

**Information System of Regulations**  
e-regulations

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**Higher Education Institutions Student Disciplinary Regulations**

**Section One**

**Purpose, Scope, Basis and Definitions**

**Purpose and scope**

**Article 1 –** (1) The purpose of these regulations is to regulate the disciplinary penalties and investigation procedures and principles applied to students of higher education institutions.

(2) These regulations apply to all students in higher education institutions.

**Basis**

**Article 2 –** (1) These regulations were prepared based on Article 54 and Article 65 paragraph (a) number 9 of Higher Education Law no. 2547, dated 4 November 1981.

**Definitions**

**Article 3 –** (1) In this regulation, the terms below are defined as follows:

- a) Student: Those receiving associate's, bachelor's, master's, doctoral, medical, or proficiency in art education in higher education institutions.
- b) Reprimand: Informing the student in writing that he/she is being reprimanded for his/her misconduct as a student.
- c) Warning: Warning the student in writing that he/she should be more careful in terms of his/her behavior as a student.
- d) Higher Education Institutions: Universities, high technology institutes, and their faculties, institutes, colleges, conservatories, vocational schools, and application and research centers.
- e) Suspension from a higher education institution from one week to a month: Informing the student in writing that he/she is suspended from the higher education institution for one week to one month and cannot attend courses or exams within this period.
- f) Suspension from a higher education institution for a semester: Informing the student in writing that he/she has been suspended from the higher education institution for one semester and cannot benefit from student rights during this period.
- g) Dismissal from a higher education institution: Informing the student in writing that he/she has been dismissed from the higher education institution.
- h) Suspension from the higher education institution for two semesters: Informing the student in writing that he/she has been suspended from the higher education institution for two semesters and cannot benefit from student rights during this period.

**Section Two**

**Disciplinary Measures and Conduct Warranting Disciplinary Measures**

### **Disciplinary offenses requiring a warning penalty**

**Article 4 –** (1) Actions requiring a warning penalty are as follows:

- a) Not answering questions asked by authorities of the higher education institution in time without a justified reason.
- b) Posting announcements in places other than those determined by the authorities of the higher education institution.
- c) Tearing, changing, or defiling announcements, programs, and similar documents posted with the permission of the higher education institution.

### **Disciplinary offenses requiring a reprimand penalty**

**Article 5 –** (1) Actions requiring a reprimand penalty are as follows:

- a) Giving missing or incorrect information requested by the authorities of higher education institutions.
- b) Disrupting studies such as courses, seminars, applications, laboratories, workshops, scientific meetings and conferences.
- c) **(Amendment: OG-7/11/2013-28814)<sup>2</sup>** Distributing leaflets, posters, or banners without the permission of the higher education institution.
- d) Tearing, changing, or defiling announcements, programs, etc. that have been posted by the higher education institution.
- e) Attempting to cheat during exams.

### **Disciplinary offenses requiring suspension from the higher education institution for one week to one month**

**Article 6 –** (1) Actions that require suspension from the higher education institution for one week to one month are as follows:

- a) **(Amendment: OG-23/12/2016-29927)** Obstructing the freedom to learn or teach or disrupting the functioning and peace of higher education institutions.
- b) Disrupting the conduct of disciplinary investigations
- c) Allowing someone else to use a document given to the student by the higher education institution providing that student with rights, or using a document belonging to someone else.
- d) Committing verbal or written actions that damage the honor and dignity of individuals in the higher education institution.
- e) Committing verbal or written actions that damage the honor and dignity of personnel within or outside the higher education institution.
- f) Drinking alcoholic beverages in the higher education institution.
- g) Holding meetings in closed or open spaces of the higher education institution without obtaining permission from the authorities.

### **Disciplinary offenses requiring suspension from the higher education for one semester**

**Article 7 –** (1) Actions that require suspension from the higher education institution for one semester are as follows:

- a) Threatening the staff or students of higher education institutions.
- b) Preventing the work of staff in higher education institutions.
- c) Attacking the staff and students of the institution.
- d) Committing theft in higher education institutions.
- e) Destroying buildings, furniture, fixtures, etc. of the higher education institution or damaging the information system.
- f) Cheating on exams or helping others cheat.
- g) Plagiarism in seminars, dissertations and publications.

h) **(Amendment: OG-23/12/2016-29927)** Not complying with the higher education's decision to suspend the student.

#### **Disciplinary offenses requiring suspension from the higher education for two semesters**

**Article 8 –** (1) Actions that require suspension from the higher education institution for two semesters are as follows:

- a) Preventing the execution of services by using force and violence against staff.
- b) Preventing students from using higher education services by using force and violence.
- c) **(Amendment: OG-7/11/2013-28814)** *Committing acts deemed to be a crime<sup>(1)</sup>* or forcing a person or group to organize or participate in an action that is considered to be a crime through force or threat.
- c) Using, carrying or keeping drugs or stimulants in higher education institutions.
- d) Cheating on exams through threat, preventing students who are cheating on exams from being removed from the exam room, having someone else take the exam in their place, or taking the exam in place of another.
- e) Committing sexual harassment in higher education institutions.
- f) Carrying and keeping firearms, bullets, knives, explosives and other weapons made for use in attack and defense in higher education institutions, in violation of Firearms, Knives and Other Weapons Law No. 6131, dated 10 July 1953.
- g) Accessing the information system of higher education institutions and providing an unfair advantage for him/herself or others.
- h) **(Amendment: OG-23/12/2016-29927)** Threatening investigators.

#### **Disciplinary offenses requiring the penalty of dismissal from higher education institutions**

**Article 9 –** (1) Actions that require dismissal from higher education institutions are as follows:

- a) Establishing an organization for the purpose of committing a crime, or managing, becoming a member, assisting, or acting on behalf of such an organization.
- b) Selling, buying, giving or trading drugs or stimulants in higher education institutions.
- c) Using firearms, bullets, knives, explosives or other tools designed for attack and defense, in violation of Firearms and Knives and Other Weapons Law 6136.
- d) Sexual violation through sexual acts on a person's body.

#### **Unforeseen disciplinary offenses**

**Article 10 –** (1) Apart from disciplinary offenses that require suspension or dismissal from higher education institutions, the same type of disciplinary punishments shall also be applied to those who perform similar actions in terms of their quality and weight.

#### **Repeat disciplinary offenses**

**Article 11 –** (1) Repeat offenses of an action that resulted in disciplinary action shall result in one degree higher of punishment.

(2) If the disciplinary offense is a recurrent offense of a lesser level, the penalty of expulsion from the higher education institution cannot be given.

### **Section Three Disciplinary Investigation**

#### **Supervisors authorized to open an investigation**

**Article 12 –** (1) Supervisors authorized to open an investigation are as follows:

- a) The dean, for disciplinary offenses committed by faculty students,
- b) The director of the institute, for disciplinary offenses committed by institute students,

- c) The director, for disciplinary offenses committed by college or vocational school students,
- d) The conservatory director for disciplinary offenses committed by conservatory students,
- e) University rectors, for collective student action in common spaces.

(2) **(Amendment: OG-23/12/2016-29927)** Supervisors authorized to initiate an investigation may conduct the investigation themselves or have the investigator(s) appointed; if they deem necessary, they may request the appointment of an investigator from another higher education institution.

### **Duration of investigation**

**Article 13** – (1) Disciplinary proceedings shall be initiated immediately upon learning of the event. The investigation shall be concluded within fifteen days from the date of approval. *If the investigation cannot be completed within this period, the investigator shall request additional time. The disciplinary supervisor authorized to initiate an investigation may extend the investigation period if deemed appropriate.*<sup>(3)</sup>

(2) If the disciplinary investigation does not commence within the time periods given below from the date on which students who committed the disciplinary offense as defined in this regulation by the supervisors authorized to initiate the investigation, the authority of disciplinary action expires:

- a) One month for punishments of warning, reprimand, and suspension for one week to one month,
- b) Three months for punishments of suspension for one or two semesters and dismissal from the institute,

(3) In the event that no disciplinary action is taken within two years at the latest from the date that the acts requiring disciplinary action occur, the authority to issue disciplinary action is time-barred. However, if the disciplinary supervisor or board require a judiciary decree, the time period begins when the judiciary decree is finalized. This need is determined by the decision of the authorized discipline advisor or board.

### **Investigation procedures**

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

(2) The investigator can listen to witnesses, make investigations, and request the opinion of experts. Investigation procedures shall be recorded in an official report. The official report includes where and when the action was carried out, the nature of the action, who participated, questions asked and answered if testimony was taken. When complete, the report is signed by the investigator, scribe, and person(s) who gave testimony. When testimony is taken, the witness and authority are sworn in, and the witness's identity, address and other information are specified.

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

(4) The investigator must limit the investigation to the persons and actions being investigated. An investigator who determines that other disciplinary offences have been committed or that other persons should be included in the investigation within the scope of the same offense during the investigation shall notify the relevant authority.

(5) Even if a student transfers within the institution or changes his or her institution after the disciplinary offense for any reason, this does not prevent the investigation from being opened or the necessary decisions from being made.

(6) **(Amendment: OG-7/11/2013-28814)**<sup>2</sup> Investigators, if they deem necessary, may request the relevant authority to open a disciplinary investigation to decide on the prohibition of students from entering the premises of the higher education institution during the investigation.

### **Right of defense**

**Article 15** – (1) Students who are subject to disciplinary proceedings shall be informed in writing of the reasons attributed to the offense at least seven days before the days of their defense. In this text, the student is required to be present to make his/her defense on the specified date, time and location.

(2) **(Amendment: OG-23/12/2016-29927)** The person making a defense may present his/her defense orally or in writing. After submitting a written defense, the investigator may ask the student additional questions.

(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 shall be conducted in such a way as to enable the student to defend him/herself as necessary.

### **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.

### **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 – (Amendment: OG-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.

#### **Repealed 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 repealed.

#### **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.

<sup>1</sup> With the Decision of the State Council Administration Litigation Department dated 3 November 2014 numbered YD Appeal No: 2014/843, the phrase “Committing acts deemed to be a crime” in Article 8 1) (c) was repealed. Later, with Decision No: 2018/7538, the phrase was canceled.

<sup>2</sup> With the Decision of the State Council Eighth Department dated 30 April 2014 no. 2013/11920, it was decided to halt the execution of these amendments. Later, with the Decision of the State Council Administrative Case Department dated 3 November 2014 with YD Appeal No: 2014/843, the objection to this decision was rejected.

<sup>3</sup> With Decision No: 2016/4594, it was decided to cancel the last sentence of Article 13 of Provision No: 2012/9483 of the State Council Eighth Department.

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