

HIGHER EDUCATION LAW

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Student Disciplinary Matters:

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

(1) Disciplinary penalties and disciplinary offenses warranting disciplinary penalties:

a) Reprimand: A written notification to the student that they have been reprimanded for misconduct related to their student status. The following actions warrant a reprimand:

1) Providing incomplete or false information with the intent to mislead the authorities of the higher education institution,

2) Disrupting the order of academic activities such as classes, seminars, exams, practical sessions, laboratories, workshops, scientific meetings, and conferences,

3) **(Subparagraph repealed: By the Constitutional Court's Decision No. E: 2023/78, K: 2024/55 dated February 22, 2024)**

4) Tearing down, tearing, altering, defacing, or soiling current notices, schedules, and similar materials posted by a higher education institution or with its permission,

5) Attempting to cheat on exams,

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

b) Suspension from the institution of higher education for a period of one week to one month: This involves notifying the student in writing that they have been suspended from the institution of higher education for a period of one week to one month and that they may not attend classes or take exams during this period. The following actions warrant a suspension from the institution of higher education for a period of one week to one month:

1) Engaging in actions that hinder the freedom of learning and teaching or disrupt the operation and peace of higher education institutions,

2) Obstructing the proper conduct of disciplinary investigations,

3) Providing a document issued by the higher education institution that grants one's own rights to another person for their use, or using a document belonging to another person,

4) Engaging in verbal or written actions that undermine the honor and dignity of individuals within the higher education institution,

5) Engaging in verbal or written conduct, either within or outside the institution, that undermines the honor and dignity of higher education institution staff,

6) Consuming alcoholic beverages within a higher education institution,

7) **(Subparagraph repealed: By the Constitutional Court's Decision No. E: 2023/78, K: 2024/55 dated February 22, 2024)**

8) Threatening higher education institution staff or students.

c) Suspension from the higher education institution for one semester: This involves notifying the student in writing that they have been suspended from the higher education institution for one semester and will not be able to exercise their student rights during this period. The actions warranting a suspension from the higher education institution for one semester are as follows:

- 1) Engaging in acts such as occupation or similar actions that obstruct the services of a higher education institution,
- 2) Physically assaulting institution staff or students,
- 3) Committing theft within a higher education institution,
- 4) Damaging buildings, fixed assets, or similar materials within the institution or causing harm to the information system,
- 5) Cheating on exams or facilitating cheating,
- 6) Committing plagiarism in seminars, theses, and publications, or having them written by others—either partially or entirely—outside of one’s own personal effort and academic expertise, excluding contributions such as survey applications or data collection that do not constitute academic evaluation,
- 7) Failing to comply with a decision to expel from the higher education institution despite having received such a penalty,
- 8) Committing any of the acts listed in the third and fourth paragraphs of Article 28/A of the Animal Protection Law No. 5199 dated June 24, 2004, within higher education institutions.

(c) Suspension from the institution of higher education for two semesters: This involves notifying the student in writing that they have been suspended from the institution of higher education for two semesters and that they will not be entitled to student rights during this period. The following actions warrant a suspension from the institution of higher education for two semesters:

- 1) Using force or violence against higher education institution staff to prevent them from performing their duties,
- 2) Using force or violence against students to prevent them from accessing higher education services,
- 3) Using, carrying, or possessing narcotic or stimulant substances within higher education institutions,
- 4) Cheating on exams through threats, preventing students caught cheating from being removed from the exam room, having someone else take the exam in one’s place, or taking an exam in someone else’s place,
- 5) Committing sexual harassment within higher education institutions,
- 6) Carrying or possessing firearms, ammunition, knives, or other devices specifically designed for attack or defense, as well as explosive materials, in violation of the Law No. 6136 on Firearms, Knives, and Other Devices dated July 10, 1953,
- 7) Accessing the information systems of a higher education institution to obtain an unjust advantage for oneself or another person, or to cause harm to individuals,
- 8) Threatening those assigned to conduct an investigation,
- 9) Committing the acts listed in the second paragraph of Article 28/A of Law No. 5199 within higher education institutions.

d) Expulsion from a higher education institution: This refers to the written notification to a student that they have been expelled from student status and will not be readmitted to the institution from which they were expelled. The actions warranting the penalty of expulsion from a higher education institution are as follows:

1) Establishing an organization for the purpose of committing a crime, managing such an organization, or becoming a member of an organization established for this purpose, provided that the act has been finalized by a court decision,

2) (Subparagraph repealed: By the Constitutional Court's Decision No. E: 2023/78, K: 2024/55 dated February 22, 2024)

3) Selling, providing to others, or trafficking in narcotic or psychotropic substances,

4) Using firearms, ammunition, knives, or other devices specifically designed for attack or defense, as well as explosive materials, in violation of Law No. 6136,

5) Violating a person's sexual inviolability by engaging in sexual acts on their body.

(2) Recidivism of a disciplinary offense:

a) If an act that has resulted in a disciplinary penalty is repeated after the penalty has been imposed and within the statute of limitations for disciplinary penalties, a penalty one degree more severe shall be imposed.

b) Expulsion from the institution of higher education may not be imposed on the grounds of a repeat disciplinary offense.

(3) Disciplinary authorities:

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

b) Except for the provision of paragraph (a) of this section, the rector is authorized to initiate an investigation into disciplinary offenses committed within or outside higher education institutions, in shared areas or facilities, disciplinary offenses committed collectively by students, and disciplinary offenses committed jointly by students from more than one faculty, institute, conservatory, college, or vocational college.

c) The investigation is conducted by an investigator or investigators designated by the competent disciplinary authority. If deemed necessary, the disciplinary authority may also request the assignment of an investigator from another higher education institution.

(4) Duration of the investigation and statute of limitations:

a) A disciplinary investigation shall be initiated immediately upon learning of the incident in question and shall be concluded within thirty days at the latest. If the investigation cannot be completed within this period, the investigator may request an extension with justification. The disciplinary authority may grant an extension of up to sixty days, provided that each extension does not exceed thirty days, taking into account the justification provided and the statute of limitations periods; in cases of offenses committed collectively, the extension may be up to ninety days.

b) For students who commit acts constituting disciplinary offenses listed in this article, the following deadlines apply from the date on which the competent authorities authorized to initiate an investigation become aware of such acts:

1) For reprimands and suspensions from the higher education institution ranging from one week to one month, within one month;

2) For suspensions from the higher education institution for one or two semesters and expulsion from the higher education institution, within three months,
the authority to impose disciplinary penalties shall be barred by the statute of limitations

c) If a disciplinary penalty is not imposed within two years at the latest from the date the acts warranting a disciplinary penalty were committed,
the authority to impose a disciplinary penalty shall lapse. However, for acts falling under subparagraph (1) of paragraph (d) of the first paragraph of this article, the statute of limitations period begins on the date the judicial ruling becomes final.

(c) In the event that a disciplinary penalty is annulled by a judicial decision, a new disciplinary penalty may be imposed in accordance with the requirements of the decision within the remaining statute of limitations period for the disciplinary penalty, starting from the date the decision is received by the administration; or, if the statute of limitations period has expired or there are less than three months remaining until its expiration, within a maximum of three months.

(5) Right to a defense:

a) The student against whom a disciplinary investigation has been initiated shall be notified in writing, at least seven days prior to the date on which they are to present their defense, of the nature of the alleged offense; this notification may also be provided via the student information system, email, or text message. This notice shall request that the student be present at the specified date, time, and location to present their defense.

b) The person appearing to present their defense may do so either orally or in writing. After a written defense is submitted, the investigator may ask the student additional questions.

c) The invitation sent to the student states that if the student fails to comply with the summons without a valid excuse or fails to notify the investigator of their excuse in a timely manner, they will be deemed to have waived their right to a defense, and a decision will be made based on the available evidence.

c) A student who provides a valid excuse or is found to have failed to comply with the summons due to force majeure is granted a reasonable period of time. Detained students are informed that they may submit their defenses in writing.

d) The investigation is conducted in a manner that allows the student to defend themselves adequately.

(6) Principles to be followed in disciplinary investigations:

a) The confidentiality of the investigation is paramount.

b) The investigator may question witnesses, conduct on-site inspections, and consult with experts. Investigation proceedings are recorded in a written record. The record must specify where and when the proceeding took place, the nature of the proceeding, who participated, and—if statements were taken—the questions and answers; it is signed by the investigator, the clerk, the person making the statement, and, if applicable, those present during the on-site inspection. When a statement is taken, the witness and, if an expert witness is appointed, the expert witness are sworn in; the witness's identity, address, and other identifying information are noted.

c) The staff of higher education institutions shall provide the investigators with any information, files, or other documents they request without delay and shall carry out any assistance requested.

c) The investigator conducts and completes the investigation limited to the person and actions under investigation. If, during the investigation, the investigator determines that disciplinary offenses other than the one under investigation have been committed, or that other individuals should be included in the investigation under the same offense,

, the investigator shall report the matter to the competent authority.

d) The fact that a student has left the institution of higher education for any reason after committing a disciplinary offense does not prevent the initiation, continuation, or issuance of necessary decisions regarding the investigation.

e) If a student commits an offense warranting disciplinary action while enrolled at another higher education institution, the authority to conduct the investigation and impose disciplinary sanctions rests with that institution. The decision rendered regarding the student is promptly communicated to the higher education institution where the student is enrolled for implementation.

f) (Revoked provision: By the Constitutional Court's Decision No. E: 2023/78, K: 2024/55 dated February 22, 2024)

g) Upon completion of the investigation, a report is prepared. The report summarizes the approval of the investigation, the date the investigation began, the identity of the person under investigation, the alleged offenses, the stages of the investigation, the evidence, and the defense presented. Whether the alleged offense is established is discussed, and if it is found to be established, a disciplinary penalty commensurate with the offense is proposed. The original or copies of documents related to the investigation are attached to the report via a list of exhibits. The investigation report is submitted to the authority that initiated the investigation along with the case file.

ğ) The initiation of criminal proceedings against a student in connection with the same incident does not delay the disciplinary investigation. The fact that criminal proceedings have been initiated against a student, or whether the student is convicted or not, does not preclude the imposition of a disciplinary penalty.

(7) Authority to impose disciplinary sanctions:

a) Reprimands and suspensions from higher education institutions 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) The authority to impose reprimands and suspensions from higher education institutions for up to one month for disciplinary offenses committed in common areas rests with the rector.

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

c) In investigations conducted by a faculty, institute, conservatory, college, or vocational college, the administrative boards of these units perform the duties of the disciplinary committee; in investigations conducted by the rector's office, the university administrative board performs the duties of the disciplinary committee.

(8) Procedures for the operation of disciplinary committees:

a) The disciplinary committee convenes at a place, date, and time determined by the chairperson.

b) The preparation of the meeting agenda, notification to the relevant parties, and the orderly conduct of the committee's proceedings are ensured by the chairperson.

c) The quorum for the disciplinary committee, which functions as the administrative board, is a simple majority of the total number of committee members.

c) The role of rapporteur in disciplinary committees is carried out by a member appointed by the chair. The rapporteur member completes the review of the case file within five days at the latest.

d) The committee first hears the rapporteur's explanations. If the committee deems it necessary, it may also hear the investigators. Following the conclusion of the discussions, a vote is taken, and the decision is announced by the chairperson.

(9) Voting, decisions, and decision deadlines:

a) Authorities authorized to impose disciplinary sanctions may, upon determining that there are deficiencies in the investigation,

may return the file to address such deficiencies, may impose the disciplinary penalty proposed by the investigator as is, may reduce it, or may reject it.

b) Decisions in disciplinary committees are made by a simple majority of those present at the meeting. In the event of a tie, the chairperson's vote is decisive.

c) If the investigator is a member of the disciplinary committee, they may not attend the meetings regarding the case they are investigating nor cast a vote.

c) Authorities authorized to impose disciplinary penalties must decide on reprimands and suspensions from the higher education institution ranging from one week to one month within ten days of the completion of the investigation. In cases requiring other disciplinary penalties, the case is immediately referred to the disciplinary committee. The disciplinary committee must render a decision within ten days of receiving the case.

d) Supervisors authorized to impose disciplinary penalties and disciplinary committees may impose a penalty one degree lower than the prescribed penalty, taking into account the severity of the actions constituting the disciplinary offense, whether the student under investigation has previously received a disciplinary penalty, whether the student expresses remorse for the act committed, and the student's past conduct, academic performance, and achievements at the higher education institution. A penalty one degree lower than the prescribed penalty is imposed by the authority authorized to impose the original penalty.

(10) Notification of the outcome of the disciplinary investigation, appeal procedures, and enforcement of penalties:

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

b) The disciplinary penalty imposed at the conclusion of the disciplinary investigation is communicated by the official authorized to initiate the investigation to the parties listed above, as well as to the institution providing the student with a scholarship or loan and to the higher education institution.

c) Unless the decision of the supervisor or committee authorized to impose disciplinary sanctions specifies a date from which the sanctions are to take effect, disciplinary sanctions shall take effect as of the date they are imposed.

c) Appeals against disciplinary penalties imposed by disciplinary officers or committees may be filed with the university's administrative board within fifteen days. Within the scope of the case, a person directly harmed by the act constituting the disciplinary offense may also appeal the decision using the same procedure. Penalties are recorded in the student's file.

d) In the event of an appeal, the university administrative board shall accept or reject the appeal within fifteen days. If the appeal is accepted, the competent disciplinary authority or committee shall issue a decision within thirty days, taking into account the grounds for acceptance.

e) Even without exercising the right to appeal, students may seek administrative judicial review against disciplinary penalties imposed on them.

(11) Unless otherwise specified, the provisions of the Notification Law No. 7201 dated February 11, 1959, apply to notifications served to the student. However, if a student changes the address provided upon enrollment in a higher education institution but fails to notify the institution of this change, or provides incorrect or incomplete information, any notice sent to the address on record at the higher education institution shall be deemed a valid notice.

(12) Files related to disciplinary investigations are delivered and received along with a receipt slip.

The signatures of the person delivering and the person receiving are found at the bottom of the receipt.