

**STUDENT
INVESTIGATION GUIDE**



STUDENT DISCIPLINE INVESTIGATION

Disciplinary penalties and investigation procedures for students of higher education institutions And the basics Higher Education Institutions Student Discipline Regulation with while being edited No. 7434, which entered into force upon publication in the Official Gazette dated 09.02.2023 and numbered 32099 Higher Education The law With Some In the laws Change To be done About By law 2547 numbered Article 54 of the Law was amended to include associate, undergraduate and postgraduate programs of the University. Disciplinary matters for students receiving education (crimes related to their status as students) have been regulated. To this according to student discipline investigations mentioned article the ruling according to should be executed And should be finalized.

1- The investigation opening

Disciplinary investigations may be initiated by the superior authorized to initiate the investigation. these 2547 numbered Higher Education The law of 54/3 in the article has been counted. Discipline Assistants of their superiors only when the disciplinary officer is not on duty, by proxy if they are assigned investigation they can open.

Disciplinary officers may initiate disciplinary investigations upon complaints or may file disciplinary charges. The Department may also initiate disciplinary investigations ex officio against students suspected of committing a crime. Head of departments, heads of main science, main art, science or art branches and other unit heads of discipline investigation most of their demands to the immediate disciplinary officer they do.

The disciplinary officer cannot impose a disciplinary penalty by only taking the student's defense. An investigation must be launched against a student who is found to have committed a disciplinary offence and the procedure must be followed. suitable expression as after receiving punishment it is possible to grant.

Students are only investigated for crimes committed during their student years. can be opened, an investigation cannot be opened for crimes committed before the student years and punishment cannot be given.

2- Investigation to open official Chiefs

Authorized authorities to initiate disciplinary investigations are those authorized by the Higher Education Law No. 2547. 54/3 in the article has been counted. One verb with relating to aspect suddenly more discipline investigation cannot be executed. The above mentioned article the ruling according to discipline their superiors below listed.

- a) Faculty of his students processed they are discipline for his crimes because dean,
- b) Institute of his students processed they are discipline for his crimes because Director of the Institute,
- c) College And job college of his students processed they are discipline for his crimes because of the manager,
- d) Conservatory of his students processed they are discipline for his crimes because conservatory director,
- e) Higher Education institutions inside or outside, joint area either in in places processed

for disciplinary offences rector,

- f) Students collective aspect they processed discipline for his crimes because rector,
- g) Suddenly A lot faculty, institute, conservatory, college or job college of his students together the discipline they practice for his crimes because rector is authorized

3- Investigation opening And punishment Don't give Statute of Limitations durations

Discipline crime in the nature of verb And states of affairs Those who work about, This verb And your situations that it is processed by the authorized officers for investigation learned from the date;

- a) Condemnation, higher education from the institution One from the week One to the moon much removal in their punishments 1 (One) month within, with suspension from the higher education institution for one or two semesters from the institution extraction in their punishments 3 (fly) month inside discipline to the investigation not started in case, disciplinary punishment Don't give authority expires.

From the date of committing the acts requiring disciplinary punishment, at the latest 2 (two) years If no disciplinary penalty is imposed within the period, the authority to impose disciplinary penalty becomes time-barred. Establishing an organization for the purpose of committing a crime, provided that it is finalized by a court decision. in the verb Statute of Limitations duration judicial judgment the provision of finalized from the day It starts from.

Discipline the punishment judgment by decision cancel to be done in, your decision to the administration reached from history Within the remaining disciplinary penalty limitation period, the expiration of the limitation period or stuffed fly from the moon more little duration stay in - most late 3 (fly) month in your decision to the requirements according to new disciplinary action can be established.

The investigation Statute of Limitations duration in incompleteness in legal and criminal liability of the investigators may arise. Therefore, the investigation is legal must be completed within the time limit, investigations must be regularly monitored by disciplinary officers. by being to the investigators required notification should be done.

4- Investigator determination

The investigation will be conducted by an investigator or investigators determined by the authorized disciplinary officer. If the disciplinary officer deems it necessary, he/she may apply from another higher education institution. Investigator and the appointment of may request.

5- Investigation approval

Discipline investigation, discipline crime that it is processed with complaint, with notice either in personally to be learned discipline in case Chief by to be signed investigation approval It opens with .

Discipline crime constitute who from action later student's higher education from the institution each What having left for whatever reason, the investigation should be opened, continued and the necessary decisions should be taken. to be taken does not constitute an obstacle.

Investigation in approval who's? about investigation opened nominally expression should be done, If it is not known, the investigator should be asked to identify the responsible party or parties responsible, if any, and It should be clearly stated what the act under

investigation consists of. The attribution in the approval Which of the crimes specified in Article 54 of the Higher Education Law No. 2547? It should not be stated that it will be considered appropriate. A copy of the investigation approval information for Student His Works Apartment It is sent to the Presidency.

6- The investigation to be done

The purpose of the investigation is to determine whether the suspect committed the disciplinary offence charged against him, no doubt place in a way that will not leave And fast emerge is to be removed.

Investigation approval without delay to the investigator is reported. Investigation approval notification was made from history from to the investigation immediately It is started And from the notification from -most late 30 (thirty) is completed within the day. If the investigation cannot be completed within this period, the investigator shall make a reasoned aspect additional duration request can. Discipline Chief presented justification And Statute of Limitations their duration taking into account each once 30 (thirty) day not to pass as follows 30 (sixty) to the day much, collective aspect processed in crimes whereas 90 (ninety) to the day much additional time can give.

The investigation Privacy is essential.

The investigator may hear witnesses, conduct expert examinations, and conduct discovery regarding the subject of the investigation. and collects all kinds of evidence, if necessary, resorts to rogatory (the person whose statement will be taken) He will not be able to give his statement due to reasons such as being outside Ankara or due to military service or detention. In case of a situation, his statement will be given to the civil or administrative authority to which he is affiliated or in case of detention prison prosecutor received by request) also application can.

Within the scope of the investigation, all kinds of notifications shall be made by hand delivery against signature or by the student. in writing to the address notified to the higher education institution or by an electronic means suitable for notification. It is made electronically to the person who requests notification to be sent to this address by giving an address. By these means In cases where notification is not possible, notification document related Advertisement in higher education institution to be made by means of Notification completed sort of.

Except for specially arranged cases, the notification to be made to the student shall be dated 11/2/1959.7201 numbered Notification The law provisions is applied. However higher education to the institution even though he changed the address he declared when registering, to which he belongs higher education Students who do not report to their institution or who report incorrectly or incompletely, Notification sent to the registered address is deemed to be proper notification. The address suitable for notification Detection for student's connected is deanery either in from the directorate, department-major branch from the presidency, from your advisor And Student His Works Apartment from the presidency reported addresses should be asked and address Detection complete should be done.

Every investigation process is recorded in a report. The report indicates where and when the process took place. was made, the process its nature, Whose participated, expression taken whereas questions And Answers will indicate in this way It is arranged And Investigator,

clerk, expression owner And if any discovery during ready It is signed by those present. When taking statements, an oath is taken to the witness and to the expert in case of appointment of an expert. is carried out; Identity and address of the witness and similar explanatory information is provided.

Your expression Rogatory by means of to be taken in Rogatory in his instructions, expression owner identity, address And similar information with to be asked questions detailed aspect is specified. His statement to be taken person If the witness is is sworn And to be done form of oath also is written.

The personnel of higher education institutions can provide any information requested by the investigators, file And Another documents no delay locus without leaving They give And will be requested aids in its place They bring. Desired information, file And documents those who do not give, as required be done as follows Investigator by urgently To the Rectorate is transmitted.

The investigator, to defend Invitation the article to the suspect notification by saying suspect's his defense In the invitation letter to defend, the act for which disciplinary investigation has been initiated and the defence requested should be stated. From where consists of located with stated in history to the call unwarrantable is in this state does not comply or your apology on time did not report in case, defense about you gave up will be considered And available to the evidence It should be clearly stated that the necessary decision will be made based on the statement. In addition, The invitation letter can be sent via the student information system or via e-mail or text message. can be reported. To the defense Invitation of the article to the suspect notification was made history with his defense The period between the date of receipt should not be less than 7 (seven) days. In the calculation of the periods, the invitation of the article notification accounted for on the day it was taken does not participate.

The person who comes to make a defense can make his defense verbally or in writing. After the written defense is presented, the investigator may ask the student additional questions. can direct.

Those who have expressed a valid excuse or who are found not to have complied with the invitation due to force majeure. to the student his defense to do as follows suitable One duration is given. Prisoner to students their defense written aspect they are notified that they can send it.

Disciplinary penalties imposed without taking a defence or by taking an irregular defence, your right restriction because of, method in terms of to law against will be. Investigation student's self as required as in his defense in a way that allows is executed.

The suspect And if any the complainant expression either in defense while being taken oath should not be made. Expression owner, if if he wants Power of attorney to be provided that expression during next to you lawyer can keep. This in case expression of the minutes lawyer by in Signing is required. Investigation hidden is expression during, Investigator either in investigation Commission members, clerk, expression owner And if any Deputy outside noone cannot be found.

Same from the incident because Republic In the prosecutor's office investigation Initiation either in punishment The trial in the courts does not delay the disciplinary

investigation. In addition, the suspect Whether or not a conviction is made under the Turkish Penal Code determines the application of disciplinary punishment. does not prevent.

The investigator, about investigation opened person And with actions annoyed to be as follows conducts and completes the investigation. While the investigation is ongoing, the student specified in the approval and if it is determined that there are other responsible persons or acts, these persons or acts are also to the investigation including to be done immediately investigation Opener from office is desired. This in case investigation Opener position, the subject by evaluating This verb either in of persons also to the investigation including was made related additional One approval by taking to the investigator Reports either in necessary if he sees This verb And Persons about a new investigation can open.

The authority that opened the investigation shall investigate the person reported by the investigator. to open official It is not in case, situation urgently official to the authority must notify.

Penalty of expulsion from the higher education institution with a suspension of one or two semesters Upon the proposal of the authorized officer to initiate an investigation into crimes that require investigation or ex officio, the rector by decision 30 (thirty) day not to pass as follows student's higher education institution to their buildings precautions may be taken to prevent the student from being admitted. The investigator is the student's higher education institution If it is determined that precautions should be taken to prevent entry into the premises, investigation to open to the authorized officer must notify.

Student Another One higher education in the institution education received in line discipline punishment requiring One crime when it works investigation don't do that And discipline penalty Don't give Authority he The decision made about the student belongs to the higher education institution. The decision is taken by the student to be implemented. registered is to higher education institution shall be notified without delay.

7- Investigation your report arrangement And Delivery

2547 numbered Higher Education Teaching The law of 54/6-g Article provision in accordance with investigation end when it's over One investigation report is arranged. In the report investigation approval, the date of commencement of the investigation, the identity of the person under investigation, the subjects of the crime, the stages of the investigation, The evidence and the defense taken are summarized. Each crime item is analyzed separately and according to the evidence. your crime still is It is not debatable, crime if fixed will be applied punishment offer is done, all original documents in the file (especially summons and notification documents) or if there are no originals Copies of the reports are attached to a series of ballots and added to the report without delay (investigation report 2 copy, attachments in a single copy) are delivered to and received by the authority that opened the investigation. The serial form under delivering and signatures of the field are found.

When preparing the serial ballot, all documents in the file are numbered one by one. and should be listed and delivered in accordance with these numbers, but in practice investigation files soap opera compass without being edited or general One list by being done without numbering is being sent. This situation both to the law contradiction constitute is doing both also in the documents deficiency/loss in because it cannot be proven first in stage

from the parties someone's Ultimately, it may cause our University to suffer. Therefore, according to the Law suitable in this way soap opera compass unedited your files return to be done in place will be.

Investigation in his report presence required matters:

- a) Investigation approval,
- b) To the investigation start date,
- c) The person under investigation identity,
- d) Crime topics,
- e) The investigation stages,
- f) The evidence summary,
- g) Your expressions summary,
- h) The evidence evaluation, (Each crime separate separate assay by being to the evidence according to your crimestill (It is debatable whether it is or not)
- i) Conclusion

In the conclusion of the investigation report; the suspect was charged with the reasons whether the act was committed or not, if guilty, the act is in accordance with Article 54/1 of the Higher Education Law No. 2547 Which Id in the scope of crime counted clearly should be specified And punishment should be recommended. Punishment If it is not suggested, the reason should be given in detail (*the act is not a crime, the person being investigated not processed, cannot be proven, etc.*) is written.

8- Discipline penalty to give Authorized officers And Boards

As explained above, the authority to initiate disciplinary investigations belongs to disciplinary officers. However, the officer who initiates the investigation does not have the authority to impose a penalty in every case. The nature of the disciplinary offence within the framework of Article 54/7 of the Higher Education Law No. 2547 The authority to impose disciplinary punishment is given to different superiors. The rules regarding authority are administrative procedures established by an authority without authority, since they concern the order of the It would be against the law in terms of the disciplinary authority or the disciplinary boards. In this respect, the authorities of the disciplinary authority or disciplinary boards outside remaining one disciplinary punishment giving them would cripple the process.

Established judicial decisions accept that the authority to impose disciplinary punishment is a dependent authority. Therefore, the authority of the superior or board given the authority to impose a penalty in the legal regulation authority a superior officer either in dry transfer of It is not possible.

- a) Reprimand and expulsion from higher education institutions for one week to one month Penalties are determined by the dean of the relevant faculty, institute, conservatory, college or vocational school. by the director is given.
- b) Joint in places processed discipline for his crimes because condemnation And higher education from institutions One suspension of up to one month Don't give Authority to the rector belongs to.
- c) Higher Education from the institution One or two semester for removal penalty with

higher education from the institution extraction penalties, official when the disciplinary board is given.

Faculty, institute, conservatory, college And job by college carried out in investigations This units management Boards discipline Board your duty in its place brings. In the investigations carried out by the Rectorate, the University Board of Directors disciplinary board your duty fulfills.

The investigator same in time Discipline Board of Directors member be in the file discussed to the meeting cannot participate And vote cannot use. Resident judgment decisions in accordance with If the complainant and witnesses are also members of the Disciplinary Board, they should not attend the meeting and vote. should not use.

Discipline board, the president call over To be determined place, day And per hour collected. Meeting your agenda preparation, to the relevant parties announcement, Board their work organised The board of directors' meeting is carried out by the chairman. As a disciplinary board, The quorum is the absolute majority of the total number of board members. The duty of rapporteur in disciplinary boards, It is carried out by the member to be appointed by the chairman. The rapporteur member is the member of the file to be referred. The Board completes its examination within 5 (five) days at the latest. The rapporteur's statements are first reviewed in the Board. The board may also hear the investigators if deemed necessary. Voting at the end of the discussions is done And decision by the president is explained.

Decisions in disciplinary boards are taken by the absolute majority of the participants. In case of a tie, the majority is deemed to be in favor of the vote cast by the chairman. Disciplinary punishment If the authorized officer or disciplinary board determines that there is a deficiency in the investigation, may return the file for the purpose of resolving the deficiencies and the penalty recommended in the investigation report is free to accept or reject; provided that the investigator shows his reasons. recommended disciplinary punishment can give it in its entirety, may mitigate or deny.

9- Discipline penalty while being given attention to be done matters

If the suspect's action can be evaluated within more than one disciplinary offence, discipline penalty not, -most heavy the one which... punishment with to be punished should. However different verbs because of only One investigation if opened each verb separately are evaluated separately.

Disciplinary action according to article 54/9-d of the Higher Education Law No. 2547 When giving a punishment, the severity of the actions constituting the disciplinary offence is determined by the student being investigated. whether he has received any disciplinary punishment before, whether he feels remorse for the act he committed, higher education in the institution past behaviour, study And achievements Consideration by taking One degree It is also evaluated whether a lower penalty will be given. With the established Council of State decisions, it is not justified It is accepted that not giving a lower penalty would invalidate the penalty giving process. Students in this situation should be subject to a lower penalty or, if not, the reason for not applying it. in the decision Explanation It is mandatory. Lower punishment APPLICATION Authority royal discipline punishment to give official chief or dry belongs to.

After notification of an action that has given rise to disciplinary punishment, and discipline punishment Statute of Limitations duration in its recurrence One degree heavy punishment is applied. Discipline your crime recurrence in higher education expulsion from the institution cannot be given. Discipline penalty to give official Chiefs condemnation, higher education from the institution One from the week One to the moon much removal to their punishments of the investigation completed from the day from -mostlate 10 (ten) must decide within the day.

In cases requiring other disciplinary penalties, the file that opens the investigation position by immediately discipline to the board transfer is done. Discipline board, file received from historyfrom -most late 10 (ten) day inside has to decide.

10- Decisions to be notified, APPLICATION And objection

The disciplinary punishment given at the end of the disciplinary investigation is given to the student under investigation, to the complainant, if any, to the Student Affairs Department, if any, the person who gave the scholarship or loan to the student If the institution or higher education institution is given a penalty of expulsion from the University, all higher education institutions Higher Education To the Board, To ÖSYM, safety to their authoritiesand reported to the relevant military branches. In addition, due to the operation of our University, some penalties It should also be reported to the Health, Culture and Sports Department and the Protection and Security Directorate. Regulations regarding notifications in student investigations are made by the Rector's Office. all academic to units sent 09.03.2023 history And 2737087 numbered with the writing made is Compliance with the procedures specified in the text will ensure uniformity of application and prevent errors. In terms of is of importance.

The date from which the decision of the superior or board authorized to impose disciplinary punishment is taken will be applied not specified in case, discipline punishments they were given from history from are applied. Student about One from the week One to the moon much removal penalty to be given in removalthe punishment What much duration with will be applied should be evaluated and specified.

The period for objection against disciplinary penalties is 15 (fifteen) days from the date of notification of the decision. The objection is made to the University Board of Directors. Within the scope of the file, the act constituting the disciplinary offence The person who is directly victimized by the student may also object to the decision using the same procedure. Penalties to the file is processed.

In case of objection, the university board of directors accepts or rejects the objection within 15 (fifteen) days. If the objection is accepted, the authorized disciplinary officer or board will take into consideration the reason for acceptance. The authority that initiated the investigation, the complainant and the person who imposed the penalty shall decide within thirty (30) days. position, Management Board of Directors member be in This to the meeting should not participate And vote should not use. It is possible to appeal against disciplinary penalties without resorting to administrative courts. can be applied to.