

Higher Education Institutions Student Discipline Directive

SECTION I

Purpose, Scope, Basis and Definitions

Purpose and scope

Article 1 - (1) The aim of this directive is to arrange the disciplinary punishments to be given to the students of higher education institutions and to arrange the procedures and principles of the investigation.

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

Basis

Article 2 - (1) This directive has been prepared on the basis of paragraph (a), sub-paragraph (9) of Article 65 and Article 54 of Higher Education Law dated 4/11/1981 and numbered 2547 of Higher Education Law.

Definitions

Article 3 - (1) The following terms in this directive, shall have the meanings as specified;

a) Student means an individual who studies in associate, undergraduate, graduate levels as well as proficiency in arts or speciality in medicine levels in higher education institutions,

b) Condemnation means the student who shall be informed by a written notice due to his / her defective behavior during his / her pupilage,

c) Warning means a written statement that the student shall be more careful in his / her behavior during his / her pupilage,

d) Higher Education Institutions means universities, high technology institutes and the faculties, institutes, higher schools, conservatories, vocational schools, application and research centers under their framework.

e) Dismissal from the Higher Education Institution from one week to one month means that the student shall be informed by written notice that he / she is removed from the higher education institution from one week to one month,

f) Removal from Higher Education Institution for one semester means that the student shall be informed by a written notice that he / she is removed from the higher education institution for one semester and that the student can not benefit from student rights during this period.

g) Dismissal from Higher Education Institution means that the student shall be informed by a written notice that he / she is dismissed from the higher education institution and will not be accepted under no circumstances.

h) Removal from Higher Education Institution for Two Semesters means that the student shall be informed by a written notice that he / she is removed from the higher education institution for two semesters and that the student can not benefit from student rights during this period.

SECOND PART

Disciplinary Penalties and Disciplinary Offenses Requiring Disciplinary Penalty

Disciplinary offenses that require a warning

Article 4 - (1) The acts which require warning are:

- a) Failing to answer the questions asked by the authorities of the higher education institution in a timely manner without a just cause,
- b) To post announcements except for the places determined by the authorities of the higher education institution,
- c) To pull off, tear off, change, deface or pollute the announcements, programs and alike, attached by the permission of the higher education institution.

Disciplinary offenses that require a reprimand

Article 5 - (1) The actions which require punishment of reprimand are as follows;

- a) To report missing or inaccurate information requested by the authorities of the higher education institution,
- b) To interrupt and derange lectures, seminars, practices, labs, workshops, scientific meetings, , and conferences,
- c) To distribute leaflets, hang banners and posters without permission of the higher education institution,
- d) To tear off, pull off, change, deface or pollute the announcements, programs and alike, handed by the higher education institution,
- e) Attempting to cheat during examinations.

Disciplinary offenses requiring a penalty of suspension from one week to one month by the higher education institution

Article 6 - (1) The actions, requiring to impose a penalty of suspension from one week to one month by the higher education institution are;

- a) Engaging in activities that hinder the freedom of learning and teaching or acting in a manner that disrupt the functioning and peace of higher education institutions,
- b) Preventing the disciplinary investigations, being conducted in a healthy manner,

- c) Making a document, that is to one's own advantage, being used by another person or using another person's document.
- d) To conduct oral or written actions that impair the honor and dignity of the individuals in the higher education institution,
- e) Oral or written actions that violate the honor and dignity of the staff of higher education institutions, inside or outside the institution,
- f) Drinking alcoholic beverages in the higher education institution,
- g) Organizing meetings in closed and open terrains of the higher education institution without the permission of the authorities.

Disciplinary offenses that require one-semester punishment for suspension from a higher education institution

Article 7 - (1) The actions which require punishment for suspension from a higher education institution for one semester are;

- a) to threaten the staff and students of the higher education institution,
- b) to interrupt and suspend the services of the higher education institution by taking part in occupations and similar acts in higher education institutions,
- c) To assault the staff and students of the institution,
- d) To steal in higher education institutions,
- e) To destroy existing buildings, inventory stocks and the similar materials in the higher education institution or to cause harm in the information system,
- f) To cheat or making others cheat during the exams,
- g) To plagiarize in seminars, theses and publications,
- h) To disobey the adjudicated punishment for suspension of the higher education institution.

Disciplinary offenses which require punishment for suspension from the higher education institution for two semesters

Article 8 - (1) The actions which require punishment for suspension from the higher education institution for two semesters are;

- a) Using force and violence on the staff/faculty members of higher education institution and preventing them fulfill their duties,
- b) Detaining the students from their right to be educated and from other higher education services by using force and violence on them,

- c) Compelling an individual or a group by using force and threat, to arrange or to join in any act, considered as crime or committing acts, considered as crime.
- d) Using, carrying and possessing drugs and stimulants within the institutions of higher education,
- e) Cheating by using the factor of threat in the examinations, preventing the cheaters, being removed from the examination halls, making someone else take the exam instead of oneself or taking the exam for someone else,
- f) Sexual harassment in higher education institutions,
- g) Keeping and carrying the firearms with its bullets and other specially-designed tools and explosives used both for offense and defense with knives illegally in violation of the law on firearms and knives and other appliances dated 10/7/1953 and numbered 6136 in higher education institutions,
- h) Hacking into the information system of the higher education institution and providing an unfair advantage for oneself or for someone else's benefit.
- i) Threatening the investigators on duty.

Disciplinary offenses that require punishment for removal from higher education institutions

Article 9 - (1) The actions which require the punishment for removal from the institution of higher education are as follows;

- a) Establishing an organization for the purpose of committing a crime, administering such an organization or being a member of this organization, established for such a purpose, acting on behalf of the organization or providing assistance to the organization provided that it is finalized by court decision,
- b) Drug-trafficking, selling, purchasing, delivering of drugs or stimulants in higher education institutions,
- c) Using the firearms with its bullets and other specially-designed tools and explosives used both for offense and defense with knives illegally in violation of the law on firearms and knives and other appliances numbered 6136,
- d) Violating sexual immunity of individuals by engaging in sexual acts on their bodies.

Unpredicted disciplinary offenses

Article 10 - (1) Disciplinary punishments of the same kind shall also be given to those who have similar actions in terms of their quality and weight to the actions required to give warning and condemnation penalty, except for the disciplinary offenses which require punishment for suspension and removal from the higher education institution.

Repetition of the disciplinary crime

Article 11 - (1) A severe penalty shall be imposed on the repetition of an action which resulted with a disciplinary punishment before.

(2) In the repetition of the disciplinary offense, a penalty for the removal from the higher education institution shall not be granted.

THIRD PART

Disciplinary Investigation

Supervisors authorized to investigate

Article 12 - (1) Supervisors authorized to conduct disciplinary investigations are;

- a) Deans due to disciplinary offenses committed by faculty students,
- b) The director of the institute, due to the disciplinary offenses committed by the students of the institute,
- c) Director, due to the disciplinary offenses, committed by college and vocational school students,
- d) Conservatory director, due to the disciplinary offenses, committed by conservatory students,
- e) Rectors, due to collective action of students in common areas or spaces.

(2) Supervisors, authorized to initiate an investigation, may either conduct the inquiry personally or they may do it by appointing an investigator or investigators. They can also demand for an investigator to be assigned, from another higher education institution when necessary.

Survey duration and prescription

Article 13 - (1) The disciplinary investigation shall be initiated immediately after being informed about the case. The inquiry is concluded within fifteen days from the date of approval. If the investigation can not be completed within this period, the investigator demand for an additional period of time justifiably. If the discipline chief, authorized to conduct an investigation, deems suitable, she/he may prolong the length of the investigation.

(2) From the date on which the case of the students who have committed the acts of disciplinary offenses, mentioned in this directive, are learnt by the authorities, who are authorized to investigate these actions, the authority to inflict a disciplinary punishment shall prescribe;

a) for the penalties of warning, reprimand, suspension from one week to one month from the higher education institution in case the disciplinary investigation is not initiated within a month,

b) for the penalties of suspension from the higher education institution for one or two semesters and the penalty of removal from the higher education institution in case the disciplinary investigation is not initiated within 3 (three) months.

(3) If disciplinary action is not inflicted within two years at the latest from the date on which the actions requiring disciplinary action are committed, the authority to inflict a disciplinary penalty prescribes. However, where the discipline chief or board needs a judicial jurisdiction, the prescription period starts from the day when the judgment of the judicial jurisdiction is finalized. This requirement is determined by a decision taken by the authorized discipline chief or the board.

The way the investigation is conducted

Article 14 - (1) The confidentiality of the investigation is essential.

(2) The investigator may listen witnesses, make explorations, and consult to the expert. The investigation transactions are determined by a minute. Minutes of the investigation shall consist of the information about where and when the transaction was made; the nature of the transaction, people who participated in the transaction. If a statement was given, the questions and answers shall be indicated on the document. In addition to the investigator, clerk and the declarer; minutes shall also be signed by those present at the time of the discovery. Expert, in case appointed and the witness, while her/his statement is taken, shall vow and the identity and the address of the witness and other descriptive information shall be indicated.

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

(4) The investigator conducts and completes the investigation, limited to the persons and actions investigated. The investigator who determines that other disciplinary offenses were committed during the investigation, other than the action being investigated, or the investigator, who determines that other people must also be included in the investigation within the scope of the same crime, notifies the competent authority.

(5) The student's relocation within the higher education institution, having changed the higher education institution itself or leaving the higher education institution for any reason, does not constitute an obstacle to launch an investigation, for its continuation and to make the necessary decisions.

(6) Investigators may request from the competent authority, who is authorized to initiate a disciplinary investigation, to decide about the investigated students, being banned from entering to the buildings of higher education institution during the investigation If they deem it necessary.

Right of defense

Article 15 - (1) The investigated student shall be informed with a written notice about the content of the offense at least 7 (seven) days before making her/his defense. S/he shall be ready to defend herself/himself in the specified date, time and place according to the written notice.

(2) Defense can either be oral or submitted in a written form. After the written defense is submitted, the investigator may ask additional questions to the student.

(3) The student shall be notified via an invitation that s/he is assessed as not using her/his right to self-defense if s/he does not reply to the invitation without an excuse or does not inform the authorities regarding his/her excuse on time and a judgement shall be placed on the student on the basis of the existing evidences.

(4) An appropriate period of time shall be granted to the student who has declared a valid excuse or who is assessed to have failed to comply with the invitation due to force majeure. The detained students are informed that they can send their defenses in a written form.

(5) The investigation is conducted in such a way as to allow the student to make an appropriate self-defense.

Investigation report

Article 16 - (1) A report is prepared when the investigation is concluded. Approval of the investigation in the report, the date of the commencement of the investigation, the identity of the person being investigated, the contents of the offenses being charged, the phases of the investigation, the evidences and the defenses received are summarized. It is debated whether the offense being charged is constant and the necessary disciplinary penalties are offered. The original or the copies of the documents related to the investigation are attached to the report by being attached to a list of contents. The investigation report, together with the file, is deposited with the investigating authority.

Conducting criminal prosecution and disciplinary investigation together

Article 17 - (1) Due to the same incident, the initiation of criminal proceedings about the student does not delay disciplinary investigation. Criminal prosecution about the student and whether he/she is sentenced or not under the law, does not constitute an obstacle for an infliction of a disciplinary penalty.

Finalizing the investigation

Article 18 - (1) Penalties for warning, reprimand and suspension from higher education institutions from one week to one month shall be imposed by the faculty dean or by the head of institute, conservatory, college or vocational school.

(2) Due to disciplinary offenses committed in common areas, the rector has the authority to inflict a penalty of warning, reprimand and suspension from higher education institutions up to one month.

(3) Penalty for removal from the higher education institution by suspension penalty for one or two semesters from the higher education institution shall be given by the authorized discipline board.

(4) While the board of directors of faculties, institutes, conservatories, colleges and vocational schools fulfill the task of disciplinary board in investigations carried out by these units, the university board of directors fulfill the task of disciplinary board in investigations carried out by the rectorate.

(5) The rector, dean, director or disciplinary board, inspecting the investigation file, may demand from the same investigator or from a member of the disciplinary board to complete certain investigation procedures that are assessed to be uncomplete if necessary.

The working principles of the disciplinary board

Article 19 - (1) The disciplinary board meets at the place, date and time, that are going to be determined, upon the invitation of the chairperson.

(2) The organization of the meeting agenda, the announcement of the agenda to the relevant parties, and the regular execution of the board meetings are provided by the chairperson.

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

Rapporteur and interview procedure

Article 20 - (1) The rapporteur task is executed by the member, assigned by the chief, in the disciplinary board. The reporteur member shall complete the examination of the file to be transferred within two days at the latest and shall submit the report to the chief.

(2) Explanations of the rapporteur shall be heard before the board. The board can also listen the investigators if it deems necessary. At the end of the talks, a vote is held and the decision is announced by the president.

Voting and Decision

Article 21 - (1) The supervisor, authorized to issue a disciplinary action or the disciplinary board, is free to accept the proposed sentence in the investigation report; may give another disciplinary penalty provided that the reasons are stated.

(2) Decisions in disciplinary board are taken by the absolute majority of those attending the meeting. In the case of equality of votes, majority is deemed to have been established upon the president's vote.

(3) The investigator disciplinary board member shall not participate to the meetings of the investigation file and shall not vote.

Decision Process

Article 22 - (1) Supervisors, authorized to give disciplinary penalty, shall take a decision regarding the penalties of warning, reprimand, suspension from higher education institution from one week to one month, within at least 10 days from the day the investigation is completed.

(2) In cases where other disciplinary penalties are required, the file shall be transferred to the discipline board immediately. The disciplinary board must decide within ten days at the latest from the date of receipt of the file.

Points to consider for Disciplinary Penalties

Article 23 - (1) Disciplinary boards and discipline chiefs, authorized to impose disciplinary penalties, considers the severity of the actions that constitute the disciplinary offense, whether the student under investigation, has previously received a disciplinary punishment or not, his behavior, attitude and actions, whether he regrets the act he has committed and the act he has done.

SECTION FOUR Enforcement and Appeal

Notification of penalties

Article 24 - (1) The disciplinary punishment, given at the end of the disciplinary investigation, is notified by the superior authorized to;

- a) The student whose disciplinary inquiry has been made,
- b) The institution and the higher education institution, granting a scholarship and loan for the student.
- c) All higher education institutions, higher education board, the MSPC, the security authorities and to the relevant military branches in addition to the above-mentioned subparagraphs in case of a penalty of removal from the higher education institution.

Execution of disciplinary penalties

Article 25 - (1) Disciplinary punishment shall be applied from the date when disciplinary punishment is given, if the date of execution is not stated in the decisions of the board or in the decisions of the superior who is authorized to give disciplinary penalty.

Recourse against disciplinary penalties

Article 26 - (1) Objections can be delivered to the university board of directors within fifteen days against disciplinary penalties given by discipline chiefs and boards,

(2) In case of an objection, the university board of directors, which is the authority of appeal, shall definitively establish the appeal within fifteen days. In case of an objection, the university board of directors, which is the authority of appeal, analyses the decision and accepts or rejects the sentence. In case of a rejection, the disciplinary board or the authorized discipline chief binds the appeal considering the reasons for rejection.

(3) According to this directive, administrative proceedings can also be applied without the right to appeal against penalties.

PART FIVE

Miscellaneous and Final Provisions

Notification and address reporting

Article 27 - (1) All kinds of notifications, due to disciplinary investigation, are carried out via hand delivery by signature or delivery to the address that the student indicated in a written form or via a valid and accessible e-mail that the student demanded to be notified. In cases where the communication is not possible with these means, notified document shall be announced in the relevant higher education institution and the notification shall be considered as completed.

(2) Students who have changed their address during the enrollment period in a higher education institution, but who have not registered it to the institutions they belong or those, who have given incorrect or incomplete address, are deemed to have been notified in case the notification have already been sent to their current address, registered in the higher education institution.

File delivery

Article 28 - (1) The files belonging to the disciplinary investigation shall be delivered and taken together with the list of contents. Signatures of the recipient and deliverer are found under the list of contents.

Form of correspondence

Article 29 - (1) The provisions of the Notification Law numbered 7201 shall apply in other cases, while the form of notification in Article 28 keeps its validity for the form of correspondence with individuals.

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

Ongoing disciplinary investigations

Provisional Article 1- (1) The provisions of this Regulation shall apply to disciplinary investigations which have been initiated but not completed before the date on which this Directive entered into force.

Ongoing disciplinary investigations

Provisional Article 2- (1) The pre-amended provision of the second paragraph of the amended article 15 of this directive shall apply to disciplinary investigations which have been initiated but not completed before the date on which this article entered into force.

Directive removed from the enforcement

Article 30 - (1) Higher Education Institutions Student Discipline Directive, issued in the Official Gazette No.18634 of January 13, 1985, has been abolished.

Effective Date

Article 31 - (1) This Directive shall take effect on the date of issue.

Execution

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