BY-Law: Student Disciplinary Code

This By-Law is made under Article 33 of the Regulation for Education and Evaluations
It incorporates amendment No. 1/99 – 1/01.

With the approval of the Senate, the Rectors’ Office has made this By-law in accordance with Article 33 of the Regulation for Education and Examinations.

1. Short Title
   S99/175-12
   S01/191-5

2. Aim
   This by-law regulates the penalties given to EMU students who are found guilty of behavior on or off campus that is prohibited by the rules of the University, that violates student honor or dignity, or that contradicts civilized ethics. This by-law also regulates the councils authorized to give such penalties, implementation of the given penalties, and the procedures by which appeals can be made against such penalties.

3. Scope
   This By-law covers students who are registered to any Faculty, Institute, School, Preparatory School or any other unit of Eastern Mediterranean University.

4. Definitions
   Unless otherwise indicated, the terms “Department, Department Chair, Dean, Faculty, Preparatory School, Director of the Preparatory School, Rector, Rectors’ Office, Senate, University, Foundation Board of Trustees (Board), Statute, School, School Director” will have the same meaning as those given in the Statute Establishing Eastern Mediterranean University.

   The “Disciplinary Committee” is the committee elected by the Senate and is responsible for disciplinary matters.

   “Student” is a person registered to any academic unit of the University for the purpose of studying.

5. Disciplinary Penalties
   In the light of the University’s rules, Turkish ethical values, the psychological condition of the accused, the conditions under which the offence was committed, in view of the severity of the offence, and with the discretion of the Disciplinary Committee one of the penalties listed below can be given:
   (a) Warning
   (b) Reprimand
   (c) Short term suspension from the University
   (d) Medium or long term suspension from the University
   (e) Dismissal from the University.

6. Definition of the Penalties
   The meaning and scope of the penalties given under Article 5 are specified below.
   (a) **Warning:**
   This notifies the concerned student in writing that the student must not repeat the wrong behavior in question. This notice is kept in the student’s file but is not issued together with any official documents. A written warning may be given as a result of one of the following:
   (i) Falsely (without official authority) to represent the
University when participating in any public meeting or when communicating with the press.

(ii) Damaging, tearing, amending or changing in any way the written notices, programs or other documents issued by authorized persons at any level within the University.

(iii) Using derogatory, rude language or swearing to others.

(iv) Damaging any University buildings, tools, equipment, property or material. A student who causes such damage must pay the cost of replacing such losses. However, at the discretion of the Disciplinary Committee, the causing of substantial damage may necessitate the imposition of penalties beyond that of merely issuing a written warning.

(v) Refusing to give evidence to the Disciplinary Committee, when asked to do so.

(vi) Wearing clothes on campus that violate ethical values.

(vii) Not informing or attempting to hide from authorities a witnessed event or action that is prohibited and thus requires disciplinary proceedings to be taken.

(b) **Reprimand:**

This is a written statement telling the student that the behavior in question contradicts the disciplinary code. It is kept in the student’s file, but is not issued together with any official documents. A reprimand may be given as a result of one of the following:

(i) Without the prior written consent of the Rectorate, giving the impression that an event, meeting, conference, competition, open discussion, etc., that is taking place either within or outside the University has been organized by the University.

(ii) Personally to participate in or to encourage other students to participate in illegal events that are organized by EMU student-related associations, unions, etc., whether these events are taking place within or outside the University.

(iii) Personally committing an offence similar to the one previously committed and for which a ‘written warning’ penalty was issued.

(iv) Repeatedly speeding, driving dangerously, parking in prohibited or restricted places, ignoring the warnings of the University’s traffic officers on the campus, or violating any other traffic rules of the University.

(v) Making false declarations to any authority of the University aimed at obtaining personal benefit/s.

(c) **Short Term Suspension From the University:**

This suspension bans the student from attending lectures, examinations, laboratories and workshops for between 1 and 30 days. It is recorded in the student’s file and issued together with any official documents related with the concerned student. A short term suspension may be imposed for one of the following:

(i) On campus, using, selling or encouraging the use of alcoholic drinks, narcotics and similar items that are a hazard to health.

(ii) Apart from scientific and academic discussions, within the University, personally or as part of a group, engaging in propaganda or actions favoring particular political views or
(iii) Within or outside the University, by speaking, writing or behavior, personally to show disrespect or contempt for the Chairman or any other member of the Board, or for any employees of the University or their guests, or participation in such actions.

(v) Behaving in a way that will disrupt the normal working of the University.

(vi) Attempting to prevent others from fulfilling their University duties on and off campus.

(vii) Physically assaulting or verbally or in writing threatening other students, fighting, swearing, intentionally causing damage or attempting to cause damage.

(viii) Fighting, swearing, intentionally causing damage to fellow students.

(ix) Attempting to cheat or helping others to cheat in examinations.

(x) Coming to the University with clothes not conforming to civilized standards, or clothes representing ideological or political views in conflict with the principles and practices established by Atatürk.

(d) **Medium and Long Term Suspension From the University:**

This suspension bans the student from attending lectures, examinations, laboratories and workshops for between 31 days and one semester. The penalty is recorded in the student’s file and issued together with any official documents related with the concerned student. Students given this penalty may also be dismissed from the dormitories for the period of punishment. This suspension may be imposed for one of the following:

(i) Using plagiarism to influence the results of an examination, fraudulently sitting in place of another student or arranging for someone else to sit in your place in an examination, or copying part or all of a project written by someone else and presenting it as your own original work.

(ii) By any means, disrupting or attempting to disrupt lectures, forcing other students to leave a classroom during a lecture, leading or otherwise encouraging others to boycott a lecture or to invade and occupy any property of the University without permission.

(iii) Within or outside the University, committing one or more of the following offences against the Chairman and/or any member of the Board, any personnel of the University or their family members:

- threatening verbally or in writing,
- intentionally causing, attempting to cause or participating in causing damage to personal belongings or property. Any damage must be paid for by those found guilty of causing the damage.

(iv) Having in possession or attempting to use a gun or any other item that can be used for physical assault.

(v) Within one academic year committing an offence similar to the one previously committed and for which a ‘short term
suspension from the University’ penalty was issued.

(vi) Stealing or attempting to steal. Exhibiting or attempting to exhibit disgraceful, infamous and embarrassing behavior

(vii) Attempting to acquire or acquiring examination questions before the examination time by physically entering the office of an instructor or via the computer network.

(e) **Dismissal from the University:**

This penalty puts a definite end to all relationship between the student and the University. The penalty is recorded in the student’s file and issued together with any official documents related with the concerned student. Such a person cannot, under any circumstances, be accepted back as a student of the University. Dismissal may be imposed for one of the following:

(i) Changing the information on any official document given by the University or using changed or falsified documents.

(ii) Within or outside the University, assaulting or attempting to assault any personnel of the University or any member of their family.

(iii) Repeating within one academic year an offence that had already resulted in the student receiving a medium or long term suspension from the University.

(iv) Using a gun or other item that could cause injury or death on the campus.

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**authority giving penalties**

7. The EMU Disciplinary Committee has the authority to give disciplinary penalties. Penalties to be given for offences similar in nature but not listed under Article 6 of this by-law can be given subject to the discretion of the Disciplinary Committee.

**formation of the disciplinary committee**

8. Each Faculty and School is represented by a member and a stand-by member in the Disciplinary Committee. Deans and School Directors propose in writing at least two of the academic members of their unit to the Senate. For each Faculty and School, from the proposed names, the Senate elects the members of the Disciplinary Committee by open vote. A student member and stand-by student member are elected by the University Student Council. The proposed student member and stand-by member must not have any disciplinary record in their files. If the student member or stand-by member is found guilty of committing any of the above disciplinary offenses, s/he loses his/her membership. The replacement member is elected by the Student Council.

The student member does not have the right to vote in the Committee and is not present during any voting process.

Academic members of the Disciplinary Committee are elected for a period of 2 years, while the student member’s period of service is one year.

The first meeting of the newly formed Disciplinary Committee takes place under the chairmanship of the Rector or his/her deputy. In this meeting, the Chairperson and Vice Chairperson of the Committee are elected from among the elected academic members.
9. Duties of the Disciplinary Committee are the following:
   (a) Excluding the ‘caught flagrante delicto (red handed)’ and similar cases, the appointment of an investigator is made to investigate the case of a student sent to the Disciplinary Committee. These cases are sent in writing by the Rectorate, Dean’s office, Department Chair’s office, or School Directorate. In the case of ‘caught flagrante delicto (red handed)’ or in the cases where an investigation is not deemed necessary, the Committee may meet to give a decision after talking to the student and hearing his/her defense.
   (b) In cases where a penalty is called for, the Committee will decide on the exact penalty only after studying the investigator’s report and having listened to the accused. If the complainant is a member of the Disciplinary Committee, such member will have no voting right in the decision to be given.
   (c) Pardoning certain penalties or giving intermediate judgment on some penalties.
   (d) Communicating the Committee’s decisions in writing to the Rectors’ office.
   (e) Reconsidering previous Disciplinary Committee decisions that are forwarded by the Rectors’ office or the Senate. Reporting to the Rectors office the Committee’s reasons for changing or not changing any such decisions.
   (f) Meeting at the beginning of every semester to review the student disciplinary situation in general. If the Committee decides to do so, to produce proposals for the consideration of the Senate.
   (g) Produce proposals for the amendment of the Student Disciplinary By-law in view of difficulties experienced in application. When deemed necessary, to express opinions about student discipline in the University in general.

10. The Disciplinary Committee convenes upon the call of the Chairperson or Acting Chairperson or by a letter signed by an absolute majority of its members. The Committee makes its decisions by the majority of the members present in the meeting. In case of a tie, the vote of the Chairperson determines the decision (counts as 2 votes). In the absence of the Chairperson, the Vice Chairperson acts as the Chairperson. Unanimity is necessary for decisions on Article 9(c) above.

11. The Disciplinary Committee must normally give its decision on a case within 45 days of receiving the request. However, decision on cases occurring within the last 2 weeks leading up to the last day of lectures, within the Final Examination period, or after this period may be postponed to the following semester by the decision of the Disciplinary Committee. Decision on postponed cases must be given within 45 days from the starting date of lectures of the following semester. The Disciplinary Committee may decide to proceed with its deliberations concerning accused students who are not in the country or it may decide to postpone these until their return to the University. Postponed deliberations must commence upon the arrival of the student in the University and a decision given in due course. Students who go overseas and do not return to the University or do not renew their registration are erased from the Registrars’ records (lose their student status) and any of their disciplinary cases are removed from
the Committee’s agenda. When a suit is underway in a Court of Justice from relating to the same offence or crime, the University’s disciplinary proceedings can continue and a decision can be given without having to wait the result of the case in the Court of Justice. The judgment of a Court of Justice can not change the decision of the Disciplinary Committee. A student who is under detention as a result of a Court case, can not sit in examinations taking place during his/her detention and can not claim any rights in lieu of such losses.

Right of Defense
S99/175-12

12. Following the completion of the investigation and before giving a decision concerning an accused student, the Disciplinary Committee must give a chance to the student for defending himself/herself before the Disciplinary Committee. However, if the accused fails to appear before the Disciplinary Committee without any serious or acceptable reason, a decision in absentia may be given.

Writing of Decisions

13. Decisions are written together with reasons behind them, evidences are summarized, articles of the statute, regulation, by-law, or policy upon which the decisions are based indicated, and signed by the members supporting the decision. Members opposing the decision note their objection and sign. The Chairman of the Disciplinary Committee is responsible for the writing, approval and filing, and other communications concerning the decisions.

Finalization of Decisions.

14. Decisions of the Disciplinary Committee are finalized as follows:

(a) All decisions, except ‘Dismissals’ become final following their approval by the Rectors’ office within 7 days from the date of the Committee’s decision.

(b) ‘Dismissals’ become final after they are approved by the Senate, following the approval of the Rector. The approval process is completed within 30 days from the date of the Committee’s decision.

(c) When the Rector or the Senate considers a decision and/or given penalty by the Disciplinary Committee submitted for approval as not appropriate or procedurally incorrect, they can ask the Disciplinary Committee to reconsider their decision within 7 days. Except in the case of ‘Dismissals’, if, upon reconsideration, the Disciplinary Committee decides not to change its previous decision, it becomes final. For ‘Dismissal’ penalties, the decision of the Senate is final.

Announcement of Disciplinary Matters
S99/175-12

15. A student called to the Disciplinary Committee as the ‘accused’ or as a ‘witness’ is informed by posting a written notice on the Student Discipline Announcement Board and by sending a copy of the notice to the concerned School Directorate or Department Chair. Such students are assumed to be informed following the posting of the announcement both on the Student Discipline Announcement Board and the Departmental Announcement Board. Announcement of other disciplinary matters are carried out the same way.

Finalized disciplinary penalties are announced by the Rectors’ office. Within 5 working days after receiving a given decision of the Disciplinary Committee, the Rectors’ office forwards the decision in writing via the Deans’ office to the Department Chair or School Directorate concerned. The relevant Chair or Director must communicate this decision in writing to the concerned student. At the
same time, a copy is also sent to the Registrar’s office to be placed in
the student’s file and a copy is also posted on the Student Discipline
Announcement Board.

The relevant Department Chairs’ or Directors’ office is responsible for
implementing the finalized disciplinary penalties. If deemed necessary,
a copy of the penalty announcement is sent to the University Security
Unit.

Appeals

16. No appeal can be filed against a ‘Written Warning’ or a ‘Reprimand’.
Appeals against all other penalties can be submitted in writing to the
Rectors’ office within 3 days following the announcement of the penalty.
Students appealing against announced penalties cannot attend educational
activities such as lectures, examinations, laboratory work or represent the
University in any activity until the appeal is finalized.

If deemed appropriate by the Rector, implementation of ‘short, medium
or long term suspensions from the University may be temporarily
suspended upon the appeal of the concerned student and the case sent
back to the Disciplinary Committee. This requires the Rector to give his
reasons in writing for requesting this reconsideration of the case. The
Disciplinary Committee must give the final decision on the issue within
one week.

In the event that the Committee has decided to change its decision, the
procedure continues as given in Article 14 of this By-law. The time that
has elapsed during the process of finalizing the decision is deducted from
the penalty period. If the decision is not changed, implementation goes
ahead as usual.

Appeals against ‘Dismissal from the University’ are sent to the Senate by
the Rector. The Senate may decide temporarily to suspend the
implementation of the penalty, examine the case and give the accused
another chance to defend himself or herself. The Senate may ask for extra
information from the Disciplinary Committee and/or the accused. The
Senate must give its decision within 10 days of receiving the appeal.

The decision of the Senate on the appeal is final.

Pardoning of
Penalties

17. A pardon means that the penalty is no longer noted on official
documents issued to the student or to other institutions concerning the
student. However, loss suffered by the student as a result of the penalty
is not compensated.

A student may apply in writing for a pardon after having served the
penalty recorded in the student’s file and having displayed good
behavior for at least one year following the date of serving the penalty
was completed. The student's application will be granted,

(a) for a ‘Written Warning’ or a ‘Reprimand’ with the written
proposal of the relevant Dean or Director of School and with the
approval of the Disciplinary Committee,

(b) for penalties more sever than a Reprimand, with the proposal of
the relevant Dean or Director and the approval of the Senate.

Administrative
Precaution

18. While forwarding the case of a student to the Disciplinary Committee and
before the completion of the disciplinary proceedings, with the approval
of the Rectors’ office, a Dean or a Director of School may be authorized
to impose a precautionary suspension on a student: suspending the
student form the University or banning his/her entrance to lectures,
laboratories, workshops and examinations.
19. This By-law comes into force from the date it is approved by the Senate.

20. The Rector has the ultimate responsibility for the execution of this By-law.