institution for two semesters are as follows:

- 1) Impeding members of staff at the higher education institution with the use of force or violence from carrying out their duties,
- 2) Impeding students with the use of force or violence from benefitting from higher education services,
- 3) Being in the possession of, carrying, or using drugs or other stimulants on the premises of the higher education institution,
- 4) 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,
- 5) Committing sexual harassment at higher education institutions,
- 6) 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" dated July 10, 1953,
- 7) Hacking into the information system of the higher education institution to advance one's own interest or the interests of others, or to cause others harm,
- 8) Threatening staff assigned to the investigation,
- 9) Committing the action stipulated in Article 28/A, clause two of Law No:5199 at the higher education institution.

d) Expulsion from the higher education institution: Written notification to the student that the student has been expelled and shall not be admitted back to the higher education institution. Disciplinary offenses requiring expulsion from the higher education institution are as follows:

- 1) Having been charged beyond a reasonable doubt via the judgment of the court of establishing, running, being affiliated with a criminal organization,
- 2) Acting on behalf of or aiding a criminal organization, even though not being affiliated with it,
- 3) Selling, giving, or trafficking drugs or stimulants,
- 4) Using explosives, fire arms, ammunition, knives, or any other offensive and defensive weapons in violation of Law No:6136,
- 5) Violating a person's sexual inviolability through acts and actions of a sexual nature.

(2) Repetition of a disciplinary offense:

- a) Repetition of any act or action that previously resulted in a disciplinary action after the disciplinary action is notified or within the statute of limitations shall lead to a disciplinary action at one degree higher than classified in the legislation.
- b) It is not permitted to expel a student from the higher education institution on the grounds of the repetition of a disciplinary offense.

(3) Disciplinary supervisors:

- a) The authority to initiate an investigation on the grounds of the disciplinary offenses committed by students within a faculty, a graduate school, a conservatory, a school, or a vocational school lies with the dean of the respective faculty, or the director of the respective graduate school, conservatory, school, or vocational school.
- b) Excluding the clause (a) of this Article, the authority to initiate an investigation for the disciplinary offenses committed in shared spaces or areas within or outside higher education institutions, or disciplinary offenses committed collectively by students, or disciplinary offenses committed collectively by students of multiple faculties, graduate schools, conservatories, schools or vocational schools lies with the Rector.
- c) The investigation is conducted by the investigator or investigators to be assigned by the authorized disciplinary supervisor. The Disciplinary Supervisor may request the assignment of an investigator from another higher education institution, if deemed necessary.

(4) Investigation Period and the Statute of Limitations:

- a) The disciplinary investigation is initiated immediately after the incident is reported, and the investigation is conducted within 30 days at the latest. In the event that the investigation cannot be completed within this time, the investigators may ask for an extension of the investigation period, specifying the reasons thereof. The disciplinary supervisor may grant an extension for up to 60 days in total, with up to 30 days per each request, or in case of disciplinary offenses committed collectively, for up to 90 days, considering the justified reason submitted for the request of an extension, and the statute of limitations.
- (b) Failure to initiate a disciplinary investigation against the students who have committed disciplinary offenses specified hereunder within the following durations from the date when the incident was first 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:
 - 1) One month in case of disciplinary offenses requiring the disciplinary actions of reprimand, and suspension from the higher education institution from one week to one month,
 - 2) Three months in the case of disciplinary offenses requiring suspension from the higher education institution for a semester or two semesters.

(c) Failure to impose a disciplinary action within two years from the date the disciplinary offense was committed will result in the loss of the right to impose disciplinary actions due to the expiration of the statute of limitations. However, in case of disciplinary offenses which fall within the scope of clause one, sub-clause (d), paragraph (1) of this Article, the statute of limitations will begin from the effective date of the court order.

ç) In the event that the disciplinary action is annulled by a court ruling, a new disciplinary action may be imposed for the respective disciplinary offense as per the requirements of the ruling within the remaining statute of limitations from the date when the court ruling is received by the administration, or within three months from the receipt of the court ruling by the administration, if the statute of limitations is already expired, or will expire within three months.

(5) Right to Defense:

a) 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 student can also be notified via the student information system or via e-mail or via SMS. The notification letter shall direct the student to appear at a specified date, time, and place to present his/her defense.

b) 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.

c) 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 existing evidence.

ç) 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.

d) The investigation is conducted in a manner to allow the student to defend himself/herself properly.

(6) The disciplinary investigation is conducted as per the following principles:

a) Disciplinary investigations are confidential.

b) 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 statement, if taken, with questions asked and answers provided. The minutes are then signed by the investigator, the secretary, the owner of the 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.

c) Staff of the higher education institution will promptly provide all the necessary information, files, documents and assistance that the investigator(s) may require.

ç) The investigator conducts and concludes the investigation. The investigation must be strictly confined to the defendant for whom and the offenses for which the investigation is initiated. Where the investigator determines during the investigation that, apart from the disciplinary offense under investigation, other disciplinary offenses have also been committed, or other individuals should also be included in the investigation due to having committed the same disciplinary offense, the investigator must notify the appropriate authorities.

- d) Withdrawing from the higher education institution for any reason after the disciplinary offense is committed shall not obstruct the initiation, conducting, and concluding of the disciplinary investigation, nor the rendering of the decision.
- e) In the event the student commits a disciplinary offense while studying at another higher education institution, the authority to conduct a disciplinary investigation and impose a disciplinary action lies with the respective higher education institution. The decision rendered about the student must be immediately notified to the student's current higher education institution in order for the decision to be executed.
- f) In disciplinary offenses that require suspension for a semester or two semesters or expulsion from the higher education institution, an injunction can be taken out to prohibit the student from accessing buildings of the higher education institution for up to 30 days upon the recommendation of the authorized disciplinary supervisor for initiating a disciplinary investigation or with the decision of the Rector who serves ex-officio.
- g) A final report is prepared upon the conclusion of the investigation. The report summarizes the approval for the investigation, the start date of the investigation, the identification details of the defendant, the scope of the alleged offense, the phases of the investigation, evidence, 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 for the disciplinary offense. 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.
- ğ) The disciplinary investigation proceeds without regard to the commencement of any concurrent criminal proceedings involving the same student and incident. The disciplinary action is not subject to challenge on the grounds that criminal proceedings have been initiated against the student, or that the student has been convicted or released.

(7) Authority to Impose a Disciplinary Action:

- a) Disciplinary actions involving reprimands, and suspension from the higher education institution for one week to one month are imposed by the dean of the respective faculty, or the director of the respective graduate school, conservatory, school, or vocational school.
- b) In cases in which disciplinary offenses were committed in public spaces and shared areas, the disciplinary actions of reprimand and suspension from the higher education institution for up to one month are imposed by the Rector.
- c) The disciplinary actions of suspension from the higher education institution for a semester or two semesters or expulsion are imposed by the authorized disciplinary board.
- ç) In the case of disciplinary investigations conducted within faculties, graduate schools, conservatories, schools, or 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.

8) Disciplinary boards serves as per the following working principles:

- a) The disciplinary board convenes upon the call of the Chair, at a specified date, time, and place.
- b) The Chair ensures the preparation and announcement of the meeting agenda, and effective management of board's activities.
- c) The quorum is the simple majority of the members of the executive board serving as the disciplinary board.
- ç) The Chair appoints a member as the rapporteur of the disciplinary board. The rapporteur reviews the assigned file within five days.

d) The board first hears the opinions of the rapporteur. 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.

(9) Voting, decision, and decision periods:

a) The competent authorities for imposing disciplinary actions may return the file to redress shortcomings, if found any, in the investigation, or may impose as is, reduce, or reject the disciplinary action recommended by the investigator.

b) Disciplinary boards 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.

c) In the event that the investigator is also a member of the disciplinary board, he cannot attend the meetings held for the respective investigation, nor cast a vote during them.

ç) In the case of disciplinary offenses requiring the disciplinary action of reprimand, or suspension from the higher education institution for one week to one month, disciplinary supervisors must reach a decision within ten days from the date on which the investigation is concluded. In the case of disciplinary offenses requiring more severe disciplinary actions, the file will be promptly submitted to the disciplinary board. The disciplinary board reaches a decision within ten days from the date when the file is received.

d) Disciplinary supervisors and disciplinary boards may impose a disciplinary action for the disciplinary offense at one degree lower than classified in statute, by taking into account the severity of the disciplinary offense, the student's previous disciplinary record, genuine remorse for his/her violation, and past conduct, studies, and achievements at the higher education. The one-degree-lower disciplinary action is imposed by the authorized body to impose the original disciplinary action classified in the statute.

(10) Notice of the disciplinary action, methods of appeal, and execution of the disciplinary action:

a) The result of the disciplinary investigation is notified to the student under investigation, and the injured party, if any.

b) In addition to the foregoing parties, the disciplinary action imposed as a result of the disciplinary investigation is also notified by the disciplinary supervisor to the organization or higher education institution awarding a scholarship or a loan to the student.

c) 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 when it is imposed.

ç) All disciplinary actions imposed by disciplinary supervisors or disciplinary boards may be appealed to the University Executive Board within 15 days. The person directly injured by the action that constitutes a disciplinary offense may also appeal to the decision in the same way within the scope of the file. Disciplinary actions are recorded in the student's file.

d) The University Executive Board either accepts or rejects appeals within fifteen days. If the appeal is approved, the authorized disciplinary supervisor or disciplinary board reaches a decision within 30 days by taking into account the justified reason for the approval of the appeal.

e) Appeals against the disciplinary actions imposed on students may also be directly filed with the administrative courts without exercising the right to appeal within the higher education institution.

(11) Except in special cases, all notifications to be made to the student are subject to the provisions of Notifications Law No: 7201 dated 11/2/1959. However, in a case in which 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 duly served.

(12) 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.