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***Bilgilendirme amaçlıdır. YÜKSEKÖĞRETİM KANUNU (Kanun Numarası: 2547)**

***This is for informational purposes. The Turkish text of ARTICLE 54 of the HIGHER EDUCATION LAW (Law Number: 2547) should be taken as the basis**

“The Higher Education Council Student Discipline Regulation” has been abolished by Law No.
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HIGHER EDUCATION LAW (Law Number: 2547) ARTICLE 54:

Disciplinary Matters of Students:

Article 54 – (Amended: 2/2/2023-7437/2)

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

a) Reprimand: It is the written notification to the student that they are censured for faulty behaviors related to their student status. Actions necessitating a reprimand penalty include:

- 1) Providing incomplete or incorrect information with the intention to mislead the authorities of the higher education institution,
- 2) Disrupting the organization of activities such as classes, seminars, exams, practical work, laboratory work, workshops, scientific meetings, and conferences,
- 3) Distributing announcements without permission, hanging posters or banners within the higher education institution without permission
- 4) Tearing, ripping, altering, defacing, or soiling current announcements, programs, and similar items posted by the higher education institution or with its permission,
- 5) Attempting to cheat or crib in exams,

- 6) Using tobacco products, electronic cigarettes, or other tobacco-related products on the university campus outside the areas designated by the university senate."

b) Suspension from the higher education institution for a period ranging from one week to one month: It is the written notification to the student that they are suspended from the higher education institution for a period ranging from one week to one month and that they cannot attend classes and exams during this period. Actions necessitating suspension from the higher education institution for a period ranging from one week to one month include:

- 1) Engaging in actions that impede academic freedom, disrupt the functioning and tranquility of higher education institutions,
- 2) Hindering the proper conduct of disciplinary investigations,
- 3) Using a document that provides personal rights obtained from the higher education institution to someone else or using a document belonging to someone else,
- 4) Engaging in verbal or written actions that damage the honor and dignity of individuals in the higher education institution,
- 5) Engaging in verbal or written actions that damage the honor and dignity of the personnel of the higher education institution, either within or outside the institution,
- 6) Consuming alcoholic beverages within the premises of the higher education institution,
- 7) Organizing meetings in closed or open spaces belonging to the higher education institution without obtaining permission from the authorities,
- 8) Threatening personnel or students of the higher education institution."

c) Suspension from the higher education institution for one semester: It is the written notification to the student that they are suspended from the higher education institution for one semester and that they cannot benefit from student rights during this period. Actions necessitating suspension from the higher education institution for one semester include:

- 1) Engaging in acts of occupation and similar actions that impede the services of the higher education institution,
- 2) Physically attacking institution personnel or students,

- 3) Committing theft within higher education institutions,
- 4) Damaging or causing harm to the existing building, fixtures, and similar materials within the higher education institution or harming the information system,
- 5) Cribbing or attempting to crib in exams,
- 6) Plagiarizing in seminars, theses, and publications, or, except for contributions that do not involve academic evaluation such as survey applications and data collection, partially or entirely having others write them without personal effort and academic knowledge,
- 7) Not complying with the decision of suspension from the higher education institution despite having received such a penalty,
- 8) Committing one of the acts listed in the third and fourth paragraphs of Article 28/A of the Law on the Protection of Animals No. 5199 dated 24/6/2004 within higher education institutions

ç) Suspension from the higher education institution for two semesters: The student shall be notified in writing of their suspension from the higher education institution for two semesters, during which they will be deprived of student rights. Actions leading to the suspension from the higher education institution for two semesters include:

- 1) Obstructing the performance of duties by using force and violence against officials of the higher education institution,
- 2) Preventing students from benefiting from higher education services by using force and violence against them,
- 3) Using, carrying, or possessing narcotics or stimulants within higher education institutions,
- 4) Cribbing in exams through threats, preventing the removal of students who crib from the exam hall, impersonating someone else in the exam, or allowing someone else to take the exam on their behalf,
- 5) Committing sexual harassment within higher education institutions,

6) Carrying and possessing firearms, bullets, knives, and other tools specially made for attack and defense, as well as explosive materials, in violation of the Law No. 6136 dated 10/7/1953 on Firearms and Knives and Other Tools,

7) Unauthorized entry into the information system of the higher education institution to gain unfair advantages for oneself or others or to cause harm to individuals,

8) Threatening those assigned to the investigation,

9) Committing acts specified in the second paragraph of Article 28/A of Law No. 5199 in higher education institutions.

d) Expulsion from the higher education institution: The student shall be notified in writing that they are expelled from student status and will not be admitted to the same higher education institution again.

Actions warranting expulsion from the higher education institution include:

1) Establishing an organization with the intent to commit a crime, managing such an organization, or becoming a member of an organization established for the purpose of committing a crime, provided that there is a final court decision,

2) Engaging in activities on behalf of or assisting an organization established for the purpose of committing a crime, without being a member of such an organization,

3) Selling, giving, or trading narcotics or stimulants,

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

5) Violating the sexual integrity of individuals by engaging in sexual behaviors on their bodies.

(2) Recurrence of disciplinary offense:

a) In the case of a recurring act that led to the imposition of a disciplinary penalty, a one-degree more severe penalty shall be applied within the disciplinary penalty statute of limitations period following the notification of the penalty.

b) Expulsion from the higher education institution cannot be imposed based on the recurrence of a disciplinary offense.

(3) Disciplinary authorities:

a) Within a faculty, institute, conservatory, college, or vocational school, the dean of the relevant faculty, or the director of the institute, conservatory, college, or vocational school is authorized to initiate an investigation into disciplinary offenses committed by students.

b) Except for the provision in subparagraph (a) of this paragraph, for disciplinary offenses committed within or outside higher education institutions, in common areas or venues, or offenses committed collectively by students of multiple faculties, institutes, conservatories, colleges, or vocational schools, the authority to initiate an investigation lies with the rector.

c) The investigation is conducted by investigators appointed by the competent disciplinary authority. If deemed necessary, the disciplinary authority may request the appointment of investigators from another higher education institution.

4) Duration and statute of limitations of the investigation:

a) The disciplinary investigation shall commence immediately upon learning of the disciplinary incident, and the investigation shall be concluded within a maximum of thirty days. If the investigation cannot be completed within this period, the investigator may request additional time with reasoned justification. Considering the provided justification and statute of limitations, the disciplinary authority may grant an additional period, not exceeding sixty days in each instance and up to ninety days in cases of collectively committed offenses.

b) For students who have committed actions falling under the category of disciplinary offenses listed in this article, disciplinary authority to impose penalties becomes statute-barred if no disciplinary investigation is initiated within one month for reprimand or suspension ranging from one week to one month, and within three months for suspension for one or two semesters or expulsion from the higher education institution. This period starts from the date when the competent authorities learn about the commission of the actions. However, in the case of offenses falling under subparagraph (d) of the first paragraph of this article, the limitation period starts from the date the final judgment of the judicial decision is reached.

c) If a disciplinary penalty is annulled by a judicial decision, within the remaining statute of limitations period from the date the decision reaches the administration, or if there is less than

three months remaining for the expiration of the statute of limitations, the decision can be re-imposed according to its requirements within three months at the latest."

5) Right to Defense:

a) The student subject to a disciplinary investigation shall be informed in writing, at least seven days before the date on which they are to present their defense, of the allegations against them, either through the student information system or via electronic mail or text message. This written notification shall request the student to be present to make their defense on the specified day, time, and place.

b) The individual appearing to present their defense may do so orally or in writing. After the submission of a written defense, the investigator may pose additional questions to the student.

c) The invitation sent to the student shall specify that failure to comply with the summons without a valid excuse or failure to timely notify of an excuse will result in the presumption that the student has waived their right to defense. In such cases, a decision will be made based on the existing evidence.

ç) A reasonable period shall be granted to a student who has provided a valid excuse or is unable to attend the invitation due to a force majeure. Detained students shall be informed that they can submit their defense in writing.

ç) The investigation shall be conducted in a manner that allows the student to adequately present their defense.

(6) Principles to be Followed in Disciplinary Investigation:

a) The confidentiality of the investigation is essential.

b) The investigator may hear witnesses, conduct inspections, and consult experts. The investigation procedures are documented in a record. The record includes information on where and when the procedure took place, the nature of the procedure, the participants, and, if statements were obtained, the questions and answers. The record is signed by the investigator, the clerk, the statement giver, and any individuals present during the inspection.

c) Personnel of higher education institutions promptly provide investigators with any requested information, files, and other documents and cooperate with any assistance requested.

ç) The investigator conducts and completes the investigation, limited to the person and actions subject to the investigation. If the investigator determines that other disciplinary offenses were committed outside the investigated action or that other individuals should be included in the investigation for the same offense, they report the situation to the competent authority.

ç) The fact that a student has left the higher education institution for any reason after committing a disciplinary offense does not prevent the initiation, continuation, and decision-making of the investigation.

d) When a student commits an offense requiring disciplinary action while enrolled in another higher education institution, the authority to initiate an investigation and impose disciplinary action belongs to that institution. The decision regarding the student is promptly communicated to the higher education institution where the student is registered for implementation.

e) In cases warranting suspension for one or two semesters or expulsion, upon the proposal of the competent authority or ex officio by the decision of the rector, a measure may be taken to prohibit the student from entering the premises of the higher education institution for a period not exceeding thirty days.

f) A report is prepared when the investigation is concluded. The report summarizes the investigation approval, start date of the investigation, identity of the investigated party, alleged offenses, stages of the investigation, evidence, and defense received. The validity of the alleged offense is discussed, and if proven, a disciplinary penalty corresponding to the action is proposed. Copies or originals of documents related to the investigation are attached to the report. The investigation report is submitted to the authority that initiated the investigation along with the file.

ğ) The initiation of a criminal prosecution against a student for the same incident does not delay the disciplinary investigation. Whether the student is being prosecuted, convicted, or not convicted does not prevent the imposition of a disciplinary penalty.

7) Authority to Impose Disciplinary Penalties:

a) Reprimand and suspensions ranging from one week to one month are imposed by the dean of the relevant faculty, or the director of the institute, conservatory, college, or vocational school.

b) Reprimands and suspensions of up to one month for offenses committed in common areas are within the authority of the rector.

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

ç) The management boards of faculties, institutes, conservatories, colleges, or vocational schools conduct investigations in their respective units, while the university executive board oversees investigations conducted by the rectorate.

(8) Operating Procedures of Disciplinary Boards:

a) The disciplinary board convenes at a time, date, and place determined upon the chairman's call.

b) The preparation of the meeting agenda, its announcement to the relevant parties, and the organized conduct of board activities are ensured by the chairman.

c) The quorum for the board meeting is a simple majority of the total number of board members.

ç) The role of the rapporteur in disciplinary boards is carried out by a member appointed by the chairman. The rapporteur completes the examination of the assigned file within a maximum of five days.

ç) Initially, the explanations of the rapporteur are heard in the board. If deemed necessary, the board may also listen to the investigators. Following the conclusion of discussions, a vote is taken, and the decision is announced by the chairman

(9) Voting, Decision, and Decision Timeframes:

a) Authorities with the power to impose disciplinary penalties may return the file if deficiencies are identified in the investigation for the purpose of rectifying those deficiencies. They can either approve, mitigate, or reject the disciplinary penalty proposed by the investigator.

b) Decisions in disciplinary boards are made by a simple majority of those present at the meeting. In case of a tie, the chairman's vote is considered to have achieved a majority in the direction of the vote cast by the chairman.

c) If the investigator is a member of the disciplinary board, they cannot attend meetings related to the file they conducted the investigation for and cannot cast a vote.

ç) Authorities with the power to impose disciplinary penalties must decide on reprimand and suspensions ranging from one week to one month within ten days from the completion of the investigation. In cases requiring other disciplinary penalties, the file is immediately referred to the

disciplinary board. The disciplinary board must make a decision within ten days from the date it receives the file.

ç) Authorities with the power to impose disciplinary penalties, as well as disciplinary boards, may impose a penalty one degree lower by taking into account the severity of the actions constituting the disciplinary offense, whether the investigated student has previously received a disciplinary penalty, whether they express remorse for the committed act, and their past behavior, work, and achievements in the higher education institution. The authority to impose one degree lower penalty is granted by the competent authority that has the power to impose the primary penalty.

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

a) The outcome of the disciplinary investigation is communicated to the student under investigation and, if applicable, to the victim.

b) The disciplinary penalty imposed at the end of the disciplinary investigation is communicated to the student, in addition to the above, to the organization providing scholarships or loans to the student and to the higher education institution.

c) If the date from which the disciplinary penalty imposed by the competent authority or board will be effective is not specified in the decision, the penalties are implemented from the date they are imposed.

ç) Appeals against disciplinary penalties imposed by disciplinary authorities and boards can be submitted to the university executive board within fifteen days. The person directly affected by the act constituting the disciplinary offense may also appeal in the same manner. The penalties are recorded in the student's file.

ç) In case of an appeal, the university executive board decides to accept or reject the appeal within fifteen days. If the appeal is accepted, the competent disciplinary authority or board decides within thirty days, taking into account the reasons for acceptance.

d) Without exercising the right to appeal, students can also resort to administrative litigation against disciplinary penalties.

(11) Except for specifically regulated cases, notifications to students shall be made in accordance with the provisions of the Notification Law dated 11/2/1959 and numbered 7201. However, if a

student changes the address they declared when enrolling in the higher education institution without notifying the institution they belong to, or if they provide incorrect or incomplete information, a notification sent to the registered address at the higher education institution is considered valid notification.

(12) The files related to the disciplinary investigation are delivered and received along with a series record. The signatures of the delivering and receiving parties are found under the series record.