STUDENT DISCIPLINARY CODE

SECTION ONE

General Provisions

Statement of Purpose

Article 1.

The purpose of the Student Disciplinary Code is to further the educational mission of the University by providing a fair and effective mechanism for investigating and resolving disputes and alleged violations by students of the University’s rules, regulations, and policies.

Scope

Article 2.

This code shall apply to all students of the University; that is, any person registered on a program of study offered by the University as a candidate for a degree, diploma or certificate.

Definitions

Article 3.

The following expressions shall have the following meanings in the Code:

“Code“ means the Student Disciplinary Code approved by the University Board of Directors.

“University” means the International Burch University.

“University property” means all University campuses, buildings and surrounding areas, and the fabric of and fixtures, fittings and equipment within buildings.

“Student” means any person, who at the time of the alleged misconduct, is or was:

- registered for a qualification offered by the University; or
- taught or evaluated on any University premises by an employee or someone contracted by the University for that purpose.

“Shall”, “should”, and will” are used in the imperative sense.

“May” is used in the permissive sense.

“Suspension” is mandatory leave assigned to a student as a form of punishment, during which time, the student is not allowed to attend regular lessons.

Student Disciplinary Committee means a Faculty Council, Graduate Study Unit authorized to adjudicate charges of misconduct relating to students and to consider cases of student appeals from decisions of the Dekan.

Student Disciplinary Appeals Committee means the University Senate authorized to consider cases of student appeals from decisions of the Student Disciplinary Committee.
SECTION TWO

Disciplinary Sanctions and Offenses

Sanctions

Article 4.

Upon a determination that a student has violated any of the rules, regulations or disciplinary offenses set in these Regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution officials:

a) **Informal Reprimand**: The appropriate institutional official may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action.

b) **Formal Reprimand**: A written reprimand serves as notice to the student that their conduct reflects behavior unacceptable to the community and inconsistent with University regulations. Use of this sanction is a means to document the experience and formally advise the student that future violations may result in more serious sanctions.

c) **Suspension from the University for periods of one week to one month**: Written notification to the student stating that they have been suspended from school for one week to one month and that they cannot exercise their rights as a student.

d) **Suspension from the University for one or two semesters**: Written notification to the student stating that they have been suspended from school for one or two semesters and that they cannot exercise their rights as a student.

e) **Expulsion from the University**: Written notification to the student stating that they have been expelled from school, never to be admitted to an institution of higher education. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student’s readmission to the institution. Any student receiving a sanction of expulsion shall be restricted from the campus of the University.

Actions and circumstances entailing an Informal Reprimand

Article 5.

Actions and circumstances entailing an Informal Reprimand are as follows:

a) Acting in a manner incompatible with the dignity every student is expected to display.

b) Treating others in a rude and disrespectful manner: failing to keep one's immediate surroundings clean, yelling, singing, playing an instrument, and causing excessive noise.

c) Failing to provide prompt answers to any question put by the authorities, without a valid excuse.

d) Occupying seats reserved for academic staff or guests at meetings and ceremonies.
**Actions and circumstances entailing a Formal Reprimand**

**Article 6.**

Actions and circumstances entailing a Formal Reprimand are as follows:

a) Behaving in a manner that might damage the sense of respect and confidence that every student is expected to inspire in others.

b) Writing things, or making or pasting signs and symbols on walls, doors, and items of University furniture; causing damage to such items or other educational materials and equipment,

d) Failing to provide information demanded by the authorities, or giving them insufficient or false information.

e) Posting notices in places other than those designated by the authorities.

f) Causing disorder in classes, seminars, lectures, laboratories and workshops.

g) Attending classes, seminars, lectures, laboratories and workshops intoxicated by alcohol.

h) Gambling or having others gamble.

**Suspension for Periods of One Month**

**Article 7.**

Actions and circumstances entailing suspension from the University for periods of one month are as follows:

a) Cheating, allowing cheating, or attempting to cheat on any examination for the first time.

b) Restricting, in any manner, either directly or indirectly, others' liberties of learning and teaching, or behaving in a manner disruptive to the peaceful working of the University.

c) Causing disorder at meetings or ceremonies, and disrupting the agenda of such gatherings.

d) Engaging in political activities within the University.

e) Continuing to occupy seats reserved for academic staff or guests at meetings and ceremonies despite warnings.

f) Obstructing the standard conduct of disciplinary investigations.
g) Handing out political manifestos, or putting up political posters and placards within the University.

h) Passing a document issued by the University for Personal Use to others and letting them benefit from it, or using such document belonging to others.

i) Writing morally offensive words or making or pasting indecent signs and figures on walls, doors, or items of University furniture, or damaging such items.

j) Tearing, defacing, or altering notices posted or licensed by the authorities.

**Suspension for One or Two Semesters**

**Article 8.**

Actions and circumstances entailing suspension from the University for one or two semesters are as follows:

a) Cheating, allowing cheating, or attempting to cheat on any examination (repeating).

b) Threatening or insulting administrators, academic staff and other officials, assaulting them either orally or in writing as to bring insult to their honor, dignity or person.

c) Speaking about administrators, academic staff and other officials in a hostile manner, issuing printed matter of a hostile nature about these persons or inciting fellow students to hostility against them, or attempting any such similar actions.

d) Staging, for reasons other than politics or ideology, boycotts, obstructions, and sit-ins, or upsetting the normal routine of work at the University or provoking any such similar actions.

e) Carrying out activities which might cause polarization due to differences of language, race, color, religion or religious sect.

f) Physically assaulting University personnel or fellow students.

g) Writing or making signs and symbols on walls, doors, or any item of University furniture to communicate an ideological or political message.

h) Committing theft.

i) Drinking alcoholic beverages within the University.

j) Provoking fellow students or other persons into actions that disrupt the peaceful and orderly working of the University.

k) Organizing unlicensed indoor or outdoor meetings, within the University, or attending such meetings, or making statements and attending meetings and ceremonies, falsely assuming the right to do so under the guise of students' representative.
l) Entering places within the University to which access is denied despite being banned from the premises or causing damage and destruction in such places.

m) Keeping, making copies of, or handing out any kind of publication banned in institutions of higher education.

**Expulsion from the University**

**Article 9.**

Actions and circumstances entailing expulsion from the University are as follows:

a) Making University officials or fellow students leave buildings, classrooms, offices, laboratories or other premises by using force or violence, preventing officials from doing their work, or forcing fellow students to join in any such illegitimate activity.

b) Disturbing the general peace or the working environment for ideological and political motives, taking part in boycotts, sit-ins, obstructions, and disturbing University personnel's work-to rules, or provoking any such action,

c) Keeping, making copies of, or handing out any political and ideological manifestos, posters, placards, tapes, etc., within the University, writing or representing with symbols or pictures political and ideological messages on walls, doors and items of furniture, or engaging in oral and written ideological propaganda.

d) Inducing by threats some individual or group to organize an illegitimate action or to take part in it, or inducing them to make false statements or give false evidence, or to assume responsibility for such an illegitimate action.

e) Being a member of an illegal organization, or acting in the name of or providing assistance to an illegal organization.

f) Taking, carrying, keeping or dealing in drugs.

g) Having suffered punishment for committing a crime against the body of the state.

h) Forming any overt or covert associations and organizations on University grounds or its extensions without obtaining the permission of the University.

i) Cheating in examinations by intimidating fellow students, preventing the authorities from sending the cheating students out of the classroom, getting somebody else to sit the examination in one's stead, or sitting an examination in some other person's stead.

j) Obstructing, by force or intimidation, disciplinary proceedings of the disciplinary committee.

k) Committing rape.
l) Hiding or harboring persons that are wanted by the security forces.

m) Preventing fellow students from attending classes or examinations, by whatever means, or making them walk out of a class or inciting or compelling them to do so.

n) Inflicting torture or causing torture to be inflicted on some individual or group for any reason.

o) Obstructing the ceremonial hoisting of the national flag, or behaving in a deliberately disrespectful manner during such ceremonies.

**Unforeseen Disciplinary Offenses**

**Article 10.**

Students who commit disciplinary offences not specifically mentioned, but which are deemed by University authorities to be comparable to those mentioned above in terms of their nature and gravity, incur corresponding disciplinary penalties.

**Recurrence of a Disciplinary Offense**

**Article 11.**

The recurrence of an action or circumstance previously penalized during the student’s time at the university entails a penalty of one degree higher severity. Students that have suffered the same disciplinary penalties for different offenses incur a penalty of one degree higher severity when they face the same penalty for the third time.

**SECTION THREE**

**Disciplinary Investigations**

**Authorized Officials**

**Article 12.**

Officials authorized to launch investigations are as follows:

a) In cases where the disciplinary offense has been committed by a faculty student, the Dean of the faculty.

b) In cases where the disciplinary offense has been committed by a student from the Prep School of English Language, the Director of the Prep School.

c) In cases where the disciplinary offense has been committed by a student from the Continuing Education Center, the Director of Continuing Education Center.

e) In cases where the disciplinary offense has been committed by a student from graduate studies, the Head of Graduate Study Unit.
Officials authorized to launch investigations may choose to conduct them personally or they may appoint one or more investigators.

In collectively committed and recurring offenses, an investigation committee is appointed by the authorized official. This committee comprises members of the faculty, whose number is determined according to the scope and nature of the incidents under investigation.

When the committee members conclude that certain students are guilty of the offenses investigated, they propose to the authorized official the imposition of an informal reprimand, formal reprimand or suspension from the University for periods from one week to one month, or the imposition of a suspension for one or two semesters, to the University Disciplinary Committee.

**Investigation Periods**

**Article 13.**

A disciplinary investigation must be launched within 30 days after the offense has been reported. If an investigator has been appointed, they are promptly informed of the result of the investigation. The investigation must be concluded within a maximum 60 days from the official approval of the investigation.

If the investigation is not concluded within the allotted time, the investigator may ask for an extension, stating their reasons for it. The extension will be granted only with the approval of the investigation official.

**Conduct of the Investigation**

**Article 14.**

The investigator hears the witnesses, collects facts and consults experts. They are also entitled to do so by proxy, where necessary. A record of the proceedings must be drawn up at each stage and it should include the following information: the time, place and nature of the investigation, the identity of those present, and the questions put and answers given if an affidavit is made. The record drawn up is then signed by the investigator, the secretary, the party who made the affidavit, those that were present during the fact-finding process, and those that provided certain documents. In the instructions for investigation by proxy, the witness's identity and address, and other informative details are clearly stated. The witness is put under oath in the required manner, and the form of the oath administered to them is also recorded. The personnel of the University are to promptly provide all the information, records, documents, and assistance that the investigator may require.

**The Right to Defense**

**Article 15.**

a) A student who is the subject of a disciplinary investigation is informed, in writing, of the nature of the offense imputed to them at least seven days prior to the date on which they are
required to present their defense. In the letter sent to them, the student is instructed to appear to conduct their defense at the date, time, and place specified. When such notification is impossible, notices are put up in certain places within the University to inform the student that they should contact the investigator to present their defense.

b) In the summons sent to the student, it is made clear that if they ignore the summons without a valid excuse, or fail to inform the authorities of their excuse in time, they will be deemed to have waived their right to a defense, and that a decision will be made about them on the basis of other evidence.

c) If the student provides a valid excuse for their failure to appear, or proves that they were prevented from appearing by conditions beyond their control, they are allowed a reasonable period of grace in which they are required to send in their defense in writing.

d) The conduct of the investigation should allow the student to use their right to a defense fully. However, the student will not be allowed to abuse this right by making it a pretext to delay the conclusion of the investigation.

Investigation Report

Article 16.

A report is drawn up at the conclusion of the investigation. The report specifies the dates on which approval was given for the investigation, and on which the investigation was launched. It also states the identity of the student who is the subject of the investigation, the nature of the offenses committed, and the different stages of the investigation process. It also summarizes the student's defense. In the report, each item of the offense is individually considered, the evidence obtained is carefully assessed to determine whether or not the offense was actually committed, and an appropriate penalty is proposed. The originals and copies of existing documents are enclosed with the report and are submitted to the authorized official in a file.

Concurrent Conduct of Penal and Disciplinary Proceedings

Article 17.

The launch of penal proceedings involving the same student and incident will not delay the launch of disciplinary proceedings. A disciplinary penalty can be imposed whether or not the suspect is convicted of the same offense under the penal code.

Conclusion of the Disciplinary Investigation

Article 18.

a) The report and file submitted by the investigator are examined by the authorized officials. They may conclude the investigation personally or they may send the report and file promptly to the authorized Disciplinary Committee, which should announce its decision within a maximum of 30 days after careful examination of the investigation documents.
b) The authorized officials examining the file may ask the same investigator or one of the members of the Disciplinary Committee to correct any defects which may be found in the investigative process.

 Officials and Bodies Authorized to Impose Disciplinary Penalties

 Article 19.

 The Dean of the Faculty or the Director of Continuing Education Center, Director of the Prep School or Head of the Graduate Study Unit is authorized to impose an informal reprimand, formal reprimand and suspension from the University for periods of one week to one month.

 Suspension for one or two semesters or expulsion from the University is imposed by the authorized Disciplinary Committees.

 Meeting and Organization of the Investigation Committee

 Article 20.

 The Investigation Committee convenes upon the request of the chairperson at the specified time, date, and place.

 Organization of the Investigation Committee

 Article 21.

 The Chairperson arranges for the preparation of the agenda, the notification of those concerned, and ensures the smooth running of the Committee's activities.

 The Quorum of the Meeting

 Article 22.

 The quorum required at meetings is the majority of the Committee's membership.

 Secretary

 Article 23.

 The Chairperson appoints a member to act as Secretary. The Secretary completes their examination of the file handed to them within a maximum of two days, and submits their report to the Chairperson.

 Deliberation

 Article 24.

 The Secretary's views are heard and discussed by the members of the Committee. If the members deem it necessary, they may also hear the views of the investigator. When the members of the
Disciplinary Committee feel that the matter in hand has been thoroughly considered and discussed, a vote is taken. The decision reached is announced by the Chairperson.

Voting

Article 25.

Each member of the Investigation Committee must vote in favor of or against a motion. Abstention is not allowed. The vote will be decided by a simple majority.

In case of an equal number of votes in favor and against, the Chairperson makes the casting vote. The members of the Investigation Committee confirm their decision by signing the minutes of the meeting.

Decision

Article 26.

The authorized officials or Student Disciplinary Committee authorized to administer penalties is free to agree or disagree with the penalty proposed in the investigation report. They can decide on a lighter or heavier penalty provided that they state their reasons for doing so.

Period of Decision

Article 27.

The officials authorized to administer disciplinary penalties must decide on the imposition of an informal reprimand, formal reprimand or expulsion from the University for periods of one week to one month within 10 days of the completion of the investigation at the latest.

In offenses entailing other forms of disciplinary penalty, the file is promptly handed to the Student Disciplinary Committee, which must come to a decision within a maximum of 10 days from the date of their receiving the file.

Terms to be Considered Issuing Disciplinary Penalties

Article 28.

a) Officials and committees authorized to launch disciplinary investigations are to take into account the severity of the acts and behaviors constituting the disciplinary penalty, the intentions and aims of the defendant student, whether or not they had a disciplinary penalty previously, their behaviors, acts and attitudes, and whether or not they feel guilty due to the acts they have committed, during the judgment and appointment of these penalties.

b) In the case of committing a disciplinary offense within their university together with the students of another higher education institution, students are to be issued a higher degree of disciplinary penalty.
c) In disciplinary offenses committed collectively, in cases which the offenders cannot be solely detected, each student in the group is to be issued a penalty judged by the authorized officials and committees.

SECTION FOUR

Implementation and Objection

Reporting of Penalties

Article 29.

The penalty given at the end of a disciplinary investigation is to be reported by the officials and committees authorized to launch disciplinary investigations:

a) To the student subject to a disciplinary investigation.

b) To the student’s parents, or in case of their absenteeism, to the student’s closest member of the family, identified by the student.

c) To the public or private institution/person providing scholarship or loan to the student who has been punished.

Disciplinary penalties can be conveyed via notification in Higher Education Institution or related organizations if deemed necessary.

Implementation

Article 30.

In committee or authorized person decisions, unless the date to be applied is stated, the disciplinary penalties are to be imposed from the date they are issued.

Objection, Objection Period, and Administrative and Judicial Remedy

Article 31.

Informal reprimand and formal reprimand penalties administered by disciplinary officials, and suspension penalties from a higher education institution for one week to one month or for one or two semesters decided by disciplinary committees, cannot be objected to in any superior administrative authority. Administrative and judicial remedy can be resorted to for the penalties in these regulations.

The decision of expulsion from the University imposed by the authorized Student Disciplinary Committee can be objected to the Student Disciplinary Appeals Committee within 15 days.

In case of objection, the objection authority – the Student Disciplinary Appeals Committee - may either accept or refuse the decision after examining it. In case of refusal, the Disciplinary Committee finalizes the decision considering the rationale for the refusal.
Administrative and judicial remedies are available for all decisions issued by the Student Disciplinary Appeals Committee which result against the student.

**Timeout**

**Article 32.**

The students who commit any acts and behaviors considered as a disciplinary offense included in this regulation have been acknowledged by the authorized officials, and starting from the date they are acknowledged:

a) Within one month in case of an informal reprimand, formal reprimand and suspension from the higher education institution from one week up to one month penalties,

b) Within six months in case of suspension from the higher education institution for one or two semesters and expulsion from the higher education institution, if the disciplinary investigation is not started, the authority to issue a disciplinary penalty becomes null due to prescription.

c) Within two years from the date the acts requiring disciplinary penalty have been committed, if a disciplinary penalty is not issued, the authority to issue penalties becomes null due to prescription. However, in cases where the disciplinary official or committee needs judiciary provision, the timeout period starts from the day the judiciary provision is finalized. This need is ascertained with an interlocutory decision given by the authorized official or committee.

**SECTION FIVE**

**Miscellaneous Provisions**

**File Delivery**

**Article 33.**

Files belonging to disciplinary investigation are delivered and received together with a list of contents. Below the list of contents are the signatures of the deliverer and the recipient.

**Mode of Correspondence**

**Article 34.**

Correspondences among individuals are done reply paid. In case of receiving the document by hand, the signed document is kept in the file.

**Prohibitions**

**Article 35.**

Confidentiality is essential in each stage of the investigation.
Enactment

Article 36.

This regulation is to be performed from the date it is published in the Official Gazette.