



The Council of Higher Education

*The Law On
Higher Education*

March 2000

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THE LAW ON HIGHER EDUCATION

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PART ONE

AIM AND SCOPE OF THE LAW AND DEFINITIONS

Aim

ARTICLE 1

The aim of this law is to define the goals and principles pertaining to higher education and to establish principles, related to the functioning, duties, authority, and responsibilities in connection with education, research, publication, teaching staff, students and other personnel of institutions of higher education and their governing bodies.

Scope

ARTICLE 2

This law covers the activities and principles of governing bodies of higher education, all institutions of higher education, and their sub-divisions.

Matters concerning institutions of higher education of the Turkish Armed Forces and Security Organization are subject to other separate laws.

Definitions

ARTICLE 3

The concepts and terms used in this law are defined as follows:

- a) **Higher Education:** All post-secondary education consisting of at least four semesters, within the national education system, at every stage.
- b) **Governing Bodies:** The Council of Higher Education and the Inter-university Board.
- c) **Institutions of Higher Education:** Universities, Higher Institutes of Technology, Faculties, Graduate Schools, Schools of Higher Education, Conservatories, Vocational Schools and Research Centers.

A Higher Institute of Technology is an institution of higher education possessing academic autonomy and juristic personality, carrying out high-level research, education, production, publication, and consultancy specifically in the areas of technology.

- d) **University:** An institution of higher education possessing academic autonomy and juristic personality, conducting advanced-level education, scholarly research, publication and consultancy; it is composed of faculties, graduate schools, schools of higher education and similar institutions and units.
- e) **Faculty:** An institution of higher education conducting high-level education, scholarly research and publication; sub-divisions may be attached to it.
- f) **Graduate School:** An institution in universities and in faculties which is concerned with graduate education, scholarly research and applied studies in more than one related academic area.
- g) **School of Higher Education:** An institution of higher education mainly concerned with providing instruction for a specific vocation.
- h) **Conservatory:** An institution of higher education in music and the performing arts.
- i) **Higher Vocational School:** An institution of higher education carrying out four-semester education aimed at training manpower in specific areas.
- j) **Research and Applied Studies Center:** An institution of higher education carrying out research and applied studies to meet the applied study needs of various areas and to provide preparatory and support activities for various professional areas, with the aim of supporting education in institutions of higher education.
- k) **Department:** A unit of a Faculty or of a School of Higher Education giving instruction and carrying out research; it embraces similar or related areas of the sciences or arts, forming a whole in aim, scope and character. It is sub-divided into departmental sections. Departments directly attached to the office of the Rector can also be established for the purpose of offering courses common to various departments.
- l) **Teaching Faculty Members:** Teaching staff members as well as instructors, lecturers, and ancillary staff.
- m) **Teaching Staff Members:** Professors, Associate Professors, and Assistant Professors at institutions of higher education.
 - 1. **Professor:** A teaching staff member holding the highest academic title.
 - 2. **Associate Professor:** A teaching staff member who has successfully fulfilled the requirements of the Inter-university Board and been granted the title of Associate Professor.

3. **Assistant Professor:** A teaching staff member at the first stage, who has received a doctorate, or qualified as a specialist in a medical field, or received a certificate of competence in one of the areas of the fine arts.
- n) **Instructor:** A teaching faculty member responsible for teaching courses and conducting applied study sessions.
- o) **Lecturer:** A teaching faculty member responsible for teaching certain compulsory subjects common to students in various programs.
- p) **Ancillary Staff:** These include research assistants, specialists, translators, and educational planners. Ancillary staff are appointed for a specific period of time.
- r) **Pre-Baccalaureate Stage:** Post-secondary higher education involving a program of at least four semesters, aiming at training for a vocation or comprising the first level of the baccalaureate.
- s) **Baccalaureate Stage:** A post-secondary program of at least eight semesters.
- t) **Post-graduate Study:** A term covering programs for the master's and doctorate degrees, Specialist training in medicine or competency in the Arts; it includes:
1. **Master's Degree Program:** A post-baccalaureate stage of higher education consisting of course work and research.
 2. **Doctorate Program:** A program of higher education of at least six semesters (post-baccalaureate) or at least four semesters (post-master's, or post-specialization in a laboratory field approved by the Ministry of Health for graduates of Faculties of Pharmacy or Science) culminating in the presentation of an original work of scholarly research.
 3. **Specialization in Medicine:** A program of higher education conducted in accordance with the regulations established by the Ministry of Health and leading to specialization in one of the fields of medical science.
 4. **Competency in the Arts:** A post-baccalaureate program (of at least six semesters) or post-master's program (of at least four semesters) equivalent to doctorate-level programs. It requires the presentation of an original work of art, or, in music and the performing arts, a superior, creative performance.
- u) **Types of Higher Education:**
1. **Formal Education:** Programs requiring attendance during the entire course of education.
 2. **Distance Education:** Education conducted by means of radio, television, and educational materials.

3. **External Education:** Programs offering courses outside of working hours. Class attendance is not compulsory, but students are required to take midterm and final examinations.

4. **Non-Formal Education:** Programs offered to the general public with the aim of disseminating knowledge and enabling the acquisition of skills in various areas.

PART TWO

GENERAL PROVISIONS

Aims

ARTICLE 4

The aims of higher education:

- a) To educate students so that they:
 1. will be loyal to Atatürk nationalism and to Atatürk's reforms and principles,
 2. will be in accord with the national, ethical, human, spiritual and cultural values of the Turkish Nation and conscious of the privilege of being a Turk,
 3. will put the common good above their own personal interests and have full devotion to family, country and nation,
 4. will be fully conscious of their duties and responsibilities towards their country and will act accordingly,
 5. will be objective, broad-minded, and respectful of human rights,
 6. will develop in a balanced way, physically, mentally, psychologically, morally, and emotionally,
 7. will prove to be good citizens contributing to the country's development and welfare and at the same time acquire the necessary knowledge and skills for their future vocations.
- b) To enhance the welfare of the Turkish State as a whole, conducive to national and territorial indivisibility; to implement programs contributing to and accelerating the economic, social and cultural development of the country; and to ensure that students are constructive, creative and outstanding participants in contemporary civilization.
- c) As higher educational institutions, to carry out studies and research of high academic level, to promote knowledge and technology, to disseminate scientific findings to assist progress and development at the national level, and, through cooperation with national and international institutions, to become recognized members of the academic world and contribute to universal, contemporary progress.

Basic Principles

ARTICLE 5

Higher education is organized, planned, and programmed in accordance with the following basic principles:

- a) To ensure that students develop a sense of duty in line with Atatürk's reforms and principles, loyal to Atatürk nationalism.
- b) National culture integrated with universal culture, will be developed and fostered in keeping with Turkish mores and traditions so that the students develop a strong sense of national unity and solidarity.
- c) The principle of basic unity within the educational system is to be achieved with due regard to the aims and goals, and particular characteristics of various higher educational institutions and fields of study.
- d) Short and long term plans and programs are to be devised on the basis of scientific and technological principles, in accordance with national and regional needs, and will be regularly up-dated.
- e) Measures are to be taken to secure equality of opportunity in higher education.
- f) New universities and higher institutes of technology as well as new faculties, graduate schools, and schools of higher education within universities are established by law upon the recommendation or proposal of the Council of Higher Education in accordance with the principles and goals of national development plans and within the context of higher education planning.
- g) Vocational schools of higher education attached to ministries are founded by a decision of the Council of Ministers on the basis of principles set forth by the Council of Higher Education.
- h) Developing institutions of higher education, improving their efficiency, increasing their numbers so as to cover the whole country, training teaching staff in-country and abroad, and their proper assignment; securing a balance between manpower needs and education; distribution of resources and specialized manpower and education; meeting the national and local needs and specific requirements of the fields of practice in accordance with the principles and aims of the national education policy and the national development plans, are planned and achieved in a manner to cover formal and non-formal, continuing, and distance education.
- i) In the course of education in the institutions of higher education, Atatürk's Principles and the History of the Turkish Reforms, the Turkish language and a foreign language are all compulsory courses. In addition, a non-compulsory course in physical education or in one of the fine arts shall be included in the curriculum. All of these courses are to be planned and implemented for a minimum of two semesters.

PART THREE
GOVERNING BODIES

The Council of Higher Education

ARTICLE 6

- a) The Council of Higher Education is an autonomous body with juristic personality which governs all higher education, directs the activities of the institutions of higher education, within the context of duties and powers given by this law. To the Council of Higher Education are attached the Higher Education Supervisory Board and the Student Selection and Placement Center together with the relevant units responsible for planning, research, development, evaluation, budget, investment and coordination.
- b) The Council of Higher Education consists of:
1. Seven members selected by the President of the Republic, preferably from among former Rectors and distinguished professors,
 2. Seven members selected by the Council of Ministers, from among distinguished, high-ranking civil servants, either active or retired (with the approval of the Ministry of Justice and their personal consent in the case of judges or prosecutors),
 3. One member selected by the Chief of the General Staff,
 4. Seven professors selected by the Inter-university Board from among non-members of the Board.

The memberships of those selected and nominated according to paragraphs (2), (3), and (4) become final upon the approval of the President of the Republic. The nomination of members specified in the above paragraphs is to be made within one month; in case of membership not being approved by the President of the Republic, nomination of new candidates shall be made within two weeks, otherwise the appointment is to be made directly by the President of the Republic.

Members selected from those holding positions in public institutions will maintain their relationship with the institution concerned.

The term of office of Council members is four years. New elections are held to replace those who leave for any reason and on completion of a term of office. Those whose term expires are eligible for re-election.

- c) The organs of the Council of Higher Education are the General Assembly, the President and the Executive Board.

The members of the General Assembly are specified in section (b) above. The General Assembly meets at least three times each semester. Meetings can also be called by the President of the Council or upon written application by at least one-third of the members.

The President of the Republic selects the President from among the Council members for four years. The President of the Council is responsible for implementation of laws, regulations, as well as decisions of the General Assembly and the Executive Board; the President represents the Council and appoints academic personnel and other persons whose selection falls within the authority of the Council.

The Minister of National Education, when (s)he deems necessary, participates and chairs the meetings.

The Executive Board is composed of nine members, including the President. Two Vice-Presidents are selected from among the members of the General Assembly as members of the Board, one by the President of the Board and the other by the General Assembly. The remaining members of the Board are selected by the General Assembly as follows: two members from among those specified in Article 6, section b, sub-section 1; two from those specified in Article 6, section b, sub-sections 2 and 3; two from those specified in Article 6, section b, sub-section 4. A member of the General Assembly selected from among judges or prosecutors cannot be elected to the Executive Board.

The President chairs meetings of the General Assembly and the Executive Board. In the absence of the President, one of the Vice-Presidents represents the President.

The General Assembly may delegate to the Executive Board authority and responsibility vested in it by the Law on Higher Education, as it deems appropriate, with the exception of: planning, organization, direction and supervision of higher education, preparation of regulations, examination and approval of budgets prepared by governing bodies of higher education and by universities, and nomination of candidates for university rector.

The quorum for meetings of the General Assembly is 14, while that for the Executive Board is 6. Decisions in both bodies are taken by majority of votes cast. In the event of a tie, the President's vote counts as two.

- d) The salaries of the President and members of the Executive Board are determined by the Council of Ministers with the proviso that this amount is no more than two times the salary paid to the highest-ranking civil servant (including supplementary indicator, auxiliary payment, and compensation) in accordance with Law No. 657, the Civil Service Law. Members of the Executive Board receive no further salary from public institutions. Those receiving a retirement pension continue to receive that pension. Civil servants who serve as members of the Executive Board are considered to be on leave without pay from the institution at which they are employed and retain all of their accumulated rights as personnel.

The sum to be paid to members of the General Assembly other than Executive Board members as an honorarium for attendance at meetings shall be calculated by multiplying the monthly salary coefficient for civil servants by 4,000. However, a maximum of twelve such participation honoraria can be paid in one year.

- e) Members of the Executive Board are appointed on a full-time basis. The President of the Council and Executive Board Members are not permitted to have any employment in a public or private institution except for associations founded for the public interest, foundations, and affiliated institutions where they receive no remuneration for their services and in the case of temporary assignments given them by the Council of Ministers.

Members of the Executive Board who are absent for a total of one month in a year for any reason other than assignments by the Council of Ministers shall be presumed to have forfeited their membership.

- f) Apart from those members who have not resigned from their primary employment, members of the Council of Higher Education shall not be subject to the legally stipulated maximum age limit, as long as they continue to be elected and serve as members.

The Functions of the Council of Higher Education

ARTICLE 7

The functions of the Council of Higher Education are as follows:

- a) To prepare short and long-term plans for the establishment, development, and realization of educational activities of the higher educational institutions; to see to the training of the teaching staff, in-country and abroad, according to the aims, goals and principles set forth in this law; to supervise efficiently the resources allocated to universities within the framework of these plans and programs.
- b) To promote continual and harmonious cooperation and coordination among the institutions of higher education, aiming at unification and integration, in accordance with the aims, principles and targets specified in this law.
- c) To determine the extent of growth compatible with the running of the universities at maximum efficiency and the taking of such measures as summer courses, night courses and two-shift education.
- d) In accordance with the principles and targets of the national development plans and in the context of higher education planning:
 - 1. To present to the Ministry of National Education proposals or views on the establishment, and, if necessary, unification of newly established universities,

2. To make decisions directly or on the basis of proposals made by universities concerning the opening, unification, or closing down of faculties, graduate schools and schools of higher education within a university and to convey the above decisions to the Ministry of National Education for appropriate action in due course,

To make decisions and to have them implemented directly or on the basis of proposals made by universities, regarding the opening, unification, or closing down of departments, sections, research and applied studies centers, as well as the opening of conservatories, higher vocational schools, preparatory schools or units,

In the event of circumstances causing a breakdown in education, to make decisions directly or on the basis of proposals made by universities regarding a temporary close-down or a recommencement of education and to put them into effect,

3. To study the aims and rationale of higher educational institutions to be established by ministries and to present opinions to the competent authorities.
- e) To specify, taking into consideration the views of the Inter-university Board, the principles related to minimum number of contact hours and minimum period of study in educational curricula, conditions for passing to the subsequent year of study, intra- and inter-mural transfer of students in the institutions of higher education and the principles whereby graduates of schools of higher education continue their studies at a higher level.
 - f) To fix, in a balanced ratio, the positions of professors, associate professors, and assistant professors in universities on the basis of needs, education programs, characteristics of the branches of learning, research activities, fields of application, buildings, materials and equipment and similar facilities and the number of students of the universities and other related matters.
 - g) To examine and evaluate the annual activity reports submitted by the universities; to pinpoint the highly successful and those considered to be inadequate and to take necessary measures.
 - h) To decide on the maximum yearly student intake into each academic program after examining the proposals of the universities on this question and further to determine the principles whereby the selection and admission of students be carried out with a view to manpower planning, the capacity of the institutions and the students' interests and skills, taking into account on the orientation principles of secondary education.
 - i) To take measures to realize equality of opportunity and possibility in the institutions of higher education and during admission.
 - j) To arrive at a decision concerning the proposals of higher education institutions concerning the fees to be charged to the students in each academic year.

- k) To submit to the Ministry of National Education the budgets prepared by the governing bodies and universities after examining and approving them.
- d) To conduct and decide upon disciplinary proceedings concerning rectors, to initiate the regular proceedings for the dismissal or transfer on a probationary status to another institution of higher education of those faculty members who fail to carry out in a satisfactory manner their duties as specified in this law or who act in a manner incompatible with the aims, fundamental principles and prescribed order as indicated in this law, upon the proposal of the rector or directly.
- m) To establish national scholarly committees and working groups in various fields of the arts and sciences.
- n) To devise the principles related to the contribution to be made by developed universities to newly-established or developing universities with regard to education and staff development and, when necessary, to assign developed universities to provide such services.
- o) To present to the Ministry of National Education opinions and proposals concerning the institutions of higher education to be established by foundations within the provisions of this law, to take the necessary measures concerning such institutions and to supervise them.
- p) To determine the equivalency of pre-baccalaureate, baccalaureate, and graduate degrees received at institutions of higher education abroad.
- r) To fulfill other obligations assigned by this law.

The Higher Education Supervisory Board

ARTICLE 8

- a) The Higher Education Supervisory Board is a body, which, on behalf of the Council of Higher Education, supervises and controls the universities together with the units attached to them and teaching staff and their activities.
- b) The Higher Education Supervisory Board consists of:
 1. Five members holding the rank of professor, proposed by the Council of Higher Education,
 2. Three members to be selected and nominated by the Council of Higher Education from among nine candidates; of these the Supreme Court proposes three as do the Council of State and the Court of Accounts,
 3. Two further members, one to be selected by the Chief of the General Staff and the other by the Ministry of National Education.

The appointment of the members thus defined to the Higher Education Supervisory Board will be carried out according to current procedures.

The Chairperson of the Higher Education Supervisory Board is appointed from among board members by the President of the Council of Higher Education.

The term of the member selected by the Chief of the General Staff is two years; that of the other members is six years. The member selected by the Chief of the General Staff will be assumed to be on unpaid leave but all his/her other rights arising from personnel legislation are reserved. All other members' relations with their institutions are discontinued. The age limit (for retirement) of board members is the same as that of teaching staff members.

One third of the members are renewed every two years, with the exception of the member selected by the Chief of the General Staff. Members whose term expires can be re-elected. Upon termination (irrespective of reason) of membership before the completion of the normal term, a new member with the same status is selected to complete the remaining term.

The salaries of the board members are fixed by the Council of Ministers so as not to exceed those of the members of the Council of Higher Education. Retired persons selected continue to receive their pensions.

The members of the Higher Education Supervisory Board are not allowed to work for any public or private organization, with or without pay, except in the case of exceptional temporary duties assigned by the Council of Ministers and by the Council of Higher Education. Any member who is absent from duty for a period of three months within a year for any reason other than temporary assignment and annual leave will be assumed to have left the Board.

Duties of the Higher Education Supervisory Board

ARTICLE 9

The duties of the Higher Education Supervisory Board are as follows:

- a) To supervise, on behalf of the Council of Higher Education, the educational and other activities in universities as regards their conformity with the aims and main principles specified in this law and with the principles to be laid down by the Council of Higher Education.
- b) To carry out investigative procedures in accordance with Article 53 of this law, upon the request of the President of the Council of Higher Education.
- c) To fulfill other obligations assigned by this law.

The Student Selection and Placement Center

ARTICLE 10

The Student Selection and Placement Center determines, in the context of fundamentals established by the Council of Higher Education, the examination principles of the students to be admitted to the institutions of higher education, it prepares, administers and evaluates the examinations on the basis of their results and the principles determined by the Council of Higher Education, and in the light of student preferences, places student candidates in universities and other higher educational institutions, as well as carrying out research related to these activities and performing other services.

The Student Selection and Placement Center, upon the request of institutions of higher education, carries out questionnaire-based research, examinations and evaluation at all levels, including the Associate Professorship examinations, student registration procedures, and other duties assigned by the Council of Higher Education.

Candidates pay a fee for these services. These fees are to be collected in the Council of Higher Education Student Selection and Placement Fund. The President of the Council of Higher Education is responsible for the fund. This fund is to be used for selection and placement services. In expenditures to be made from the fund and in other financial matters, the principles of a revolving fund are applied. The fundamentals relating to its administration, management and supervision are determined by the Council of Higher Education. At the end of each year, the money remaining in the fund is transferred to the following year's fund.

Inter-university Board

ARTICLE 11

- a) The Inter-university Board consists of the university rectors, a professor selected by the Chief of the General Staff from the Armed Forces, appointed for a period of four years and one professor from each university selected by their senates for a period of four years.

The rectors act as the Chairperson of the Inter-university Board in turn and consecutively for a term of one year, in the order of the date of foundation of their universities since the establishment of the Turkish Republic.

The Board may form permanent and temporary units and commissions in order to facilitate its activities and secure cooperation among the universities and with international institutions of higher education. The organization and working procedures of these units and commissions are specified by the Inter-university Board.

The Board meets at least twice a year in the city where the Chairperson's university is located unless otherwise specified, and the Board's agenda is sent beforehand to

the Ministry of National Education, the Council of Higher Education and the Board members.

The Minister of National Education and the President of the Council of Higher Education may participate in the Board's meetings if they deem it necessary.

b) The Inter-university Board is an academic organ with the following duties:

1. To coordinate, within the scope of higher education planning, the universities' teaching, research, and publication activities, to evaluate implementations and to make recommendations to the Council of Higher Education and to universities,
2. To propose measures to meet the needs of universities for teaching staff members, bearing in mind organization and academic staff positions and in line with the decisions of the Council of Higher Education,
3. To prepare regulations on education, research, and publication activities concerning all universities or to express views on these matters,
4. To ensure coordination in terms of principles and periods of education in faculties of the same or similar characteristics or in other institutions of higher education attached to the universities or faculties,
5. To establish the principles regarding doctoral work and to evaluate the doctoral degrees and the academic titles of Associate Professor and Professor received abroad,
6. To organize the Associate Professorship examinations and determine the principles for the evaluation of the publications and research work of Associate Professorship candidates, according to the relevant regulations, and to select the juries,
7. To fulfill other obligations assigned by this law.

PART FOUR
INSTITUTIONS OF HIGHER EDUCATION

Duties of the Institutions of Higher Education

ARTICLE 12

In accordance with the aims and basic principles of this law, the duties of the institutions of higher education are as follows:

- a) To carry out post-secondary education at various levels, undertake scholarly research, engage in publication, and act in the capacity of consultant, in accordance with the principles and objectives of the development plans and the needs of society, with regard to the conditions of modern societies and contemporary education.
- b) Utilizing its own specialist abilities and material resources in a rational, productive and economic way, to train sufficient manpower in the required fields to meet the needs of the country; in line with the national education policy and principles and objectives of development plans and programs as prepared by the Council of Higher Education.
- c) To disseminate, in oral, written, or other forms, scientific data and scholarly findings such as might be expected to raise the standard of living of Turkish society and enlighten the public in general.
- d) To train people, especially in the fields of industrialization, and the modernization of agriculture, through formal, informal, continuous and adult education.
- e) To carry out research and educational activities pertaining to the country's scientific, cultural, social and economic progress and development, and through cooperation with other organizations to encourage public organizations to contribute to such activities; to make research results available to the public, to carry out studies requested by public institutions, and to offer relevant proposals.
- f) To take measures that will contribute to the institutions responsible for formal, informal, continuous, widespread, constant and adult education in mobilizing literacy campaigns.
- g) To contribute to the training and development of agricultural and industrial workers, to modernize services in the fields of industry, agriculture and health, to prepare and implement programs that will encourage productivity, and to participate in such activities as the solution of environmental problems.
- h) To develop, apply and disseminate educational technology.

- i) To develop the principles of education with a view to a more practical approach to higher education, to set up revolving funds and operate them productively and to take necessary measures for the development of these activities.

UNIVERSITY ORGANS

Rector

ARTICLE 13

- a) In state universities, the Rector is appointed by the President of the Republic from among candidates holding the academic title of professor, selected by the teaching staff members of the university upon the announcement of the currently-serving rector. The term of office is four years, at the end of which a Rector may be re-appointed by the same means, for a maximum of two terms of office. The Rector is the representative of the juristic personality of the institution of higher education. Selection of candidates is carried out by secret ballot. Each teaching staff member may write the name of only one candidate on the ballot. A minimum of one half of the teaching staff members must be present in order for the ballot to take place. In the absence of this number, the selection is postponed for 48 hours with no quorum specified. The Council of Higher Education proposes to the President of the Republic three candidates which it selects from among the six candidates receiving the highest number of votes in the afore-mentioned balloting. In private universities established by foundations, the selection of candidates and appointment of the Rector are carried out by the board of trustees concerned.

In order to be appointed as a rector, a candidate must be less than 67 years of age. However, rectors who reach the age of 67 while in office are permitted to continue until the end of their term of office without regard to the age limit.

The Rector may select up to three of the university's salaried professors to act as Vice-Rectors. However, in the case of universities responsible for centralized distance education, a Rector may select five Vice-Rectors, when deemed necessary.

The Vice-Rectors are appointed by the Rector for a period of five years.

In his/her absence, the Rector appoints one of the Vice-Rectors to act as acting rector. The Rector informs the Council of Higher Education if (s)he is to be away from his/her office for more than two weeks. If the acting rectorship lasts for more than six months, a new Rector is appointed.

b) *Duties, powers and responsibilities:*

1. To preside over university boards, implement the resolutions of the governing bodies of higher education, review and decide on the proposals of university boards, and ensure coordination among organizations attached to universities,

2. At the end of each academic year, and whenever necessary, to report to the Inter-university Board on the university's academic activities as regards education, research and publication,
3. After having received the proposals of the attached bodies and having consulted the Senate and the Administrative Board of the university, to prepare the investment programs, budget and personnel requirements of the university and to submit them to the Council of Higher Education,
4. To change, when deemed necessary, the service location of the teaching staff and other personnel in organizations and units comprising the university or to delegate new duties to them,
5. To supervise the constituent units of the university and personnel at every level,
6. To carry out other duties assigned by this law.

The Rector is invested with final authority and responsibility for the rational use and development of the educational capacity of a university and its attached organizations, for providing the students with essential social services, for taking security measures whenever necessary, for the planning and implementation of instruction, research and publications in accordance with the principles and objectives of the national development plans, for the supervision of academic and administrative duties, for the devolution of these duties to the bodies below, and for the supervision and review of the results of this policy.

The Senate

ARTICLE 14

- a) Under the chairmanship of the Rector, the Senate consists of the Vice-Rectors, the Deans of each faculty, a teaching staff member elected for a term of three years by the respective faculty board and Directors of the Graduate Schools and Schools of Higher Education attached to the office of the Rector.

The Senate meets at least twice a year, once at the beginning and once at the end of each academic year.

When (s)he deems necessary, the Rector calls for a meeting of the Senate.

- b) The Senate is the university's academic organ with the following functions:
 1. To decide on the principles relating to the university's educational programs, research, and publication activities,
 2. To prepare drafts of laws and regulations concerning the university as a whole or to express its views thereof,

3. To prepare regulations concerning the university or its attached units to take effect upon publication in the Official Gazette following approval by the Rector,
4. To examine and decide on the university's annual academic program and calendar,
5. To award honorary academic titles (no examination being required) on the recommendations of the Faculty Board,
6. To intervene in the case of objections raised against decisions of the Faculty Boards and the Boards of the Graduate Schools and Schools of Higher Education attached to the office of the Rector,
7. To elect the members of the University Administrative Board,
8. To perform other duties assigned by this law.

The University Administrative Board

ARTICLE 15

- a) Under the chairmanship of the Rector, the University Administrative Board consists of the Deans and three professors to be selected by the Senate for a period of four years. The professors shall represent various fields in the university.

The Rector calls for a meeting of the University Administrative Board when necessary.

The Vice-Rectors may participate in the meetings of the Administrative Board as *ex officio* members.

- b) The University Administrative Board is an organ that assists the Rector in his/her administrative duties and has the following responsibilities:
 1. To assist the Rector in the implementation of decisions of the Senate and governing bodies of higher education in line with specified plans and programs,
 2. To ensure that plans and programs are put into effect, and, taking into consideration the proposals of the constituent units of the university, to examine the investment program and budgetary draft proposals and submit to the office of the Rector its opinions and suggestions thereto relating,
 3. To decide on matters brought up by the Rector related to university administration,
 4. To examine and reach a final decision concerning objections raised against the decisions of the Faculty Administrative Boards and those of graduate schools and schools of higher education,
 5. To perform other duties assigned by this law.

FACULTY ORGANS

Dean

ARTICLE 16

- a) The Dean, who is the representative of a Faculty and its units, is selected by the Council of Higher Education from among three professors (regardless of whether they are staff members of the university concerned) nominated by the Rector, and is appointed by normal procedure. When his/her term of office expires a Dean may be re-appointed.

From among the Faculty's regular staff members, the Dean appoints at the most two Assistant Deans to help him/her in his/her work. In the case of universities responsible for centralized distance education, four Assistant Deans may be selected.

The Assistant Deans are appointed by the Dean for a period not to exceed three years.

One of the Assistant Deans acts as acting dean in his/her absence. Should this continue for more than six months, a new Dean shall be appointed.

b) *Duties, powers and responsibilities:*

1. To chair the Faculty boards, implement their decisions and ensure the coordination of Faculty units,
2. To report to the Rector on the general situation and functioning of the Faculty at the end of each academic year and when requested,
3. To present to the office of the Rector the rationale for the budgetary and staff requirements of the Faculty, taking into consideration the views of the Faculty Administrative Board concerning the budget,
4. To generally supervise and control the constituent units and personnel at every level of the faculty,
5. To perform other duties assigned by this law.

The Dean is directly responsible to the Rector for the rational utilization and improvement of the educational potential of the Faculty and its units, for taking security measures when necessary, for the provision of needed social services to the students, for the orderly implementation of educational programs, research and publication activities and for the supervision of all of these activities.

Faculty Board

ARTICLE 17

- a) Under the chairmanship of the Dean, the Faculty Board is composed of the heads of departments, the directors of any graduate schools and schools of higher education attached to the faculty, three professors to be selected from among the professors of the faculty for three years, two associate professors and one assistant professor selected in the same manner and for the same term.

The Faculty Board normally meets at the beginning and end of each semester.

The Dean, when (s)he deems necessary, calls a for a meeting of the Faculty Board.

- b) The Faculty Board is an academic organ with the following duties:
1. To decide on the educational program, research and publication activities of the faculty and the main principles thereof, the plans and programs thereto related, and the academic calendar,
 2. To elect members of the Faculty Administrative Board,
 3. To perform other duties assigned by this law.

Faculty Administrative Board

ARTICLE 18

- a) Under the chairmanship of the Dean, the Faculty Administrative Board consists of three professors, two associate professors and two assistant professors, all of whom are chosen by the Faculty Board for a period of three years.

The Faculty Administrative Board meets when called by the Dean.

When necessary, the Administrative Board may organize temporary working groups, or appoint coordinators for educational programs and regulate their functions.

- b) The Faculty Administrative Board, an organ which assists the Dean in administrative activities, has the following duties:
1. To assist the Dean in the implementation of essential matters specified in the decisions of the Faculty Board,
 2. To ensure the implementation of academic plans and programs as well as the academic calendar,

3. To draft proposals for the investment schemes, programs and budget of the Faculty,
4. To decide on all matters brought up by the Dean concerning faculty administration,
5. To decide on questions regarding the admission of students, equivalency of courses, dismissal and other matters related to education and examinations,
6. To perform other duties assigned by this law.

GRADUATE SCHOOLS

Organs

ARTICLE 19

- a) The organs of the graduate schools are the Graduate School Director, the Graduate School Board and the Graduate School Administrative Board.
- b) Upon the nomination of the Faculty Dean, the Graduate School Director is appointed by the Rector for three years. Where graduate schools are directly attached to the office of the Rector, the appointment is made directly by the Rector. A Director whose term of office has expired may be re-appointed.

The Director will have at most two assistants, whom (s)he appoints from among the full-time teaching staff of the graduate school for a period of three years.

In case of the absence of the Director or his/her post being vacant, the procedure is the same as in the case of Deans.

Within the framework of the graduate school, the Graduate School Director performs the duties assigned to Deans by this law.

- c) The Graduate School Board meets under the chairmanship of the Director and consists of the Assistant Directors and the heads of the departments of the graduate school.
- d) The Graduate School Administrative Board meets under the chairmanship of the Director and is composed of the Assistant Directors and three teaching staff members to be selected for a period of three years by the Graduate School Board from among six candidates nominated by the Director.
- e) Within the framework of the graduate school, the Graduate School Board and the Graduate School Administrative Board perform the duties assigned by this law to the Faculty Board and the Faculty Administrative Board.

SCHOOLS OF HIGHER EDUCATION

Organs

ARTICLE 20

- a) The organs of the schools of higher education are the Directors of schools of higher education, their Boards and Administrative Boards.
- b) The Director of a school of higher education is appointed by the Rector for a period of three years upon nomination by the respective faculty dean. In schools of higher education, attached to the office of the Rector, appointment is made directly by the Rector. A Director whose term of office has expired may be re-appointed.

The Director has at most two assistant directors whom (s)he appoints for three years from among the full-time teaching staff of the school of higher education.

In case of the absence of the Director, or his/her place being vacant, the procedure is the same as in the case of Deans.

Within the framework of the schools of higher education, the Director performs the duties assigned to the Deans by this law.

- c) The Board of a school of higher education meets under the chairmanship of the Director and consists of the Assistant Directors and the heads of the departments or sections of the school of higher education.
- d) The Administrative Board meets under the chairmanship of the Director and consists of the Assistant Directors and three teaching staff members to be selected for a period of three years by the Board of the school of higher education from among six candidates nominated by the Director.
- e) Within the framework of the school of higher education, the Board and the Administrative Board of the school of higher education perform the duties assigned by this law to the Faculty Board and the Faculty Administrative Board.

Department

ARTICLE 21

In a faculty or in a school of higher education, there cannot be more than one department engaged in the same or similar education.

The Department is administered by the Head of the Department.

The Head of the Department is appointed for three years from among full-time professors in the Department; if none, from among the associate professors; if none, from among the assistant professors. The appointment is made by the Dean in the case

of faculties, in the case of schools of higher education attached to the faculty, by the Dean upon the nomination of the Director, and by the Rector upon the nomination of the Director in schools of higher education attached to the office of the Rector. The Head of the Department may be re-appointed, at the end of his/her term of office.

The Head of the Department appoints one of the teaching staff members as his/her deputy during his/her absence.

In case of an absence lasting, for any reason whatsoever, for more than six months, a new Head is appointed following the procedures outlined above, to complete the remaining part of the term.

The Head of the Department is responsible for education and research at every level in the Department and for the orderly and productive functioning of all activities within the Department.

PART FIVE

TEACHING FACULTY MEMBERS

The Duties of the Teaching Staff Members

ARTICLE 22

- a) To carry out and have carried out education and practical studies at the pre-baccalaureate, baccalaureate and post-graduate (post-baccalaureate) levels in the institutions of higher education in line with the purpose and objectives of this law, and to direct project preparations and seminars.
- b) To undertake scientific and scholarly research for publication in the institutions of higher education.
- c) In accordance with a program arranged by the head of the related unit, to set aside certain days for the advising and guidance of students, helping them as needed and directing them in line with the aims and basic principles of this law.
- d) To carry out the duties assigned by authorized organs.
- e) To perform other duties assigned by this law.

Appointment to Assistant Professorship

ARTICLE 23

- a) A vacancy for an Assistant Professor position in a unit of the university is advertised by the rectorate and applications are invited. In faculties and organizations attached to the faculties, the Dean, in graduate schools and schools of higher education attached to the rectorate, the Director assigns three Professors or Associate Professors (one of whom shall be from outside the university in question, and one an administrator of that unit) to give written statements upon each of the candidates. The Dean or the Director upon receipt of the opinion of the Administrative Board concerned submits his/her nominations to the Rector. The appointment is made by the Rector.

The Assistant Professor(s) may be appointed to any one university for no longer than 12 years, each time for a term of two or three years. Appointment is not automatically renewable.

- b) Prerequisites for the appointment of Assistant Professors:
 - 1. To have acquired a doctorate, or specialist status in medicine, or proficiency in certain branches of the fine arts to be determined by the Council of Higher Education upon the recommendation of the Inter-university Board,

2. To pass the foreign language examination, which will cover a translation in the candidate's major field of about 150-200 words from Turkish into a foreign language and from the foreign language into Turkish to the satisfaction of a jury of three members, one of them a teaching staff member in the relevant language. The jury shall be selected by the Administrative Board of the Faculty, Graduate School or School of Higher Education.

Associate Professorship Examinations

ARTICLE 24

- a) The Associate Professorship examinations are held once a year by the Inter-university Board.

Candidates possessing the following qualifications may apply to the Inter-university Board by the date which it decides upon, with the necessary documents and publications, also stating their major area of study, specialization and research. The Inter-university Board appoints a jury of three or five members according to the regulations concerning the Promotion and Appointment of Academic Staff, taking into consideration their major area. This jury examines the work, gives the candidates an oral or, if necessary, a practical and applied examination and awards the successful candidates the title of Associate Professorship in the relevant subject.

- b) In order to take the Associate Professorship examinations, the following conditions are necessary:
 1. After receiving a bachelor's degree, to have received a doctorate degree, specialization in medicine, or proficiency in certain branches of the fine arts to be determined by the Council of Higher Education upon the proposal of the Inter-university Board,
 2. To have produced original research and publications,
 3. To have passed a centralized foreign language examination to be prepared by the Inter-university Board.

It is not necessary for the foreign language examination referred to in paragraph (3) above to be related to the major branch of the candidate. If the candidate's major area is a foreign language, the examination is to be taken in another foreign language.

Appointment to Associate Professorship

ARTICLE 25

- a) When there is a vacancy for an Associate Professorship in a university unit, this is advertised by the office of the Rector, specifying whether the position is full-time or

part-time. The Rector assigns three professors, one of them from outside the university and one of them the administrator of the related unit if there is one, to examine the candidates. These professors relay their views to the Rector on each candidate separately. Based on these views and those of the University Administrative Board, the Rector makes the appointment.

b) Requirements for appointment to Associate Professorship:

1. To have received the title of Associate Professor.

Promotion and Appointment to Professorship

ARTICLE 26

a) To be promoted to professorship, it is necessary:

1. To have worked in the relevant field of study for five years after receiving the title of Associate Professor,
2. To have done work of practical application and to have published original research of an international standard,
3. To have been appointed to a staff position of professorship.

One of the publications referred to in paragraph (2) above is designated as the main research work.

b) Appointment to a Professorship Staff Position:

1. Associate Professors having the above qualifications and Professors having at least two years of service in another university may be appointed to a vacant professorship position,
2. Upon the vacancy of a professorship post in universities, the Rectors advertise vacant posts of the universities, with details of the areas of study and the special qualifications that are required,
3. At least five professors, including at least three from outside the university, are appointed by the Rector to evaluate the applicants. The Rector submits to the University Administrative Board each of the separate assessments of the professors on the candidates including their preferences in the case of more than one candidate. The appointment is made by the Rector upon the decision of the Administrative Board of the institution of higher education, taking these reports into consideration.

The Title of Associate Professor Obtained in Foreign Countries

ARTICLE 27

Those who have been granted an Associate Professorship title in a foreign country after they have received a doctorate degree or qualified as a specialist in a medical field may apply to the Inter-university Board for confirmation of the validity of this title provided they have worked under this title in a higher education institution or at a research center for at least two years in foreign countries. In order for the title to be granted equivalency, the Inter-university Board must recognize the foreign institution of higher education at which the candidate has worked as being of a standard equal to that of such institutions in Turkey.

The Title of Professorship Obtained in Foreign Countries

ARTICLE 28

Those who have obtained the title of Professor in a foreign country after receiving the doctorate degree, or specialization in medicine, or have worked in the fine arts for a specified period, and have worked for at least two years with this title in institutions of higher education and research in foreign countries, may apply to the Inter-university Board for confirmation of the validity of this title. In order for the title to be granted equivalency, the Inter-university Board must recognize the foreign institution of higher education at which the candidate has worked as being of a standard equal to that of such institutions in Turkey.

The Maintaining of Titles

ARTICLE 29

Teaching staff members may not be deprived of the academic titles they have earned except under the provisions of this law.

Those leaving the teaching profession consequent on changing their jobs, retiring or resigning or being considered to have done so, may keep their academic titles. The titles of Professor, Associate Professor and Assistant Professor may only be used in places of work other than institutions of higher education if the bearer has completed at least two years in an institution of higher education after being granted the title.

Retirement Age

ARTICLE 30

Teaching staff members will retire, at the latest, at the age of 67.

Instructors

ARTICLE 31

Instructors may be appointed on a full-time or hourly basis in universities and attached units to teach courses or conduct applied practical studies for which a teaching staff member has not been appointed in accordance with this law, or courses requiring particular specialization, from among individuals recognized as specialists in their field on the basis of their experience and works. Instructors may be appointed to positions designated for teaching staff members, ancillary staff or instructors, by a rector, upon the proposal of the Faculty Administrative Board and the Dean in the case of faculties, or the head of department in the case of departments attached to the office of the Rector. They may also be appointed on a part-time (hourly) basis or on a contract basis. Instructors may be appointed to a position designated for a teaching staff member for a maximum two-year period. If, at the end of this period, no teaching staff member has applied for the said position, and the institution deems it appropriate, they may be re-appointed in the same manner. Such appointments are not automatically renewed. Conservatories and schools of higher education may appoint instructors on a regular basis, when necessary.

Lecturers

ARTICLE 32

Lecturers can be appointed by the Rector upon the proposal of Deans, in the case of faculties and units attached to faculties, or of Directors, in the case of graduate schools or schools of higher education attached to the office of the Rector. They may be appointed on a part-time or full-time basis. Re-appointment is possible, but not automatic. In the case of re-appointment, the procedures originally followed are to be repeated.

ANCILLARY STAFF

Research assistants, specialists, translators, and educational planners

ARTICLE 33

- a) Research assistants are members of the ancillary staff who assist with research, studies, and experiments in higher education institutions, as well as carrying out other duties assigned by authorized bodies. Upon the proposal of the section head concerned and the approval of the Department Head, Dean, Graduate School, School of Higher Education or Conservatory Director, they are appointed by the Rector for a maximum period of three years, at the end of which their appointment automatically comes to an end.

The Council of Higher Education sets the criteria concerning those research assistants who are to be sent abroad for graduate study, as well as those appointed for the first time with this aim in view.

The stipulation stated above with regard to the period of appointment is not applied in the case of research assistants sent abroad for graduate study. Tuition fees, travel expenses and other relevant expenditures of such research assistants are paid for out of special funds within the personnel expenditures of the universities concerned. During the period of their graduate study abroad the appointments of such research assistants remain in force and they are paid 60 % of their net monthly salaries by the institution concerned [with the exception of those who receive scholarships (for the period after one year) and those who secure scholarships on their own and have been granted leave of absence without pay]. Those who are sent by their institutions are also paid a sum stipulated by Law No. 1416 on Students to be Sent to Foreign Countries, equivalent to that paid to students in the same country. In the case of scholarship holders, if the amount of their scholarship is less than this amount, the difference is paid by their institution. Tuition fees and fees for courses which are prerequisite to begin their studies are also paid by their institutions. Each year, in the months of March and September, they are also paid two equal supplementary payments (each equivalent to their monthly remuneration) to cover textbook, stationery, and other educational expenses).

- b) Specialists are ancillary staff who are required, for a specific period, to carry out duties directly or indirectly related to instruction or to assist in laboratory work or in libraries where special skills or specialized knowledge is required.
- c) Translators are ancillary staff employed for specific periods to carry out oral or written translation.
- d) Educational Planners are ancillary staff responsible for the planning of instruction and education at institutions of higher education.
- e) The appointment of Specialists, Translators and Educational Planners is made by the Rector of the university, upon the proposal of the respective Deans of Faculties or Directors of Graduate Schools or Schools of Higher Education. The Deans and the Rectors have to consult the respective Administrative Boards, before making their proposals. Such appointments are made for a maximum of two years, and automatically expire at the end of this period. Re-appointments can be made following the same procedures. After the third appointment, full-time appointment can be made.

Foreign National Teaching Staff Members

ARTICLE 34

Teaching staff of foreign nationality, who are to be employed on a temporary basis at higher education institutions, are appointed by the Rector in accordance with the recommendations of the University Administrative Board following the proposals of

the Administrative Board of the relevant Faculty or Graduate School or School of Higher Education. The provisions as set down in this law regarding teaching duties for the permanent teaching staff also apply for these foreign appointees.

The appointment of such foreign nationals is made upon the approval of the Ministry of the Interior, without being subject to the provisions of Law No. 657 on Civil Servants, which require a decision on the part of the Cabinet. The Ministry of the Interior is to reply within two months, and such foreign nationals are hired on a contract basis.

Training of Teaching Faculty Members

ARTICLE 35

To meet their own needs and those of other higher education institutions either newly established or yet to be established, higher education institutions are responsible for the training of their faculty members, at home or abroad, and in accordance with the principles and objectives of development plans and also in accordance with the needs and principles set down by the Council of Higher Education.

The positions allocated to research assistants may be transferred on a temporary basis by the Council of Higher Education to other universities for the purpose of training faculty members in order for them to carry out research or doctoral studies. Those who obtain their doctorate, specialization in medicine, or proficiency in the arts in this manner are to return to their own universities upon the completion of their studies. In this event the staff position is re-allocated to the research assistant's university.

Faculty members trained in Turkey or abroad are required to carry out compulsory service to their institutions in accordance with general provisions in force. Those who do not carry out this requirement are not appointed to higher education institutions. Forms of compulsory service stipulated by special laws are not covered by this provision.

PART SIX

ACTIVITIES AND SUPERVISION

Working Principles

ARTICLE 36

- a) Professors and Associate Professors fall into two groups, those employed on a full-time, permanent basis and those on a part-time one:

1. Those employed on a permanent basis at the university

Professors and Associate Professors of this category devote all their working time to activities relating to the university.

Except in the case of special duties set down in special laws, they may not take on any work of any kind, paid or unpaid, official or private, outside the higher education institutions, with the exception of royalty payments and duties stipulated by special laws.

Their work in public institutions, and in such organizations as aim to serve the public interest, and with which the University Administrative Board has agreed to cooperate, is counted as work carried out within the university.

All payments due from work of this kind are entered as income in the Revolving Fund of the organization at which the Professor or Associate Professor is employed.

2. Those employed on a part-time basis at the university

Those Professors and Associate Professors, who are appointed for a period of two years at a time, are obliged to be present for at least twenty hours a week at the university. They are to undertake teaching duties, practical work and research under the direction of the Head of the Department. They:

- receive no supplementary salary nor any increment of any kind; nor may they benefit from the revenue of the Revolving Fund.
- cannot serve as Rector, Dean, Director of Graduate Schools and Schools of Higher Education, or Head of Department; nor can they become their deputies. However, they may serve as Graduate School Director, Department Head, or Section Head within the working hours and period stipulated for civil servants.
- may go abroad to further their knowledge, to carry out research work and to take part in any academic activity, but their expenses are not to be paid for out of the budget or out of university funds.

The appointment of those whose services are still required after two years is reserved according to the same procedure as of the original appointment. The appointment of those who wish to be employed on a permanent basis can be made in accordance with the provisions of this law if there is an opening in the relevant department, for such an appointment.

- b) Assistant Professors may only be employed on a permanent basis in the university and in the units attached to it.
- c) Teaching staff members, employed on a permanent basis, and the salaried ancillary staff, are to carry out such duties as those of teaching, research, practical and administrative work and whatever is assigned to them by the university organs. Their minimum working hours will correspond to those of civil servants.
- d) The decision as to how much of the practical work, seminars and doctorate work either carried out or supervised by teaching staff members is to be counted towards the minimum total of ten hours of teaching per week rests with the Council of Higher Education.
- e) The weekly load of teaching work for instructors and lecturers employed at a university and at its attached organizations is to be determined by the Council of Higher Education, with a minimum of 12 hours per week.
- f) The work of teaching faculty members will be supervised by Heads of Departments, Directors of Graduate Schools and Schools of Higher Education, Deans and Rectors.
- g) Rectors, Deans, Directors of Graduate Schools and Schools of Higher Education are exempted from the requirement of the weekly teaching load. The weekly teaching load for Vice-Rectors, Assistant Deans, and Assistant Directors of Graduate Schools and Schools of Higher Education, and for Heads of Departments is half the term specified above.

Practical Contributions of Universities

ARTICLE 37

The requests of individuals or organizations outside the institutions of higher education for scientific and academic expertise, projects, research and similar services along with the medical examination and treatment of patients, and also laboratory tests and the research related to them, either at the university or at the place of service, may be performed in accordance with the principles laid down by the University Executive Board. All payments due from such services are entered as income into the Revolving Fund of the relevant higher education institution or of its attached organization.

Assignment to Public Organization

ARTICLE 38

Upon the request of the concerned institution and the willingness of the person concerned, and with the agreement of the relevant University Executive Board and the approval of the Rector, and of the Council of Higher Education, teaching faculty members, without loss of their acquired rights, and still benefiting from them at their own institutions, can temporarily be assigned to any such institutions or organizations as the Ministries, the Armed Forces, the Scientific and Technical Research Council of Turkey, The Center for Forensic Medicine, The Atomic Energy Commission, the Foundation for the Development of the Turkish Armed Forces, institutions working for the public benefit, foundations, and research and development centers, and other public institutions. Those assigned in such a manner (with the exception of the Center for Forensic Medicine, foundation hospitals, health centers, and mobile health facilities) cannot benefit from the Revolving Fund, but continue to receive their monthly salaries and other payments from the institution of higher education to which they are attached, as well as retaining all relevant rights.

Upon the request of the judicial authorities concerned, the approval of the Council of Higher Education, and within the framework of the regulations concerning forensic medicine, the academic staff of higher educational institutions or of their attached units can be required to act as expert witnesses in forensic medicine cases as well as in other legal matters.

Assignment at Home and Abroad

ARTICLE 39

For those faculty members who, without requesting any traveling expenses from their institutions, wish to attend congresses, conferences, seminars or similar academic meetings, in Turkey or abroad, or to undertake and carry out a research project involving traveling, leave of absence up to one week is given by the Dean or the Director of the Graduate School or School of Higher Education, and for up to fifteen days by the Rector of the relevant university. When a period of more than 15 days is involved, and when travel expenses, or the expenses incurred by the research project, are to be paid out of the budget of the university or of its attached units, or out of the Revolving Fund, the resolution of the concerned Administrative Board and the approval of the Rector must be sought.

Apart from the conditions stipulated in Article 33 of this law and in the first paragraph of the present article, teaching faculty members may be sent abroad for professional training, or to increase their knowledge. Upon the proposal of the Council of Higher Education, the Council of Ministers shall determine quotas and time periods each year with regard to the universities, concerning those to be sent abroad for a maximum of one year. Similarly, teaching faculty members who receive grants from foreign sources may also be sent abroad. The quotas shall be distributed among the units of the

universities by the decision of the University Administrative Board and the approval of the Rector, as shall also be the case for the selection of those to be sent abroad. When deemed necessary, the period spent abroad may be extended by 50 % upon the decision of the Administrative Board concerned and the approval of the Rector. Those sent abroad accordingly are subject to the provisions of Law No. 657 on Civil Servants with regard to those sent abroad for the same purpose. However, the University Administrative Board may decide to pay them an amount which does not exceed that paid to civil servants. Those who receive scholarships, grants, or salaries from sources abroad, may be granted leave with or without pay, for the period that they are assigned, according to provisions determined by the institution concerned and upon the decision of the University Administrative Board.

Traveling expenses shall be determined in accordance with general provisions, equivalent to that paid to civil servants of an equivalent status. This applies both to those referred to in the first paragraph, sent on a short-term basis, and those referred to in the second paragraph. Traveling expenses of those sent on a short-term basis are to be met by the institution concerned, be it their own institution or another institution.

Upon the decision of the University Administrative Board and the approval of the Ministry of National Education, teaching faculty members may be granted leave with pay, when officially invited by institutions of higher education in the Turkic Republics or related communities for a period not to exceed 3 years, in which case they will retain all rights.

Interinstitutional Cooperation

ARTICLE 40

- a) Should the teaching staff members or the ancillary staff of an institution of higher education have a teaching load of less than is prescribed, the Rector can assign them to teaching duties either in other departments of their own universities or in other higher education institutions in the same city. They are eligible for extra payment by the institution to which they are assigned only if the weekly teaching load is then exceeded.
- b) A teaching staff member may be asked to take up teaching duties at a university which has asked for such help. Following the approval of the Rector (s)he will be assigned by the Council of Higher Education for a minimum period of one academic year if both (s)he and the respective Administrative Board agree. The staff position of the teaching staff member thus assigned shall be kept open for him/her for a period of five years. When a vacancy is being filled, priority will be given to the candidate who, all else being equal, has served for at least 5 years at a higher education institution in one of the developing regions of the country.
- c) The needs for teaching staff members of the higher education institutions of the Turkish Armed Forces and the Security Forces – which are not covered by this law – shall be met from among the chosen staff preferably in higher education institutions of the same city. Assignment procedures are the same as those

described in paragraph (a) above. Such teaching staff members are to be requested by name.

Procedures for Meeting the Needs for Teaching Staff Members

ARTICLE 41

The Council of Higher Education shall determine the needs for teaching staff members in various disciplines at state institutions of higher education which fall within the provisions of this law, as well as determining which institutions are to meet these needs, and shall communicate this decision to the universities concerned with the aim of their meeting these needs. Within two weeks of receipt of these lists, the rectors of the universities concerned shall inform the Council of Higher Education of the teaching staff members who have been assigned for this purpose. Such assignments are made for a minimum of one and a maximum of four semesters, in which case the teaching staff positions of the staff members concerned are retained by them at their own institutions.

Assignments made in accordance with this article or paragraph (b) of Article 40 come within the provisions regarding civil servants with regard to notification, separation from post, period of assignment and starting date.

Assignments made in accordance with this article or paragraph (b) of Article 40 shall state the period of assignment as part of the written decision concerned. Salaries, supplementary payments, and traveling expenses are to be paid for by the university to which they have been assigned, in accordance with Law No. 6245 on Travel Allowances.

Those assigned within the provisions of this article or paragraph (b) of Article 40, and who do not take up their new posts within the period specified by law, following official notification, will be considered to have resigned, and will not be permitted to be re-appointed to a higher education institution or work in a public institution as long as they fail to carry out this assignment.

Intramural Academic Supervision

ARTICLE 42

- a) Academic supervision of teaching faculty members includes their activities pertaining to education, research, publication, seminars, clinical and practical work.
- b) At the end of each academic year the Head of Department submits a report to the respective Dean on the educational and research activities of the department for the previous year, together with a work plan for the coming year. The Dean adds his/her comments and sends the report to the Rector. The Rector evaluates the report itself as well as the views of the Dean, takes the necessary measures and notifies the Council of Higher Education of his/her decision on inadequacy. The

Director of a Graduate School or a School of Higher Education sends his/her report to the Rector or Dean to whom (s)he is responsible.

- c) Each teaching faculty member shall submit to the Rectorate, through the administrator of his/her own unit, a list showing his/her academic research, publications, courses taught, seminars organized, practical work and a copy of each paper presented at an academic congress whether in the country or abroad. If papers have not been published, a type-written copy should be presented to the Rectorate. The rights granted by Law No. 5846 on Copyright are reserved.
- d) The academic publications of the faculty members will be kept in special archives by the universities and by the Council of Higher Education.

PART SEVEN

EDUCATION AND STUDENTS

Education at Bachelor's Level

ARTICLE 43

Higher education for which a fee is charged, is organized as follows in accordance with the aims and basic principles specified by this law:

- a) Guidelines for education conducted according to the special objectives of individual units, within the higher education institutions, as well as diplomas granted based on these educational programs, shall be specified in the regulations regarding education and examination to be prepared by each university.
- b) In universities where education is given in the same fields or branches of a discipline, the Council of Higher Education, upon the recommendations of the Inter-university Board will regulate the education, methods, scope, teaching duration and the principles of evaluation within each academic year in order to establish a uniformity of expected standards and degrees granted as well as of rights and privileges. In the case of teacher-training units, this procedure will be carried out in cooperation with the Ministry of National Education.
- c) Institutions of higher education may use any kind of educational method: formal, informal, and open.

Duration of Education

ARTICLE 44

A maximum of 4 years is to be granted to students for the completion of 2-year pre-baccalaureate programs, and of 7 years for 4-year bachelor's degree programs. As for programs normally taking 5 and 6 years, the maximum periods shall be 8 and 9 years, respectively. However, at the end of this period, those final-year students shall be given the right to take two additional examinations for all courses which they have failed, one of them being a make-up examination, in order that they might graduate. Those, who after these examinations are still failing in a maximum of 5 courses, will be allowed to take examinations for these 5 courses for a period of 3 semesters. Those students who fail up to 5 courses without taking additional examinations will be granted 4 additional semesters to pass the examinations (or two academic years for those institutions operating on a yearly rather than a semester basis). With the exception of the Gülhane Military Academy of Medicine, students failing 3 or fewer courses will be granted the right to take an unlimited number of examinations. Those students who have passed all courses required for graduation, but whose grade point average is below the minimum required for them not to be dismissed, and are in their last semester of study (or last year, in the case of institutions operating on a yearly basis) will be given the right to

take an unlimited number of examinations in any two courses in the last two years of the curriculum in order to raise their grade point average. Apart from courses requiring practical sessions and such courses as they have not already taken, attendance shall not be a pre-condition for passing. Students who do not take any additional examinations for three consecutive or non-consecutive academic years, shall be considered to have forfeited their right to take an unlimited number of examinations and may not benefit from it. Those students who do benefit from this right are required to continue to pay tuition fees, but do not benefit from any rights granted to students, other than the right of examination. Students enrolled in open education programs are not subject to these time limitations and do not benefit from student rights.

In the case of those students who met attendance requirements but who failed to carry out their responsibilities with regard to midterm and final examinations as stipulated by this article and who have consequently been dismissed, preparatory year and first year students, for a maximum of one course, second and third year students, for a maximum of three courses, are to be given three additional examinations. In the case of those students who have lost a year due to an insufficient grade point average, including those in the preparatory year and those in the second and third years, one additional examination in each of 3 courses of their own choice is to be given. Those who have been granted the right to take such examinations, shall be permitted to do so, at the beginning of each academic year, upon application to the institution concerned, without regard to whether the examination is a midterm or a final examination. Those who pass all the courses for which they are responsible, as a result of these examinations, continue with their education from the point at which they were. The period during which they were taking examinations is not taken into account in calculating their maximum period of study. Students taking such examinations do not benefit from any student rights.

The Senate of each university determines requirements concerning pre-baccalaureate and bachelor's level education, and prepares regulations concerning attendance, number and weight of midterm examinations, practice, examinations, and make-up conditions.

The granting of pre-baccalaureate degrees to those who have or have not completed bachelor's degree programs, or their transfer to higher schools of vocational education is to be carried out in accordance with the provisions of regulations to be prepared by the Council of Higher Education.

Admission to Higher Education

ARTICLE 45

- a) Students are admitted to institutions of higher education by means of an examination prepared in accordance with provisions specified by the Council of Higher Education. In the evaluation of examination results, the performance of students during their secondary education is taken into account. Quotas are allocated for the placement of top-ranking graduates of secondary schools,

placement being carried out taking into account their preferences and entrance examination scores.

In the selection of students for higher education institutions, supplementary points are calculated based on performance during secondary education, in a manner to be determined by the Student Selection and Placement Center, and added to their entrance examination scores.

Those students who are graduates of professionally- or vocationally-oriented secondary schools (lycees) and who apply for an undergraduate program in the same area, will also have their entrance examination scores supplemented by a coefficient to be determined.

- b) Students demonstrating outstanding talent in certain branches of the arts, may be admitted to undergraduate programs in those same branches on the basis of selection procedures to be determined by the Council of Higher Education.

Fees

ARTICLE 46

The fees to be paid each year per student to the institutions of higher education are fixed and announced by the Council of Higher Education, taking into consideration the character and duration of the period of study in various disciplines and also the nature of the individual higher education institutions. The portion of these fees to be paid by the State is determined each year by the Council of Ministers and allocated to the budget of the institution concerned on a per-student basis. The remaining portion of the fees is paid by the student. The portion paid by the State is to be a minimum of 50 %.

By the month of July of each year, at the latest, the Council of Ministers decides upon the amount to be paid by the State and by the students themselves, taking into consideration different geographical regions, as well as the fees to be charged to foreign students, and determines provisions concerning payment of such fees.

Loans may be granted by the Higher Education Loan and Dormitory Board to students who have financial difficulties to cover the student-paid portion of the tuition fees.

With the exception of preparatory and foreign language development programs, state support continues to be paid to students who are unable to complete pre-baccalaureate programs in two years, or bachelor's level programs in the time stipulated, be it 4, 5, or 6 years. For the first such additional year the student portion is increased by 50 %, for subsequent years, by 100 %. Those students enrolled in a second bachelor's level program pay twice the normal student portion.

Registration procedures are not completed or renewed for those who do not pay the student portion of fees.

Funds collected from student-paid fees, student facilities and activities as well as income from textbooks and educational materials produced by the institutions of higher education are to be deposited in an account opened in a national bank. The Budgetary Office and the Ministry of Finance are to be advised of this income. Funds collected in this manner are to be used primarily for subsidizing student meals, health, sports, cultural and other social services, as well as for the operating expenses of the university, investments related to development plans and programs, currency transfers, and payment to students employed on a temporary, part-time basis. Provisions governing the use and expenditure of such funds are determined by the Council of Higher Education, taking into consideration the recommendations of the Ministry of Finance.

The expenditure of such funds, as well as accounting and supervisory activities thereto related, are subject to revolving fund regulations and carried out by an accountant appointed by the university.

Funds not spent in a given year are transferred to the budget of the subsequent year.

Debts resulting from loans not repaid when due are collected in accordance with the provisions of Law No. 6183 on Money Owed to the State, and paid to the Higher Education Loan and Dormitory Board.

Social Services

ARTICLE 47

The Organization of Activities

- a) The institutions of higher education, in accordance with the plans and programs of the Council of Higher Education, are to take necessary measures for the mental and physical well-being of students; to provide their social needs regarding nutrition, studies, relaxation, use of leisure time and the like; and with this aim in mind and within the limits of the budget, to open reading rooms, health centers with in-patient facilities, medico-social centers, student canteens and restaurants; to provide cinema and theatre halls, outdoor camping sites, gymnasiums and sports grounds.
- b) Higher education institutions, with the cooperation of public and private organizations, are to assist their graduates in finding jobs.
- c) The universities are to establish centers for guidance and psychological counseling and try to solve the personal and family problems of the students.
- d) The number and distribution among disciplines of the students who shall study in the universities, sponsored by public institutions and receiving scholarships from them shall be determined taking into consideration manpower requirements and the

need to train teaching faculty member. The fees of the scholarship students and also their laboratory, examination and diploma fees are all included in the scholarships.

The Printing of Textbooks and other Educational Materials

ARTICLE 48

In universities, textbooks and educational materials are printed by the universities themselves and sold to the students at a price not to exceed the printing costs. The teaching staff may not print textbooks and educational materials on their own initiative. In the event of their being informed in writing by the institution's Administrative Board that the books accepted for printing cannot be printed by the university within that academic year, then they have the right to have them printed themselves.

The regulations to be implemented and the royalties to be paid for the publication of textbooks and educational materials are determined by the Council of Higher Education.

Foreign Language Preparatory Instruction

ARTICLE 49

Those higher education institutions which carry out education, partially or totally, in a foreign language, administer a proficiency examination in the medium of instruction. Students found inadequate in the foreign language examination are given preparatory courses of up to one year's duration, according to principles to be established by the Council of Higher Education. Students unsuccessful in this language course are dismissed.

During the normal course of education, every effort will be made to ensure that the students continue to improve their knowledge of the foreign language.

Post-Graduate Education

ARTICLE 50

Procedures and Requirements

- a) Higher education institutions shall conduct examinations to select those university graduates who wish to study for a master's or doctorate degree, or specialization in a field of medicine, according to principles determined by the Inter-university Board.
- b) The institutions of higher education prepare the necessary plans and take the necessary measures in order to meet demands concerning post-graduate study.
- c) Students in post-graduate education may receive scholarships, they may also be appointed for a period of one year at a time to an ancillary staff position.

- d) In the determination of salaries or remunerations to be given to those engaged in specialization in medicine, the salaries and remunerations of personnel of the same status, at the Ministry of Health, will be taken into consideration.

PART EIGHT

ADMINISTRATIVE STAFF AND OTHER EMPLOYEES

Administrative Organizations

ARTICLE 51

- a) A Secretary General is appointed to be in charge of central administration and (s)he is responsible, in governing bodies of higher education, to the President and in universities to the Rector. In addition, there will be the necessary number of office heads, directors, consultants, legal advisors, experts, clerical staff and service personnel who are subject to Law No. 657 on Civil Servants.

Departmental directorates and directorates are established in compliance with general provisions, by the decision of the Board in governing bodies of higher education and by the Administrative Board in universities.

- b) In each Faculty, there is to be a Faculty Secretary, the head of the faculty administration, responsible to the Dean. Similarly, in Graduate Schools and Schools of Higher Education there are to be a Graduate School and a School of Higher Education Secretary responsible to the Graduate School or School of Higher Education Director. The necessary number of administrative and office staff will also be employed. Division of labor among them is to be made by the Secretary, upon the approval of the Dean or the Director.
- c) The Secretary General and Secretaries act *ex officio* in the capacity of rapporteurs.

Appointment Procedures

ARTICLE 52

- a) The Director of the Student Selection and Placement Center, the Secretary- General, section heads, directors, legal advisors and experts are appointed by the President of the Council of Higher Education, upon the recommendation of the relevant board of the governing bodies of higher education; in universities the appointment is made by the Rector on the recommendation of the University Administrative Board. Similarly, the appointment of Faculty, Graduate School and School of Higher Education secretaries is made upon the recommendation of the relevant Dean and Director by the Rector.
- b) Secretary-Generals of governing bodies and universities must be university graduates and the Faculty, Graduate School and School of Higher Education secretaries must have a higher education diploma.
- c) The appointment of office staff is made by the Dean in faculties and their related units, by the directors in institutions directly attached to the office of the Rector,

and by the President or the Rector in governing bodies of higher education and in the university central administration upon the recommendation of the Secretary-General and with attention to suitable vacancies.

- d) The appointment of service personnel in governing bodies of higher education, in the office of the Rector, and in the units attached to the Rector, is made by the President or by the Rector, upon the recommendation of the Secretary-General; in faculties and in their attached units, by the Dean upon the recommendation of the Faculty Secretary; and in Graduate Schools and in Schools of Higher Education, by the Director upon the recommendation of the Secretary.
- e) The posts, whether permanent or temporary, for the administrative personnel of governing bodies of higher education and of universities are determined by the President in governing bodies of higher education and by the Rector in universities, and are then proposed to the relevant authorities.
- f) The administrative and other staff, in governing bodies of higher education and in universities, can be appointed or transferred by the President of the Council of Higher Education to other public organizations, or to other units of the governing bodies of higher education and to the higher education institutions, upon the recommendation of the Secretaries-General in governing bodies of higher education and of Rectors in universities.

PART NINE

DISCIPLINARY AND PENAL PROCEDURES

General Principles

ARTICLE 53

- a) The President of the Council of Higher Education is the disciplinary superintendent of the Council of Higher Education and of university rectors; similarly rectors, of universities; deans, of faculties; graduate school and school of higher education directors, of graduate schools and schools of higher education; secretaries-general or secretaries, of the office of the relevant units. The administrative boards of the universities as well as of their attached units function, at the same time, as disciplinary committees. Associate and assistant professors are not admitted to the meetings of disciplinary committees when the case of a professor is in question; nor are assistant professors admitted when the case of an associate professor is under discussion.
- b) Disciplinary procedures, concerning teaching faculty members and the administrative and other personnel and also responsibilities of the disciplinary superintendents, are determined by the Council of Higher Education in accordance with the procedures and principles applied to civil servants.
- c) *Penal Investigation Procedures*

In the case of the allegation of criminal behavior on the part of the President or members of governing bodies of higher education, the administrators of higher education institutions, full-time or part-time faculty members and personnel subject to Law No. 657 on Civil Servants, alleged to have been committed as a consequence of their duties, or while carrying out their duties, the following provisions shall apply:

1. *Preliminary Investigation*

The investigation is carried out by a commission composed of at least three members of the Council of Higher Education at a meeting chaired by the Minister of National Education and not attended by the President of the Council of Higher Education, when (s)he himself/herself is the subject of the said investigation. In the case of others, the investigation is carried out by the President of the Council of Higher Education or other disciplinary superiors, either directly or by delegation to investigators whose number is to be determined by them.

Faculty members appointed to investigate the case of another faculty member must be equal in rank to, or of higher rank than, the subject under investigation.

2. The decision as to whether a final investigation is to be conducted, is made:

- a) by the 2nd Bureau of the Council of State, in the case of the President or members of the Council of Higher Education, or members of the Higher Education Supervisory Board,
 - b) by a three-member commission composed of members of the Council of Higher Education, in the case of university rectors, vice-rectors, or secretaries-general of governing bodies,
 - c) by a three-member commission composed of vice-rectors, chaired and appointed by the Rector, in the case of administrative board members of a university, faculty, graduate school or school of higher education, as well as in the case of deans and assistant deans of faculties, directors and assistant directors of graduate schools or schools of higher education, or university secretaries-general,
 - d) by a three-member commission composed of members of the University Administrative Board, in the case of teaching faculty members, and of faculty, graduate school, or school of higher education secretaries,
 - e) by the local, provincial administrative board, in the case of other staff subject to the provisions of Law No. 657 on Civil Servants.
 - f) Regular and alternate members of investigatory commissions established by the Council of Higher Education or university administrative boards are appointed for a period of one year. Appointments are renewable.
3. Presence of full membership of the body which is to decide upon the opening of a final investigation is necessary for a meeting to take place. Members concerning whom a preliminary investigation has been conducted or concerning whom a decision is to be reached do not participate in such meetings. Missing members are replaced by alternates. The provisions of Article 61 of this law apply with regard to other matters.
 4. With regard to members of the Council of Higher Education and the Higher Education Supervisory Board, objections to a decision by the 2nd Bureau of the Council of State authorizing the commencement of a criminal action as well as decision concerning dismissal of charges are automatically reviewed by the Administrative Affairs Board of the Council of State and decided upon. Objections by those concerned to decisions by other bodies authorizing the commencement of a criminal action as well as decisions concerning dismissal of charges are automatically reviewed and decided upon by the 2nd Bureau of the Council of State. In the event that the decision to initiate a criminal action is upheld, the trial is to be conducted by the relevant criminal division of the Supreme Court and appeal proceedings to be dealt with by the General Penal Board, in the case of the President and members of the Council of Higher Education and the Higher Education Supervisory Board. For all others, the trial is to be conducted by the local courts in the place where the crime was committed.

5. In the case of a crime jointly committed by those of different status, the investigatory procedures as well as authority conducting the trial are to be determined with respect to the suspect occupying the highest status.
6. In the case of penal investigations concerning the President of the Council of Higher Education and rectors, with regard to crimes covered by Law No. 1609 on Procedures Governing Prosecution and Trial of Civil Servants and their Co-Defendants with Regard to Certain Felonies, the penal investigation is to be carried out in accordance with the procedures indicated above. All others shall be dealt with in accordance with the afore-mentioned Law No. 1609.

Permission for legal proceedings to be initiated concerning members of the Council of Higher Education and the President and members of the Higher Education Supervisory Board and administrative personnel of these institutions (including those of the Inter-university Board) is granted by the President of the Council of Higher Education, while that concerning university administrators, teaching faculty members, and civil servants is granted by university rectors.

7. In the event of the following, the procedures stated above are not to be applied, but the investigation is to be carried out by the Public Prosecutor:

Ideologically-motivated crimes aimed at abolishing basic rights and freedoms stated in the Constitution, abolishing the indivisible unity of the state with its country and people, abolishing the Republic, whose characteristics are indicated in the Constitution, for reasons based on discrimination according to language, race, class, religion, or sect, as well as related crimes; crimes directly or indirectly involving restriction of the freedom of learning and teaching; crimes interfering with the peace and order of institutions; boycotts, occupation, obstruction, as well as encouragement or provocation of the same; as well as being caught *in flagrante delicto* with regard to major crimes requiring severe penalties.

8. Matters not covered by this law shall be dealt with in accordance with the Law on the Trial of Civil Servants, dated 4 February 1923.

Student Disciplinary Procedures

ARTICLE 54

Investigation, Powers and Penalties

- a) To those students whose behavior on the premises or otherwise is incompatible with the character and dignity of higher education students; who directly or indirectly restrict the freedom of learning and teaching; who violate the peace and order of institutions; who participate in actions such as boycotts, occupations and obstructions; who encourage and provoke such actions; who assault the person, the honor and the dignity of the personnel of higher education institutions; who behave

disrespectfully; and who participate in anarchic or ideological actions or encourage and provoke such actions, penalties will be given including warning, reprimand, suspension for a period between one week and one month, or for one or two semesters or expulsion from higher education institutions, even though such conduct involves another offence.

- b) The Faculty Dean, the Graduate School or School of Higher Education Director is authorized to investigate disciplinary violations by students on or off the premises of a Faculty, or of a Graduate School, or of a School of Higher Education, and directly to mete out the appropriate punishment or to refer the case to the disciplinary committee.
- c) The procedure for disciplinary investigation is to be commenced as soon as the incident is made known, and the investigation is to be concluded within fifteen days at most.
- d) A student who is under investigation has the right of oral or written defense. A student who does not make his/her defense within the allocated period is assumed to have renounced this right.
- e) A student is notified of disciplinary action in writing. The case is reported both to the organization from which (s)he receives a scholarship or grant and also to the Council of Higher Education. The student has the right to appeal to the University Administrative Board within 15 days for reconsideration of the decision concerning expulsion from a higher education institution. Penalties are entered into a student's official records.
- f) During the procedures to be carried out in accordance with this Article, notification can, if deemed necessary, be made to the student by public notice at his/her own higher education institution.
- g) A decision to expel a student from a higher education institution is reported to all higher education institutions, to the Council of Higher Education, to Security Authorities and to the relevant draft office. Students who have been expelled from a higher education institution for disciplinary reasons are not eligible for admission to any higher education institution.

PART TEN
FINANCIAL PROVISIONS

Sources of Income

ARTICLE 55

Sources of income of governing bodies of higher education, higher education institutions and the units attached to them are:

- a) Annual budgetary allocations,
- b) Aids from institutions,
- c) Fees and payments received,
- d) Income from publications and sales,
- e) Income from movable and immovable property,
- f) Profits from the enterprises of the revolving fund,
- g) Donations, bequests and sundry.

Financial Facilities

ARTICLE 56

Procedures and Methods

- a) All donations and bequests, which are made to governing bodies of higher education, to higher education institutions and to the units attached to them, are exempt from taxation, duties, stamp duties and fees. Donations and bequests shall be utilized in full conformity with the conditions and the restrictions laid down by the donors and general legal provisions shall be observed.
- b) Universities and higher institutes of technology benefit from the same exemptions, exceptions and other financial facilities granted to other public institutions subject to the general budget.

The donations made in cash by real or juristic persons liable for income taxes and corporate taxes to the institutions of higher education shall be deducted from their respective proceeds.

- c) Machines, tools and instruments, equipment, pharmaceuticals, materials and publications which are imported for educational and research purposes by

governing bodies of higher education, higher education institutions and the units attached to them are exempt from stamps, customs duty and excise on the condition that these goods are not available or manufactured within the country; similarly, goods of the same kind which are given as donations are also exempt from the same taxes and duties.

- d) The Rector in the university and the President in the governing bodies, is entitled to waive claims on the part of the respective institution up to and including one million Turkish Liras, if, according to his/her judgment, prosecution would not be in the best interests of the institution; for amounts above one million Turkish Liras, authorization has to be obtained from the Ministry of Finance, upon the application of the President, in the case of governing bodies, or the Rector in the case of universities, taking into consideration the advice of the Government Accounting Bureau.
- e) Expenditures necessitated by scholarly, scientific, technical research and publication conducted by universities, faculties, graduate schools, schools of higher education, conservatories, vocational schools of higher education and institutions and units thereto related are not subject to Law No. 2490 on Auctions, Bids, and Award of Contracts.
- f) The universities shall not be liable to the provisions of the Public Law No. 1050 Article 135 governing Public Accounting as well as Public Law No. 2490 on Auction, Bids, and Award of Contracts with regard to the construction of buildings, purchase of machinery as well as all kinds of equipment and their maintenance.
- g) Allocations in the budget of a given university may be transferred to the budget of another university by the Ministry of Finance, based upon the advice of the Rector and the proposal of the Council of Higher Education.

*Financial Supervision of the İta Amiri**

ARTICLE 57

The budgets of governing bodies of higher education and higher education institutions are prepared, put into effect and supervised in accordance with the provisions which apply to general and subsidiary budgets.

Presidents in governing bodies of higher education and rectors in universities are the *İta Amiri(s)*. This authority can, when deemed necessary and appropriate, be delegated to Vice-Presidents, Deans, Directors of Graduate Schools and Schools of Higher Education, Chairperson of the units attached to governing bodies, and to Secretaries-General of governing bodies and universities.

* The Turkish term *İta Amiri* implies that the person in question is entitled to disburse funds from the budget or from any financial sources of the institution.

Revolving Fund and Research Fund

ARTICLE 58

a) *Revolving Fund*

Revolving fund enterprises can be set up in governing bodies upon the proposal of boards concerned and with the approval of the Council of Higher Education; in universities and in their attached faculties, graduate schools, schools of higher education, conservatories, research centers, upon the proposal of administrative boards concerned and the recommendation of the Rector and with the approval of the Council of Higher Education. The amount of the initial fund is indicated in the budget. This amount can be increased by the addition of its own incomes and also by the decision of the Council of Higher Education in governing bodies of higher education. In universities this is to be done with the approval of the Rector upon the proposal of the relevant administrative board.

Fields of activities for revolving fund enterprises, their capital limits, the principles governing the administrative procedures related to management, and accounting procedures are set down in the revolving fund regulations, in accordance with principles established by the Council of Higher Education and the recommendation of the Ministry of Finance.

Enterprises of a revolving fund are not subject to the provisions of Law No. 1050 on General Accounting and Auditing of the State, or of Law No. 2490 on Auction, Bids and Award of Contracts. The revenues acquired from the revolving fund and also each year's unspent funds are added to the revolving fund of the following fiscal year. The balance sheets and their supplements together with all income-expenditure documents, prepared within four months from the end of the fiscal year, are submitted to the Government Accounting Bureau, and copies sent to the Ministry of Finance within the same period.

At least 30 % of the income accruing to the revolving fund, which is established by the contributions of the teaching faculty members of all the individual units (teaching, research, practice), is allocated to the provision of the various needs of that particular unit, including materials, equipment, research projects, etc. The remaining portion is divided among the relevant teaching faculty members and administrative personnel subject to Law No. 657 on Civil Servants in accordance with proportions established by the University Administrative Board. Teaching staff members and faculty members in units proposed by the Inter-university Board and approved by the Council of Higher Education may, in one year, receive a total payment from the revolving fund not to exceed twice the total income they receive from the university including their salary (including supplementary coefficient and all other supplementary payments). Other faculty members' total payment from the revolving fund shall not exceed an amount equal to the total income they receive from the university (all-inclusive). This is not to exceed 50 % in the case of administrative personnel subject to Law No. 657 on Civil Servants. However, the share that teaching staff members receive for contributions to the revolving fund

outside of regular working hours shall not be taken into account with regard to the limit of a maximum payment of double their all-inclusive income.

b) *Research Fund*

Upon the decision of the Council of Higher Education, research funds attached to the office of the Rector can be established in universities, making use of the income of all revolving funds in the university concerned. The income of such funds consists of:

1. Sums allocated from the revolving fund, in accordance with the provisions stated above,
2. The entirety of revolving fund income acquired without the direct or indirect contribution of the teaching staff members,
3. Research allocations in the university budget,
4. Sums remaining from the previous year's research fund,
5. Donations, assistance, and other income.

Provisions regarding the use and administration of the fund are determined by the Council of Higher Education. With regard to accounting procedures and other financial matters, the procedures and principles of the Student Selection and Placement Fund of the Council of Higher Education shall apply.

PART ELEVEN

MISCELLANEOUS PROVISIONS

Membership and Office-holding in Political Parties

ARTICLE 59

Teaching faculty members in higher education institutions may be members of political parties. On condition that they carry out their responsibilities at their institution, and that they notify the institution within one month, they may hold office in the central organs of political parties and their research and advisory units. However, such teaching faculty members cannot serve as members of the Council of Higher Education or of the Higher Education Supervisory Board, as rectors, deans, graduate school and school of higher education directors, or as department heads, or as their deputies.

Students in institutions of higher education may be members of political parties.

Teaching faculty members and students who are members of political parties shall not engage in party activities or party propaganda within institutions of higher education.

Re-Appointment to Institutions of Higher Education

ARTICLE 60

- a) Those teaching staff members who have left institutions of higher education upon their being appointed to the Council of Ministers or elected to the Legislature, may, in accordance with the provisions of this law, be re-appointed to institutions of higher education. The period thus spent shall be considered to have been spent at the university, with regard to salary and promotion, and their re-appointment shall not require a vacant staff position.
- b) Those teaching members who have, with their own consent, left higher education institutions, can, unless they have been expelled by court order or on disciplinary procedure, be re-appointed in accordance with the provisions of this law and not requiring a vacant staff position.
- c) Those selected as President or members of the Council of Higher Education, as well as those selected as Rector or Dean while employed in an institution of higher education or a public institution may, upon completion of their term of appointment, and not being re-appointed, be re-appointed to their institution. The period thus spent shall be considered to have been spent at their institution with regard to salary and promotion, and their re-appointment shall not require a vacant staff position.

Voting

ARTICLE 61

In all juries and boards referred to in this law, each member will vote either for or against the motion; no one may abstain. For meetings of any boards, excluding the Council of Higher Education, the quorum is an absolute majority.

All decisions are made by the absolute majority of votes of the participants.

When the absolute majority cannot be obtained by the third round, the principle of the majority of votes is put into practice in the fourth round.

Personal Rights

ARTICLE 62

As regards the personal rights of teaching faculty members in universities and also of administrative and other staff in governing bodies as well as in universities, the provisions of this law are applied. For matters not defined in this law, the University Personnel Law is applicable; if that law does not cover the matter either, general provisions are applied.

Personnel Records

ARTICLE 63

The personnel records of teaching faculty members, administrative and other personnel working in higher education institutions and in governing bodies, and also records of students, are kept in accordance with general provisions and with statutory provisions to be drawn up by the Council of Higher Education. With regard to appointments, promotions, academic titles and other personnel matters, these records are considered valid.

Leave of Absence

ARTICLE 64

Teaching faculty members usually take their annual leave when the higher education institution is not in session. Other leaves of absence for teaching faculty members and also for the personnel in governing bodies and administrative staff in higher education institutions are subject to the provisions of the Law No. 657 on Civil Servants.

Rectors take their leaves of absence from the President of the Council of Higher Education, and other administrators from the authority they are immediately responsible to.

All the personnel working in higher education institutions and governing bodies may absent themselves with the permission of their immediate disciplinary superior.

Regulations

ARTICLE 65

- a) The following matters shall be determined in the regulations to be prepared by the Council of Higher Education:
1. Matters concerning the organization, and the working procedures of the Council of Higher Education, and the selection of its members and procedures regarding elections and appointments within its jurisdiction,
 2. Matters concerning the formation, functioning, supervision procedures and principles of the Higher Education Supervisory Board,
 3. Principles relating to the organization, functioning and duties, of the Student Selection and Placement Center to procedures of student selection and placement, and to the registration and examination fees to be received from the candidates and the utilization of the fund thus resulting,
 4. Procedures regarding promotion and appointment of Assistant Professors, Associate Professors, and Professors in higher education institutions covered by this law,
 5. Principles concerning the training of teaching faculty members,
 6. Principles regarding the weekly teaching load,
 7. Principles of procedure as regards tuition fees, including those of foreign students,
 8. Principles governing printing of textbooks and educational materials, and also royalties,
 9. Principles governing disciplinary procedures regarding teaching faculty members, administrative and other personnel, and students, as well as principles concerning the powers of disciplinary superiors and the formation and functioning of disciplinary committees,
 10. Principles and procedures concerning all types of expenditure arising from scientific and technical studies; research and publications to be carried out by higher education institutions and their attached units; and also concerning construction, machinery and equipment, and their maintenance and repair,
 11. Matters concerning the official records of teaching faculty members, administrative and other personnel, and students,

12. Taking into account the educational fields dealt with by institutions of higher education to be established by foundations, matters related to buildings, facilities, equipment, education, administrators, and other academic matters,
 13. Principles related to appointment, transfer, and other matters related to the implementation of this law.
- b) The following matters are determined in the regulations to be drafted by the Inter-university Board:
1. Principles of post-graduate education,
 2. Other academic matters related to the implementation of this law.

AMENDMENTS

1. Foundations may establish institutions of higher education, or one or more units attached thereto, on condition that they be non-profit in nature and that they abide by the principles and procedures stipulated by this law with regard to academic matters, hiring of teaching faculty members, and security, but excluding financial and administrative matters.
2. In the event that one or more foundations intend to establish an institution of higher education, the relevant written decision of the authorized administrative organ(s) of the foundation(s), accompanied by the written approval of the General Directorate of Foundations, are to be submitted to the Council of Higher Education, along with the following documents:
 - a document indicating that the buildings, equipment, supplies, and other requisites are available for the institution to be established, or that sufficient funds have been allocated for this purpose,
 - a document indicating that funds, property, shares having economic value, or an income are available, that they are sufficient to meet a minimum of 20 % of one year's operating expenses of the institution to be established, and all other current expenditures, and that they have been allocated for this purpose,
 - a document specifying the name of the institution to be established, as well as the names of the units of that institution, accompanied by a document, contractual in nature, stipulating the educational, financial, and administrative regulations of the said institution,
 - a document indicating the provisions taken for the disposal of funds and property allocated to the said institution within the provisions of this article, in the event that it becomes evident that institution of higher education established by a foundation is unable to carry out its educational functions.

The General Assembly of Higher Education, after having carried out the necessary inquiry with regard to the said documents, reaches a decision concerning the establishment of the institution, and informs the Ministry of National Education of this decision.

3. Foundations are not permitted to establish educational institutions or units involved with military or security (police) matters.
4. *Institutions of higher education to be established by foundations** are required to have a board of trustees with a minimum of seven members, constituting a body separate from the administrative organ of the foundation. The members of the board of trustees are selected by the administrative organ of the foundation for a period of four years, with membership being renewable upon expiration. With the exception of the maximum age restriction, members of the board of trustees are to meet the requirements for the civil service and at least 2/3 of the members are to hold a bachelor's degree. The board of trustees elects one of its members as chairperson.

* Henceforth these institutions shall be referred to as *private universities*.

The board of trustees is the representative of the juristic personality of the private university. The administrators of the institution are appointed by the board of trustees upon the consent of the Council of Higher Education. The board of trustees may delegate its authority to the administrators of the university, to the extent that it deems appropriate. The board of trustees enters into a contractual agreement with the administrators, faculty members, and other personnel, and approves their appointment and dismissal; it approves the budget of the institution, oversees its operation, and carries out other duties assigned to it by the regulations prepared by the foundation.

Matters concerning quorum and decision-making of the board of trustees are governed by Article 61 of this law.

5. The juristic personality of the institution to be established constitutes a legal entity distinct from that of the foundation concerned. The income of the institution shall not, under any circumstances whatsoever, be transferred, even on a temporary basis, to the assets or accounts of the foundation. Direct donations and assistance can be made to the institution.
6. Private universities shall benefit from the financial provisions and exemptions specified in Article 56 of this law in the same manner as public institutions, and are exempted from real estate tax.
7. The academic organs of the said institutions are to be constituted in the same manner as those in public institutions of higher education and to be responsible for carrying out the same duties. The qualifications of faculty members are to be the same as those in public institutions. Those individuals who are prohibited from working in public institutions of higher education, or who have been dismissed from such institutions for disciplinary reasons, cannot be employed by private universities.
8. Matters concerning educational regulations, periods of study, and student rights are subject to the provisions of this law. Fees to be paid by students are to be determined by the board of trustees.
9. Such institutions shall submit a comprehensive account of their activities to the Council of Higher Education at the end of each academic year, in the same manner as public institutions. These institutions are subject to the supervision and control of the Council of Higher Education with regard to financial, administrative, and economic matters.
10. If the Council of Higher Education determines that the level of education at such institutions has fallen below the expected standard, and the situation is not remedied in spite of warnings and proposals, the Council of Higher Education shall terminate the operations of the institution concerned.
11. The highest academic body in private universities has the authority and duties of the Senate; the Administrative Board has those of the University Administrative Board, and the highest-ranking administrator has that of the Rector as specified in the relevant articles of this law.
12. Taking into account the areas of education in which these institutions are involved, buildings, facilities, equipment, teaching and administrative staff and other academic matters are to be determined by the Council of Higher Education.

13. In the event that the juristic personality of the foundation concerned should cease to exist, that of the private university shall continue to be valid. In this case, all movable and immovable property, equipment, monies, and shares possessing economic value, which have been allocated by the foundation to the educational institution, will become the property of the said institution.

In such an event, the authority to select the members of the board of trustees and the administrators of the educational institution shall be delegated to another foundation by the General Directorate of Foundations, with the approval of the Council of Higher Education.

In the event that the activities of a private university are temporarily suspended, or permanently terminated, the administration of the institution shall be transferred by the Council of Higher Education to an appropriate public institution for continuation or completion of educational activities, on a temporary basis (in the case of suspension) or a permanent basis (in the case of termination).

14. In order for private universities to carry out their educational activities, the Ministry of Finance may lease immovable property belonging to the Treasury or to other public legal entities to such institutions, with the consent of the owner(s), for a period not to exceed 49 years, for a fee to be determined by the Council of Ministers. In order for this to take place, the educational institution concerned must:

- have provided formal education for a minimum of two academic years,
- have a publication/teaching staff member ratio equivalent to that of those public universities occupying a position in the upper half of a ranking of public universities in terms of average number of articles per teaching staff member in prominent scholarly journals specified by an evaluation committee appointed by the Inter-university Board,
- grant full-tuition scholarships to a minimum of 15 % of its students.

Such institutions are responsible, within five years, for the forestation of an area twice that of the area allocated to the institution, in a location to be specified by the Ministry of Forestry, and to pay maintenance expenses for the forested area for the first five years.

In addition to the educational activities referred to above, land which has been allocated cannot be used for residential areas; housing will be provided only for full-time faculty members and those administrative staff who are required for the provision of uninterrupted service, and in no case whatsoever for any other individuals or juristic persons; buildings and facilities shall only be used for educational, social, cultural, or sporting activities; buildings and facilities cannot be constructed or provided in return for any form of recompense whatsoever; dormitory facilities cannot be provided for students of other institutions. Immovable property leased to private universities is to be used for the purposes and in the manner intended, and the institutions concerned are required to carry out the responsibilities which have been stipulated. In the event that this is not the case, the ownership of the land concerned, along with the buildings and facilities located thereon, shall

revert to the Treasury or the public institution concerned with no further procedures being required.

With the aim of partially defraying the expenditures of such educational institutions, the Ministry of Finance may provide state assistance upon the written application of the institution concerned, the endorsement of the Council of Higher Education, and the recommendation of the Ministry of National Education.

The amount of such assistance per student enrolled in such an institution shall not exceed one-half of the amount per-student at public institutions of higher education as calculated by dividing the total amount allocated to public institutions from the national budget that year by the total number of students enrolled in formal education programs at public institutions.

The amount of state assistance shall not exceed 45 % of the total budgetary expenditures of the institution concerned.

In order for such an institution to qualify for the maximum amount of assistance indicated above, the institution must:

- have provided formal education for two years,
- have a publication/teaching staff member ratio equivalent to that of those public universities occupying a position in the upper half of a ranking of public universities in terms of average number of articles published per teaching staff member in a prominent academic journals recognized by an evaluation committee appointed by the Inter-university Board,
- be in a position equivalent to those public universities in the upper half of a ranking based on the number of students placed there who ranked among the top two thousand in terms of science and mathematics scores on the Student Placement Examination,
- grant full-tuition scholarships to a minimum of 10 % of its students.

Those private universities which are in a position equivalent to the public universities occupying the five lowest places in the ranking referred to above may be granted assistance equal to a maximum of 20 % of their budgets. The amount of assistance to be made to such institutions falling between the minimum and maximum limits stated in this article shall be determined by the Ministry of Finance, taking into account the ranking determined by the Council of Higher Education.

Financial assistance to private universities is to be paid in two equal installments during the first half of each year. Such institutions receiving such assistance are to inform the Ministry of Finance, the Ministry of National Education, and the Council of Higher Education, of their income and expenditures for the previous year, by the end of April.

With regard to the implementation of this article, the Ministry of Finance is authorized to obtain all necessary documents and information from the educational institutions concerned and to have its auditors carry out investigations, when deemed necessary.