

Higher Education Institutions Student Disciplinary Regulation

Chapter One

Purpose, Scope, Legal Basis, and Definitions

Purpose and Scope

Article 1 –

1. The purpose of this Regulation is to establish the procedures and principles for disciplinary actions and investigations to be applied to students of higher education institutions.
2. This Regulation applies to all students enrolled in higher education institutions.

Legal Basis

Article 2 –

1. This Regulation has been prepared in accordance with Article 54 and subparagraph (9) of paragraph (a) of Article 65 of the Higher Education Law No. 2547, dated November 4, 1981.

Definitions

Article 3 –

The terms used in this Regulation are defined as follows:

- a) **Student:** Refers to individuals enrolled in associate degree, undergraduate, master's, doctoral, medical specialization, or proficiency in arts programs in higher education institutions.
- b) **Reprimand:** The written notification to a student indicating that they are reprimanded due to improper conduct related to their status as a student.
- c) **Warning:** A written notification advising the student to be more careful in their behavior related to their student status.
- ç) **Higher Education Institutions:** Universities, institutes of high technology, and their affiliated faculties, graduate schools, schools, conservatories, vocational schools, as well as research and application centers.
- d) **Suspension from a Higher Education Institution for a Period of One Week to One Month:** Written notification to a student that they are suspended from their higher education institution for a period of one week to one month and are not allowed to attend classes or examinations during this time.
- e) **Suspension from a Higher Education Institution for One Semester:** Written notification to a student that they are suspended from their higher education institution for one semester and cannot benefit from student rights during this period.

f) **Expulsion from a Higher Education Institution:** Written notification to a student that they are permanently expelled from their higher education institution and will not be re-admitted.

g) **Suspension from a Higher Education Institution for Two Semesters:** Written notification to a student that they are suspended from their higher education institution for two semesters and cannot benefit from student rights during this period.

Chapter Two

Disciplinary Penalties and Offenses Requiring Disciplinary Penalties

Offenses Requiring a Warning Penalty

Article 4 –

(1) Actions that warrant a warning penalty include:

- a) Failing to respond to inquiries made by higher education institution authorities in a timely manner without a valid reason.
- b) Posting notices or announcements in locations other than those designated by the higher education institution authorities.
- c) Removing or defacing announcements or notices posted with the permission of the higher education institution.

Offenses Requiring a Reprimand Penalty

Article 5 –

(1) Actions warranting a reprimand penalty include:

- a) Providing incomplete or incorrect information in response to requests from higher education institution authorities.
- b) Disrupting the order of classes, seminars, practical sessions, laboratories, workshops, scientific meetings, or conferences.
- c) Distributing leaflets or posting banners and posters within the higher education institution without prior authorization.
- d) Defacing, tearing, altering, or soiling announcements, schedules, or similar materials posted by the higher education institution.
- e) Attempting to cheat during examinations.

Offenses Requiring Suspension from the Higher Education Institution for One Week to One Month

Article 6 –

(1) Actions warranting suspension from the higher education institution for one week to one month include:

- a) Engaging in actions that hinder the freedom of learning and teaching or disrupt the functioning and peace of the higher education institution.
- b) Obstructing the proper conduct of disciplinary investigations.
- c) Misusing documents issued by the higher education institution for personal benefits by giving them to others or using someone else's documents.
- d) Making verbal or written statements that harm the honor and dignity of individuals within the higher education institution.
- e) Making verbal or written statements that harm the honor and dignity of the institution's staff, whether within or outside the institution.
- f) Consuming alcoholic beverages within the premises of the higher education institution.
- g) Organizing meetings in the open or closed spaces of the higher education institution without obtaining prior permission from the authorities.

Offenses Requiring Suspension from the Higher Education Institution for One Semester**Article 7 –**

(1) Actions warranting suspension from the higher education institution for one semester include:

- a) Threatening higher education institution staff or students.
- b) Engaging in actions such as occupation or similar activities that obstruct the services of the higher education institution.
- c) Physically assaulting staff or students of the higher education institution.
- d) Committing theft within the premises of the higher education institution.
- e) Damaging buildings, fixtures, or materials belonging to the institution, or harming the institution's information systems.
- f) Cheating or enabling cheating during examinations.
- g) Engaging in plagiarism in seminars, theses, or publications.
- h) Violating a previously imposed suspension decision by failing to comply with its terms.

Offenses Requiring Suspension from the Higher Education Institution for Two Semesters

Article 8 –

(1) Actions warranting suspension from the higher education institution for two semesters include:

- a) Using force or violence against staff of the higher education institution to prevent them from fulfilling their duties.
- b) Using force or violence against students to obstruct their access to higher education services.
- c) Committing actions classified as crimes or coercing an individual or group through force or threats to organize or participate in such actions.
- d) Using, possessing, or carrying narcotic or stimulant substances within the premises of higher education institutions.
- e) Cheating during exams by using threats, obstructing the removal of cheating students from the examination hall, impersonating another person in an exam, or having someone else take an exam on one's behalf.
- f) Engaging in sexual harassment within the premises of higher education institutions.
- g) Carrying or possessing firearms, ammunition, knives, or other weapons specifically designed for attack and defense, as well as explosive materials, in violation of the Law on Firearms, Knives, and Other Instruments dated 10/7/1953 and numbered 6136.
- h) Gaining unauthorized access to the institution's information systems for personal or others' unjust benefit.
- i) Threatening individuals tasked with conducting an investigation.

Offenses Requiring Expulsion from the Higher Education Institution

Article 9 –

(1) Actions warranting expulsion from the higher education institution include:

- a) Establishing, managing, or joining an organization formed for the purpose of committing crimes, or acting on behalf of such an organization or aiding it, provided the offense has been confirmed by a court ruling.
- b) Selling, purchasing, distributing, or engaging in the trade of narcotic or stimulant substances within the higher education institution.
- c) Using firearms, ammunition, knives, or other weapons specifically designed for attack or defense, as well as explosive materials, in violation of the Law on Firearms, Knives, and Other Instruments (Law No. 6136).

d) Violating individuals' sexual integrity by engaging in physical sexual behavior against their consent.

Unspecified Disciplinary Offenses

Article 10 –

(1) For actions not explicitly listed among the offenses requiring suspension or expulsion, but that are similar in nature and severity to actions warranting warnings or reprimands, equivalent disciplinary penalties shall be applied accordingly.

Repetition of a Disciplinary Offense

Article 11 –

(1) In cases where an act that previously resulted in a disciplinary penalty is repeated, a penalty of one degree higher shall be applied.

(2) Even in cases of repeated disciplinary offenses, expulsion from the higher education institution cannot be imposed as a penalty.

Chapter Three

Disciplinary Investigation

Authorities Authorized to Initiate Investigations

Article 12 –

(1) The authorities authorized to initiate disciplinary investigations are as follows:

- (a) The dean for disciplinary offenses committed by faculty students,
- (b) The institute director for disciplinary offenses committed by institute students,
- (c) The director for disciplinary offenses committed by students of higher schools or vocational schools,
- (d) The conservatory director for disciplinary offenses committed by conservatory students,
- (e) [Repealed by the Eighth Chamber of the Council of State through Decision No. E.:2019/6735; K.:2020/5892, dated December 23, 2020: Regarding collective student actions in shared spaces or areas].

(2) (Amended: OG-23/12/2016-29927)

Authorities authorized to initiate investigations may conduct the investigation themselves or assign one or more investigators to conduct it on their behalf. If deemed necessary, they may also request the assignment of an investigator from another higher education institution.

Duration and Statute of Limitations for Investigations

Article 13 –

1. Disciplinary investigations shall commence immediately upon the discovery of the incident. The investigation must be concluded within fifteen days from the date of approval. (The second sentence was annulled by the Eighth Chamber of the Council of State through Decision No. E.:2012/9483; K.:2016/4594, dated May 9, 2016, and finalized by the Council of State Administrative Litigation Chambers' Decision No. E.:2016/4019, K.:2017/1660, dated April 19, 2017.)
2. For actions constituting disciplinary offenses as specified in this Regulation, the authority to initiate disciplinary investigations expires if investigations are not commenced within the following timeframes from the date the authorized official becomes aware of the offense:
 - (a) Within one month for penalties of warning, reprimand, or suspension from the institution for one week to one month,
 - (b) Within three months for penalties of suspension from the institution for one or two semesters or expulsion from the institution.
3. The authority to impose disciplinary penalties expires if the penalty is not issued within two years from the date of the offense. (The sentence specifying exceptions for cases requiring a judicial decision was annulled by the Eighth Chamber of the Council of State through Decision No. E.:2019/6735; K.:2020/5892, dated December 23, 2020.)

Procedures for Conducting Investigations

Article 14 –

1. Confidentiality is essential during the investigation process.
2. Investigators may question witnesses, conduct on-site inspections, and consult expert opinions. Investigation procedures must be documented in a report, specifying the location, date, nature of the procedure, participants, and, if statements are taken, the questions and responses. The report must be signed by the investigator, the clerk, the individual providing the statement, and any individuals present during inspections. Witnesses and experts must be sworn in, and their identities, addresses, and other relevant details must be recorded.
3. Personnel of higher education institutions are required to promptly provide all requested information, files, and documents to the investigator and fulfill any requested assistance without delay.
4. The investigator must limit the investigation to the specific person and actions for which the investigation was initiated. If the investigator identifies other disciplinary offenses or additional individuals who need to be included in the investigation under the same offense, they must notify the authorized authority.
5. A student's transfer within the institution, transfer to another institution, or departure from the institution for any reason does not prevent the initiation, continuation, or resolution of the investigation.
6. (Added: Official Gazette 07/11/2013-28814) Investigators, if deemed necessary, may request from the authority responsible for initiating the investigation to prohibit the student under investigation from entering the buildings of the higher education institution during the investigation period.

Right to Defense

Article 15 –

1. The accused student must be informed in writing of the alleged offense at least seven days prior to the date set for their defense. The notification must specify the offense, the date, time, and location where the student is required to present their defense.
2. (Amended: Official Gazette 23/12/2016-29927) The student appearing for their defense may provide it either verbally or in writing. After a written defense is submitted, the investigator may ask the student additional questions.
3. The notification must state that if the student fails to comply with the summons without a valid excuse or does not communicate their excuse in time, it will be assumed that they have waived their right to defense, and a decision will be made based on the available evidence.
4. If the student provides a valid excuse or it is determined that they could not comply with the summons due to a compelling reason, an additional period will be granted. Detained students will be informed that they may submit their defense in writing.
5. The investigation process must be conducted in a manner that allows the student to adequately defend themselves.

Investigation Report

Article 16 –

1. Upon the conclusion of the investigation, a report must be prepared. The report should include:
 - The authorization for the investigation.
 - The date the investigation commenced.
 - The identity of the accused.
 - Details of the alleged offenses.
 - The stages of the investigation, evidence collected, and a summary of the defense provided.
2. The report must analyze whether the alleged offense is substantiated and recommend the appropriate disciplinary action.
3. The original or certified copies of relevant documents must be attached to the report, organized with a detailed index, and submitted with the report to the authority that initiated the investigation.

Simultaneous Criminal and Disciplinary Proceedings

Concurrent Criminal and Disciplinary Proceedings

Article 17 –

1. Initiating criminal proceedings against a student for the same incident does not delay the disciplinary investigation.
 2. The initiation of criminal proceedings, or whether the student is convicted or acquitted under the law, does not prevent the imposition of a disciplinary penalty.
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Finalization of the Investigation

Article 18 –

1. **Issuance of Warnings, Reprimands, and Suspensions (up to one month):**
These penalties are imposed by the relevant faculty dean or the director of the institute, conservatory, school, or vocational school.
2. **(Annulled by the Council of State's Eighth Chamber Decision dated 23/12/2020, E.:2019/6735; K.:2020/5892):**
Authority for imposing penalties for offenses committed in shared spaces (warnings, reprimands, or suspensions up to one month) rested with the rector.
3. **Suspensions (one or two semesters) and Expulsions:**
These penalties are imposed by the competent disciplinary committee.
4. **Disciplinary Committees:**
For investigations conducted by faculties, institutes, conservatories, schools, and vocational schools, the disciplinary committee is the governing board of these units. (The annulled provision allowed the university's governing board to act as the disciplinary committee for investigations conducted by the rectorate.)
5. **Supplementary Investigation Measures:**
After reviewing the investigation file, the rector (provision annulled by the same Council of State decision), dean, director, or disciplinary committee may request the completion of specific missing investigation procedures by the same investigator or a member of the disciplinary committee if deemed necessary.

Procedures of the Disciplinary Committee

Article 19 –

1. The disciplinary committee convenes upon the call of its chairperson at a specified location, date, and time.
2. The preparation of the meeting agenda, its communication to relevant parties, and the orderly conduct of the committee's activities are ensured by the chairperson.
3. The quorum for the committee's meetings is the simple majority of the total number of members.

Rapporteurship and Deliberation Procedure

Article 20 –

1. In disciplinary committees, the task of rapporteur is performed by a member appointed by the chairperson. The appointed rapporteur reviews the referred file within two days and submits a report to the chairperson.
2. During the meeting, the rapporteur's statements are heard first. The committee may also hear the investigators if deemed necessary. After the discussions are concluded, a vote is conducted, and the decision is announced by the chairperson.

Voting and Decisions

Article 21 –

1. The authority or disciplinary committee empowered to impose penalties is not obligated to accept the penalty recommended in the investigation report. They may impose a different disciplinary penalty, provided that reasons for the decision are justified.
2. Decisions in disciplinary committees are made by the simple majority of attendees. In the event of a tie, the chairperson's vote determines the majority.
3. If an investigator is a member of the disciplinary committee, they are not allowed to participate in the discussions or vote on the case they investigated.

Decision Timeline

Article 22 –

1. Authorities empowered to impose disciplinary penalties must issue decisions regarding warnings, reprimands, and suspensions from the higher education institution for a period of one week to one month within ten days from the conclusion of the investigation.
 2. In cases requiring other disciplinary penalties, the file is immediately referred to the disciplinary committee. The committee is required to issue a decision within ten days from the date it receives the file.
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Considerations in Imposing Disciplinary Penalties

Article 23 –

1. Authorities empowered to impose disciplinary penalties, as well as disciplinary committees, must take the following into account when determining a penalty:
 - The severity of the actions constituting the disciplinary offense,
 - Whether the student has previously received any disciplinary penalties,
 - The student's conduct, demeanor, and behavior,
 - Whether the student expresses remorse for their actions.

Chapter Four

Implementation and Appeals

Notification of Penalties

Article 24 –

1. The disciplinary penalty issued at the conclusion of a disciplinary investigation is communicated by the authority empowered to initiate the investigation to:
 - a. The student subject to the disciplinary investigation,
 - b. The organization or institution providing the student with a scholarship or loan, and

the higher education institution,

c. In the case of expulsion from the university, in addition to the above, all higher education institutions, the Council of Higher Education, ÖSYM, law enforcement authorities, and relevant military service branches.

Implementation of Disciplinary Penalties

Article 25 –

1. Disciplinary penalties are implemented on the date specified in the decision by the authorized officer or disciplinary committee. If no date is specified, the penalty takes effect from the date it is issued.

Appeals Against Disciplinary Penalties

Article 26 –

1. Disciplinary penalties issued by authorities or disciplinary committees may be appealed to the University Executive Board within fifteen days.
2. Upon appeal, the University Executive Board must make a final decision within fifteen days. The Board may uphold or reject the disciplinary penalty. In case of rejection, the disciplinary committee or authorized officer must reconsider the penalty in light of the Board's justification.
3. Penalties issued under this Regulation may be challenged directly in administrative courts, even without utilizing the appeal mechanism.

Chapter Five

Miscellaneous and Final Provisions

Notification and Address Reporting

Article 27 –

1. Notifications related to disciplinary investigations are delivered in person against a signature, sent in writing to the address provided by the student to the higher education institution, or sent electronically if the student has provided a valid electronic address for such communication. If none of these methods are possible, notification is considered completed by posting a notice at the relevant higher education institution.
2. Students who fail to update their address with the institution after a change, or provide incorrect or incomplete address information, are considered to have been notified if the communication is sent to the address on record at the higher education institution.

File Handover

Article 28 –

1. Disciplinary investigation files are handed over and received with a record of delivery that includes the signatures of both the sender and the receiver.

Correspondence Procedure

Article 29 –

1. In correspondence with individuals, the notification methods described in Article 28 apply, unless otherwise specified, and the provisions of the Notification Law No. 7201 are followed.
2. In cases where documents are delivered by hand, a signed receipt must be kept in the investigation file.

Ongoing Disciplinary Investigations

Provisional Article 1 –

1. For investigations initiated before the date of this Regulation's enforcement but not yet completed, the provisions of this Regulation apply.

Ongoing Disciplinary Investigations (Amended)

Provisional Article 2 –

1. For investigations initiated before the enforcement date of this amendment but not yet completed, the provisions of Article 15(2) of this Regulation prior to the amendment apply.

Repealed Regulation

Article 30 –

1. The Student Disciplinary Regulation for Higher Education Institutions, published in the Official Gazette No. 18634 on January 13, 1985, is repealed.

Enforcement

Article 31 –

1. This Regulation enters into force on the date of its publication.

Execution

Article 32 –

1. The provisions of this Regulation are executed by the President of the Council of Higher Education.

Date and Issue of the Official Gazette Publishing the Regulation

- **Date:** August 18, 2012
- **Issue Number:** 28388

Dates and Issues of the Official Gazettes Publishing Amendments to the Regulation

1. **Date:** November 7, 2013
Issue Number: 28814

2. **Date:** December 23, 2016
Issue Number: 29927