

Near East University

Student Disciplinary Regulations

First Part

General Provisions

Purpose

Article 1:

This ordinance is issued in accordance with the requirements of TRNC Ministry of National Education and Culture to determine the disciplinary procedures and regulations to be carried out against students who do not obey the code of conduct, commit to acts considered to be a criminal act in disciplinary terms, behave against social and moral values, commit behaviours which are against requirements of studentship, fail to comply with the requirements and responsibilities of educational regulations.

Scope

Article 2:

In this ordinance, the disciplinary offenses may be committed by students studying at a higher education institution, disciplinary penalties, the disciplinary authority in charge of executing penalties, the disciplinary committee and the procedures of disciplinary investigation, how to raise objection against the disciplinary penalties, procedures and basics of executing the disciplinary penalties are specified.

Article 3:

Regulations and guidelines of TRNC Ministry of National Education and Culture constitute legal basis for this ordinance.

Definitions

Article 4:

In this ordinance aforementioned are as follows:

Higher Education Institution: The Near East University

Student: Persons studying at the Near East University

Expelling from university: Prohibiting student's entry to buildings and institutions of the university during the specified time.

Second Part

Disciplinary Penalties and Offenses

Disciplinary Penalties

Article 5:

Disciplinary penalties are:

- a) Warning: Students are warned in writing about their behaviours and are required to be more careful in their behaviours and attitudes.
- b) Reprimand: Students are warned in writing that their behaviours have been found offensive and defective.
- c) Expulsion from educational institution from one week up to one month: Student is notified in writing that he/she is expelled from the institution and his/her rights to benefit from the institution are suspended during the time of expulsion.
- d) Expulsion from educational institution for one or two terms: Student is notified in writing that he/she is expelled from the educational institution for one or two academic terms, and he/she cannot benefit from the services and facilities of the institution during the period of expulsion.
- e) Permanent expulsion from the educational institution: Students is notified in writing that he/she is expelled from the institution on permanent basis.

Offenses requiring warning according to disciplinary regulations

Article 6:

Offensive acts and behaviours requiring warning are as follows:

- a) indecent behaviours and acts that are inconvenient for studentship.
- b) becoming rude and disrespectful in relations with others, annoying others by shouting, singing, playing music, causing nuisance, making noise, causing untidiness and dirtiness.
- c) not providing the authorities with a timely response as required about an investigation.
- d) Occupying places reserved for teaching staff or guests in meetings, ceremonies and conferences.

Offenses requiring condemnation according to disciplinary regulations

Article 7:

Acts and behaviours requiring condemnation are as follows:

- a) Acting and behaving in such a way that is inappropriate for educational principles and discredit the nature of studentship,
- b) Writing or painting on the walls or other properties of the higher education institution,
- c) Misinforming or misleading the authorities of the higher education institution about the issue that is subject to investigation, or not providing the necessary information at all,
- d) Hanging advertisements except the places determined by the authorities of the higher education institution,
- e) Disrupting the order and tidiness of courses, lectures, seminars, practice studies, conferences, and lab studies,
- f) Attending drunk to studies and facilities such as lessons, lectures, seminars, conferences that are organized in the higher education institution,
- g) Gambling or making others gambling.

Offenses requiring expulsion from university between one week and one month

Article 8:

Offensive acts and behaviours requiring expulsion from the university are as follows:

- a) Restricting or disturbing the freedom of learning and teaching directly or indirectly; disrupting peace and working order, or study order at the university,
- b) Behaving in violation of the order of ceremonies, disrupting the program of ceremonies,
- c) Carrying out political activities in the higher education institution,
- d) Continuing to occupy the places reserved for teaching staff and guests despite warnings not to do so,
- e) Preventing execution of disciplinary procedures in a sound way,
- f) Handing out manifestos or bulletins, hanging posters or banners without taking necessary permissions,
- g) Handing out a document issued under his/her name and having the document used by somebody else illegally, or using a document issued under the name of somebody else,
- h) Writing, painting, or attaching immoral writings, pictures, posters on the walls, doors, and other places,
- i) Ripping, tearing, changing, messing, or besmirching announcements, programs, advertisements that are made public through the permission of the higher education authorities.

Offenses requiring expulsion for one or two terms

Article 9:

Acts and behaviours requiring one or two terms expulsion or suspension from the university are as follows:

- a) Threatening the teaching staff, general staff and administrative staff of the higher education, humiliating or insulting them verbally or in any written form, assaulting them in any form,
- b) Individually or collectively delivering speech, making publications, provoking students in aggressive forms against the members of the higher institution, and carrying out acts in such ways against the institution and its members,
- c) Attempting to carry out acts such as boycott, invasion, occupation, or blocking that can prevent services and teaching facilities of the institution,
- d) Carrying out activities that can cause to discrimination of language, race, color, religion, and sex,
- e) Assaulting physically to staff of the institution and to students,
- f) Damaging properties of the higher institution, writing ideological or political slogans, painting and hanging pictures on the walls for ideological or political purposes,
- g) Committing to theft,
- h) Consuming alcoholic drinks and beverages in the premises of higher education institutions,
- i) Provoking students and other people to carry out acts to prevent and bring the services of the higher education institution to a standstill,
- j) Without taking necessary permissions, organizing or participating in meetings, or delivering speech, attending the meetings, ceremonies or conferences without having the authority to act on behalf of the students,
- k) Breaking the rules that prohibit or restrict entry to premises of the higher education, and attempting to break in the premises despite the restrictions,
- l) Attempting to cheating in the exams, or helping others for cheating.

Offenses requiring permanent expelling from the higher education

Article 10:

Acts and behaviours requiring permanent exclusion from the higher education institution are as follows:

- a) Committing to physical force to take the staff and students out of the institution, preventing staff from carrying out their tasks, forcing students to prevent staff from carrying out their tasks,
- b) Causing disturbance in the higher education institution by agitating the people for political or ideological purposes, or committing to boycott, occupation, and prevention to carry out tasks, and cause annoyance over the staff that will cause slowdown in their work, forcing students to act in that way,
- c) Carrying out verbal or written propaganda for political or ideological purposes, keeping posters, pictures, illustrations, articles in possession for political or ideological purposes, and using, reproducing, exposing or advertising them in the higher education premises,
- d) Threatening a person or a group to carry out an offensive act, or participate in an offensive act, or forcing someone to falsify evidence or declare false evidence, or forcing someone to bear the offense,

- e) Becoming a member of outlaw organizations, acting on behalf of such organizations, or helping to such organizations,
- f) Using or keeping drugs in possession, or trading drugs,
- g) Having been penalized as a result of crimes committed against the state,
- h) Carrying, holding in possessing, or keeping fire arms, their ammunition, knives, blades, specially designed blades for assaulting purposes, explosives, or bringing such weapons into the educational institution, or being convicted or sentenced for such crimes,
- i) Establishing publicized or hidden foundations or associations in the premises of the university without obtaining necessary permissions from the higher education institution,
- j) Committing to cheating by threatening others, attempting to stop staff from taking out the cheaters, having someone else to take the exam for himself/herself, or taking the exam on behalf of others,
- k) attempting to obstruct or prevent disciplinary proceeding carried out by disciplinary committee or persons in charge by threatening or forcing them,
- l) Attempting to rape,
- m) Hosting or helping to hide convicts who are chased after by the security forces of state,
- n) Preventing students from entering to classes, from taking courses, entering to exams, or obstructing administration of examinations or execution of courses, forcing students to left the classes, or provoking students to leave the classrooms or abandon courses,
- o) Regardless the form and reason, attempting to torture someone or getting someone tortured.

Offenses considered or foreseen for disciplinary proceedings

Article 11:

Anyone who commits offenses or acts similar to those mentioned above is subject to the same disciplinary procedures and penalties mentioned above.

Recurrence of offenses or actions subject to disciplinary procedures

Article 12:

In case of recurrence or repetition of actions requiring disciplinary punishment, disciplinary punishment one level heavier is put into force. If the same crime occurs the third time, one level heavier punishment is put into force.

Third Part

Disciplinary Investigation

Persons in charge of investigation

Article 13:

Persons in charge of carrying out disciplinary procedures:

- a) Faculty Dean is in charge of carrying out disciplinary investigation for offenses committed by faculty students,
- b) Institute Director is in charge of carrying out disciplinary investigation for offenses committed by institute students,
- c) College director is in charge of carrying out disciplinary investigations for offenses committed by college students,

Disciplinary investigation officer can himself/herself carry out the disciplinary procedures, or appoint someone else to carry out the investigation.

Investigation Period

Article 14:

Disciplinary investigation starts on the first working day after the incident has been learnt. In the case that investigation is carried out by appointing investigators, the decision of investigation is delivered to investigators. Investigation is concluded within 15 days at the latest, after it starting date.

Execution methods of investigation

Article 15:

Investigator interviews witnesses, can carry out inspection and interview or ask opinion of experts. Each stage of investigation is recorded. The record includes the details of proceedings stating where, when, how, and with whom the proceedings carried out, how the procedures and steps taken, and answers to questions, and the file or record is signed by the reporter who write down the details, other interviewer and interviewees, and witnesses to be ready at the time of interview. The identification details of the witness are clearly stated including the personal details and address. The witness is asked to oath in accordance with the regulations and the method of oathing is stated in the report.

All staff of the higher education institution are obliged to provide all sort of information, files and other documents and help without causing any delays.

Defense Rights

Article 16:

a) Student, who is subject to disciplinary proceedings, is informed in writing about the nature of the offense at least 3 days prior to the date he/she is expected to be interviewed for his/her defence. In this letter of notification inviting for defence, student is required to be available at the time and place to proceed his/her defence. In case it is not possible to notify the student, the notification stating that the student has to see the investigator in charge of the investigation is announced in writing in certain parts of the educational institution.

b) In the letter of invitation for defence it is stated that if the student does not respond to the invitation without pointing out an excuse, or if does not put forth his/her excuse in time, he/she will considered as if he/she has resigned from his/her right to defend himself/herself, a decision will be produced about his offence by evaluating the available evidence.

c) Student who points out a valid excuse for not attending to the invitation or if it is understood that student has a valid reason not to respond to invitation, student is given another time or is asked to submit his/her defence in writing within a specified period of time. If students are arrested, they are informed that their defence in writing is acceptable and they can send/submit their defence to investigation committee.

d) Investigation is carried out in such a way that the student is allowed to defence himself/herself. However, period of investigation is not allowed to be extended for plea reasons.

Investigation Report

Article 17:

A report is edited when the investigation is finalized or concluded. In the report, approval to start investigation, date to start investigation, identity of person who is subject to investigation, offense issues, phases of investigation, evidences, and defence received are summarized. Each of the offensive issue is analysed separately and discussed if it is to be accepted as an offence in accordance with the hard evidences. The type of disciplinary penalty according to the nature of offense is proposed. If available, originals or copies of documents are attached to the report. Investigation report is forwarded to authority who started the investigation.

Measures and Precautions in Investigation Period

Article 18:

Investigation officers, if consider necessary, may ask to authorities that required investigation to prevent or ban the entry of students subject to investigation into the premises or properties of the higher education institution. Decision of the authority is put into force.

Student's replacement in the institution, or leaving off the institution for any reason do not obstruct the process of starting and carrying out an investigation, and taking necessary decisions.

Execution of criminal prosecution and disciplinary prosecution together

Article 19:

Starting a criminal prosecution as a result of the same incident does not cause a delay in starting the disciplinary proceedings.

Conviction or acquittal of the defendants in accordance with the Criminal Law does not prevent the execution or implementation of disciplinary investigation.

Conclusion of the investigation

Article 20:

a) The investigation report and file are reviewed by the deans of faculties or directors (or principals) of institutes, conservatories and colleges and investigation is concluded straightforward, or forwarded to the authorized disciplinary committee immediately. Disciplinary Committee gathers within three days at the latest and reviews the file and report.

b) The deans, directors, or the discipline committee who reviewed the file, if believes something is missing or incomplete, and considers completion of these issues necessary, can ask for completion of missing or incomplete details by the same investigator or by a member of the disciplinary committee.

c) The dean, director, or disciplinary board, asks for a defence from the student again, before giving the final decision. In this case, principles stated in Article 16 are put into force.

Officers and boards authorized to execute disciplinary punishments

Article 21:

Punishments or penalties that require warning, reprimand, and expulsion from the higher education institution from one week up to a month are directly given by faculty deans, or principals or directors of institutes or colleges,

punishments requiring expulsion from the higher education institution for one or two terms, and punishments requiring permanent expulsion from the higher education institution are given by the authorized disciplinary board.

Assembly of Disciplinary Board

Article 22:

The Disciplinary Board assembles at the time and place as determined and by the invitation of the Chairmen.

Arrangement of Board's proceedings

Article 23 - Preparation of meeting agenda, announcement to those concerned, execution of proceedings of Board on regular and orderly basis are provided by the chairman.

Majority required for assembling meeting

Article 24:

The majority required for holding a meeting of the Disciplinary Board is the number of members more than half of the total number of the Board members.

Rapporteur

Article 25:

Task of rapporteur is carried out by the member appointed by the president. Rapporteur member completes the review of file and preparation of report within two days at the latest and presents the report to the president.

Interviewing Procedure

Article 26:

At the meeting of Board, after listening to the presentation of the rapporteur, the issue is reviewed. If considered necessary by the Board, the Board may listen to the investigators. In the case it is believed that the issue is cleared and enlightened, voting procedure is carried out about the decision, and the decision is announced by the chairman.

Voting

Article 27:

Each member of the Board is responsible to vote either in favour of acceptance or rejection of the decision. Noncommittal vote is not accepted. In the case that votes are equal in number for acceptance and rejection, the side of votes supported by the president is considered to be majority. Summary of decision is decided through a report signed by the members.

Decision

Article 28:

The Disciplinary Board or the authorized person to execute the disciplinary punishment is free to accept or reject the mode of punishment proposed in the report of investigation, and can put another disciplinary punishment into force providing that the reasons for this application are explained.

Decision Time

Article 29:

Officers authorized to execute disciplinary punishments must execute the punishments requiring warning, reprimand, or expulsion from one week to one month within 5 days prior to the completion of the investigation. In cases where other disciplinary penalties are required, the file is immediately forwarded to

the Disciplinary Board. The Disciplinary Board must decide within ten days at the latest prior to receiving the file.

Matters to be considered when issuing disciplinary punishment

Article 30:

a) Officers and Disciplinary Board authorized to execute disciplinary punishment takes the severity of offense, the aim of convict student in committing crime, whether the student have been convicted or penalized before, whether the student regrets from the results of his/her offense, behaviours and attitudes of the student into consideration while deciding on the mode of punishment.

b) In case that the student committed crime with students from other universities, the weight of punishment to be issued for this student is increased one level up.

c) In case that offenses committed collectively by students and specific offenses committed by each individual students were not identified, each student forming the group is punished according to the decision of the officer in charge of investigation, or of the Board.

Fourth Part

Enforcement and appeal

Notification of punishment

Article 31:

At the end of the disciplinary investigation, the following institutions and persons are informed about the decision by the authorized officer who is in charge of the investigation:

a) Student who is subject to disciplinary investigation,

b) Parents of the student, in case they are not reachable, the closest relative identified by the student,

c) Persons or private or state institutions that awarded the university with a scholarship,

d) In case student is subject to a disciplinary punishment requiring permanent expulsion, the following institutions and organizations are also notified in writing:

1 - All higher education institutions in Cyprus,

2 - Police Department

3 – Military Affairs Office

4 – Embassy of the student's nationality.

Enforcement

Article 32:

Disciplinary penalties are put into force and executed starting from the date it has been issued.

Appealing period and judicial procedures

Article 33:

Disciplinary penalties in the form of warning and reprimand are absolute and judicial procedures cannot be sought for these penalties. Penalties given by disciplinary officers and Disciplinary Board, requiring expulsion from one week to one month, and, one or two terms cannot be appealed at a higher level administrative body. However, judicial appeal can be carried out against these penalties.

The University Executive Body reviews the decision of permanent expulsion produced by the Disciplinary Board within 15 days, and approves the decision exactly as it is, or rejects the decision.

In case of rejection of the decision by the University Executive Body, the Disciplinary Board or the officer in charge taking the reason of rejection into consideration finalize the decision about the appeal.

Timeout

Article 34:

Fifth Part

Miscellaneous Provisions

Notification and Address Report

Article 35:

a) All sort of notification is considered completed after the decision in writing is delivered to address the student submitted to the higher education institution at the time of registration, and by announcing the decision in writing at the higher education institution through notification documents.

b) Students who did not inform the university about address changes, who falsified the permanent accommodation details, cannot claim that the notification is incomplete once the notification is made to the students' address at the university.

Submitting investigation files**Article 36:**

Disciplinary investigation files are submitted and taken in. The persons who hand out and hand in the files sign the documents of delivery. .

Correspondence form

Article 37:

Correspondence carried out between persons is made through recorded delivery. In the case that the document is handed in directly to the person, a signature of the recipient is obtained and the signed document is enclosed in the disciplinary field.

Prohibitions

Article 38:

Privacy is essential in every stage of the investigation. Anyone who commits breaking this rule is subject to disciplinary proceedings.

Enforcement

Article 39:

This ordinance is put into force on the date the Board of Trustees of the university approves it.

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Enforcement

Article 40:

This ordinance is enforced by the Rector of university.

Article 41:

A copy of this ordinance is given to student at the time of registration, and a copy is sent to address of his/her parents via recorded delivery.

Ordinance of School Discipline Regulations consists of 41 articles.

In case a disciplinary investigation is started, authorization to issue penalty is subject to timeout. In the case the offensive act is not punished within two years time, than the authority to execute punishment is subject to timeout. However, in the case that the disciplinary officer or Disciplinary Board is need of judicial justification, this timeout starts on the date the judicial decision is made absolute. The need that required judicial justification is made clear through a between-decision.