

Appendix 7: The Higher Education Law published in 2005.

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TURKISH REPUBLIC OF NORTHERN CYPRUS

Law of Higher Education

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Number: 65/2005

**Turkish Republic of Northern Cyprus
Law of Higher Education**

The Republican Assembly of the Turkish Republic of Northern Cyprus promulgates the Law specified herewith:

- Short Name: 1. This law is called as the Turkish Republic of Northern Cyprus Law of Higher Education

CHAPTER ONE

General Principles

- Definitions 2. Unless otherwise the text deems it necessary,
“Open Learning-Instruction” means educational-instructional activities that aims to give the students a diploma and performed by means of radio, television, internet and etc.
“Academy” means an institutions of higher education that gives education on a specific profession
“Academic Freedom” means the academic activities performed under no pressure whatsoever by the faculty members and the universities in conformity with international standards and ethical rules of scientific and the freedom of expression of thought.
“Accreditation” means the efficiency of the pre-baccalaureate, undergraduate, master’s and doctoral degree programs in terms of infrastructure, staff and academic proficiency, and the period of assessing these in terms of their suitability to legal and professional criteria, and/or the approval given at the end of this period.
“Minister” means the Minister involved in educational activities
“Council of Ministers” means the Council of Ministers of the Turkish Republic of Northern Cyprus.
“Ministry” means the ministry in charge of educational activities
“Bologna Process” means the period that determines the standards of developments in higher education based on the text of the Magna Charta Universitatum, signed in Bologna in 1988, 1998 Sorbonne Declaration, 1999 Bologna Declaration, 2001 Salamanca Declaration and 2003 Berlin meeting of ministers of education.
“Department” denotes each and every unit in faculties and schools of learning and teaching, scientific research and their applications that shares the same aim, scope and quality, that supplements one another or are formed of related fields in arts and sciences.
“State” means the Turkish Republic of Northern Cyprus (TRNC).
“State Trust University” stands for the university founded by the State, inaugurated by the Foundation (Trust)

“Diploma and Title” means the diploma and title of learning and instruction that covers the programs at pre-baccalaureate, undergraduate, master’s and doctoral levels.

“Associate Professor” means the academic title that comes second in rank after the professor.

“Institute” means the institution of higher education that offers graduate education, carries out scientific research and applied studies and produces publications in more than one similar or related scientific areas in universities and faculties.

“Faculty” means the institution of higher education that carries out high level learning and teaching activities, conducting scholarly research and publication; sub-divisions are attached to it.

“Conservatory” is an institution of higher education that trains artists in music and the performing arts.

“Course Certificate” means the certificate of learning and instruction that covers a period less than one semester.

“Organizational Autonomy” means the ability to make decisions freely on administrative and financial matters of universities and institutes of high technologies, and put them into practice.

“Undergraduate Education” means higher education that is post secondary education covering a period of at least eight semesters or its equivalent

“Graduate School” covers master and doctoral level education, specialization in medicine and competency in the arts.

“Higher Vocational School” means an institution of higher education carrying out at least a four-semester or two year education aimed at training manpower in specific areas.

“Board of Trustees/Executive Board” defines the highest decision making body within the legal boundaries of the institution of higher education.

“Instructor” A teaching faculty member responsible for teaching certain compulsory subjects common to students in various programs or conducting applied studies sessions.

“Teaching Faculty Members” covers all the academic staff, lecturers and instructors and ancillary staff employed by institutions of higher education.

“Lecturer” means the educator responsible for lecturing and conducting study sessions.

“Teaching Staff Members” means the Professors, Associate Professors, and Assistant Professors at institutions of higher education.

“Ancillary Staff” includes research assistants, specialists, translators, and educational planners. Ancillary staff is appointed for a specific period of time.

“Pre-Baccalaureate Stage” is a 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.
“Formal Education” means preschool education, primary schools, secondary and high schools, tertiary education and education carried out at tertiary level.

“Professor” is a teaching staff member holding the highest academic title.

“Rector” stands for the highest governing body in the university and means the person who represents the juristic personality of the university.

“Certificate” is a document that aims at a vocation and is a document referring to a maximum four semester long learning and instruction.

“Continuing Education” implies short term certificate programs offered with the aim of updating the knowledge and enabling the acquisition of skills after graduation in related areas.

“Research and Applied Studies Center” means 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.

“Distance Education” is the pre-baccalaureate, undergraduate and master level educational programs carried out by the universities by means of communication and information technologies.

“University” means an institution of higher education possessing academic autonomy and juristic personality, conducting advanced-level education, scholarly research, publication and consultancy; generating and disseminating knowledge with the purpose of serving the society; and where national culture is nourished and disseminated in the same medium with the universal values of humanity, where independent and creative thinking finds the medium to mature.

“Inter-university Academic Coordination Board” means the commission that coordinates the teaching-learning, scholarly research and publication activities of institutions of higher education within the framework of planning in higher education, assesses the applications and makes recommendations to YODAK and to the institutions of higher education.

“Higher-level Commissions” means Inter-university Academic Coordination Board and YODAK.

“Informal Education” means all kinds of educational activities beyond the scope of Formal Education.

“Assistant Professor” means 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.

“YÖDAK” means the Higher Education Council of Planning, Auditing, Accreditation and Coordination founded according to Article 7 of this Law.

“School of Higher Education” is an institution of higher education mainly concerned with providing instruction for a specific vocation with duration of minimum four semesters or two years.

“Higher Education” means all post-secondary education consisting of at least four semesters or its equivalent at every stage.

“Institution of Higher Education” denotes an institution of higher education in the Turkish Republic of Northern Cyprus possessing academic autonomy and juristic personality, carrying out high-level research, education, production, publication, and consultancy specifically in the areas of technology and covers Faculties, Institutes, Graduate Schools, Schools of Higher Education, Conservatories, Vocational Schools and Research Centers.

“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.

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| Aim | 3. 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, Power, and responsibilities of existing or future Institutions of Higher Education within the boundaries of the Turkish Republic of Northern Cyprus, related to education, research, publication, teaching staff, students and other personnel of institutions of higher education and their governing bodies. |
| Scope | 4. This law covers the activities and principles of governing bodies of higher education, all institutions of higher education and their subdivisions, and principles concerning their foundation, opening, teaching and learning, accreditation, observation, regulation, coordination, assessment and auditing. |

CHAPTER TWO

Aims and Principles of Higher Education

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|--------------------------|--|
| Aims of Higher Education | 5. The main aims of higher education are as specified below:
(1) To educate students so that they;
(A) will put the common good above their own personal |
|--------------------------|--|

interests and have full devotion to family, country and nation,

- (B) will be fully conscious of their duties and responsibilities towards their environment and humanity and will act accordingly
- (C) will have the power of independent and scholarly thinking, be broad-minded, respectful of universal values and human rights
- (D) will develop in a balanced way, physically, mentally, psychologically, morally, and emotionally,
- (E) will have the skills and ability to establish good written and oral communication, and
- (F) will prove to be good citizens contributing to the country's development and welfare and at the same time acquire the necessary knowledge, skills, cultural and ethical values of their future vocations.

(2) To enhance the welfare of the country as a whole, to implement programs contributing to and accelerating the economic, social and cultural development of the country; and to ensure that they become constructive, creative and outstanding participants in contemporary civilization.

(3) As higher educational institutions, to carry out studies and research of high academic level, to generate knowledge and technology, to disseminate scientific findings; through cooperation with national and international institutions, to become recognized members of the academic world and contribute to universal, contemporary progress.

Basic Principles
of Higher
Education

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

- (1) Academic freedom and institutional autonomy are given priority,
- (2) Democratic participation is ensured in decision making processes,
- (3) Basic rights and freedoms, the right to education and equal opportunity are secured,
- (4) Neither faculty members nor students can be subjected to any discrimination based on their race, religion, ethnicity, a physical handicap or political differences,
- (5) All procedures should be practiced in compliance with the principle and values of superiority of law,
- (6) Education is based on student-centered learning. It is

- assured that students participate actively in this process,
- (7) Science and technology and teaching-learning programs cannot be used in a manner that would damage basic rights and freedoms,
 - (8) Short and long term plans and programs are to be devised on the basis of scientific and technological principles, in accordance with regional, national and local needs, and will be regularly up-dated, and
 - (9) Collaboration and cooperation will be maintained with public and private sector, non-governmental organizations, and with national and international scientific institutions.

CHAPTER THREE

The Principles concerning the Foundation, Duties, Power and Working Principles of the Higher Education Council of Planning, Auditing, Accreditation and Coordination (YÖDAK)

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|---|----|--|
| Foundation of YÖDAK | 7. | To plan, organize, observe the applications, audit and follow the accreditation procedures of the institutions of higher education, to channel their activities, to establish coordination between the institutions of higher education in the Turkish Republic of Northern Cyprus, within the context of duties and powers given by this law, Higher Education Council of Planning, Auditing, Accreditation and Coordination is established as an autonomous body with juristic personality. Shortly, the Council is referred to as YÖDAK. |
| Governance of YÖDAK, appointment of President and Members | 8. | <p>(1) YÖDAK is composed of one president and 4 members.</p> <p>(2) The YÖDAK president is appointed by the President of the Turkish Republic of Northern Cyprus from among persons who have served successfully at both national and international institutions of higher education, and has an experience of at last five years as a professor, is aware of issues related to higher education, and bears the all the qualifications specified in Article 5 of this Law</p> <p>(3) It is a condition that those to be elected as YÖDAK members should at least have a doctoral degree and also possess the qualifications specified in Article 9 of this Law. Two of the members are appointed by the Republican Assembly; the other two members nominated by the Interuniversity Academic Coordination Board are appointed by the President of the Turkish Republic of Northern Cyprus.</p> <p>(4) The term of office of Council president and members is four years. New elections are held to replace the president and the</p> |

members who leave for any reason and on completion of a term of office and the newly elected stay in office until that term expires. The existing president and members stay in office until the new ones are elected.

R.G.107
A.E.11
11.12.1985

(5) (A) Each existing political party and the deputies at the Republican Assembly can be nominated to YÖDAK membership. Furthermore, persons are free to nominate themselves and apply for membership.

R.G.13
A.E.2
7.2.1986
Ek.IV

(B) Regulations regarding the appointment of members to YÖDAK by the Republican Assembly are made within the framework of the Republican Assembly's Standing Orders.

R.G.109
A.E.21
19.9.1993
Ek.IV

(C) The Republican Assembly is responsible for submitting the files of those nominated by political parties, by deputies or personal nominations to the Legal and Political Affairs Committee to make the necessary evaluations regarding the suitability of the nominees and whether they bear the right qualification as specified in this Article as well as in Article 9. The Committee is responsible for preparing a report covering the results of the evaluation and for presenting it to the General Council.

(D) The Chairmanship Council of the Republican Assembly is responsible for preparing a joint ballot paper arranged in last name alphabetical order consisting of the names of the nominees found qualified following the General Council's acceptance of the Report prepared by Legal and Political Affairs Committee.

(E) The votes will be marked on the joint ballot paper and the elections will be conducted in accordance with Article 163 of the Republican Assembly's Standing Orders. Appointments will be made based on the election results.

(F) Upon the approval of the General Council of the Republican Assembly, an appointed member can be removed from office based on a well-grounded written statement submitted by at least ten deputies. The opening is filled in the same manner and completes the remaining time left.

(6) Those who are selected twice as YÖDAK president and members cannot be re-appointed.

- Qualifications of YÖDAK President and Members
9. The President and the members to be appointed to YODAK are expected to have the general qualifications specified below provided rules set by article 8 of this Law are observed:
- (1) To be experienced in the field of learning and instruction;
 - (2) To be a citizen of the Turkish Republic of Northern Cyprus;
 - (3) To have completed their military obligation or be exempted (for men only); and
 - (4) Not to have been convicted of any crime.
- YÖDAK Meetings, Quarum for meetings
10. (1) YÖDAK meets at least once a month upon a call by the president. In the absence of the president, the meeting is chaired by a member delegated by the president or by the eldest member.
- (2) The president calls YÖDAK to an urgent meeting upon a written and justified application by at least one-third of the members.
- (3) Calls for routine and urgent meetings are made in writing and the agenda needs to be sent to the members at least forty-eight hours before the meeting. The date, time and agenda are specified on the invitation letter.
- (4) The quorum for meetings and decision making is three. In the event of a tie, the president or the acting president has the role of a tie-breaker.
- (5) Whether it be the president or any member, who fails to attend with no justifiable reason two consecutive meetings and a total of three meetings, shall be presumed to have forfeited his/her membership. The membership is renewed for the contingency that is forfeited, and the new member completes the remaining term left from the previous member.
- Duties and Responsibilities of YÖDAK
11. The duties and responsibilities of YODAK are as specified below:
- (1) Duties and responsibilities pertaining to planning and coordination are:
 - (A) 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; and to benefit from the recommendations of the Interuniversity Academic Coordination Council,
 - (B) To take necessary measures compatible to the running of the universities at maximum efficiency,

(C) To make the necessary planning and prepare programs to provide for the training of the teaching staff, in-country and abroad,

(D) To present to the Ministry of National Education proposals or views concerning the problems of Higher Education and the measures to be taken,

(E) To review the by-laws and regulations prepared by the universities in accordance with the by-laws, rules and the principles specified in this Law; to decide on their appropriateness, and to follow the application and implementation of the by-laws and rules put into effect upon the approval of the Council of Ministers,

(F) To prepare the by-laws concerning the registration and submission of students and present them to the approval of the Council of Ministers as the Ministry and to ensure their application and supervision; and

(G) To evaluate the faculty needs of the universities from the standpoint of quality and quantity, and make some recommendations,

(2) The duties and responsibilities pertaining to auditing and accreditation are:

(A) To examine the academic programs of the institutions of higher education, and to evaluate their relevance to the aims, objectives and principles specified by this law and to assess their adequacy,

(B) To make decisions concerning the opening of institutions of higher education, faculties, institutes, departments, programs and schools of higher education and to examine and assess the academic criteria of the faculty and to make decisions regarding the conditions for opening such institutions;

(C) To determine the equivalency of associate, undergraduate and graduate degrees and other academic documents obtained from institutions of higher education abroad;

(D) To make decisions on the basis of proposals made by universities concerning the opening of faculties, institutes, departments, programs, schools, preparatory schools within a university and to convey their decisions to the Ministry of National Education;

(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, 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 audit the balanced ratio of academic personnel in institutions of higher learning, taking into consideration the needs of the institutions of higher education, educational programs, the quality and characteristics of the branches of learning, research activities, application areas, buildings, materials and equipment and similar facilities, number of students and other related matters;

(G) To decide on the maximum yearly student intake into each academic program after examining the proposals of the universities on this matter; and

(H) To audit, in accordance with the principles specified in this law, the compatibility of the educational and other activities of the institutions of higher education to the aims, objectives and principles specified by this law,

(3) Duties and responsibilities concerning the interuniversity coordination are:

(A) To coordinate the educational and research activities and publications of the universities within the framework of planning in higher education, to evaluate the applications on these issues, and to audit the compatibility of academic equivalency and academic promotions to by-laws, rules and regulations; and

(B) To call the Interuniversity Academic Coordination Council to a meeting at least twice a year and to submit the agenda of the meeting to the members of the Interuniversity Academic Coordination Council at least three days in advance.

Accreditation
Evaluation
Criteria and
Decision making
Policies of
YÖDAK

12. (1) The faculty, school or the departmental facilities, faculty members, the quality and the justification for the sustainability of the program in the university or in the related program are considered during the accreditation process.

Only in programs where citizens of the Turkish Republic of Northern Cyprus are accepted, principles put forth in article (21) clause (2) of this Law and the planning concerning human resources in the country are observed.

(2) The principles and rules to be applied, and the criteria and methods to be used during the accreditation process of the programs are determined after securing the suggestions of the Inter-university Academic Coordination Council and the “Accreditation and Evaluation Criteria Bylaws” to be prepared by YÖDAK and approved by the Council of Ministers.

(3) Where institutions of higher education are already accredited, the newly opened programs will be accredited based on the individual program; and associate, undergraduate, graduate and doctoral programs are accredited separately.

(4) While YODAK performs its evaluation of the institutions of higher learning for accreditation purposes, if deems necessary, may benefit from the observations and evaluations of special expertise commissions formed in accordance with article 17 of this Law.

(5) YÖDAK ruling may be one of the following when accrediting a program presented by an institution of higher education:

(A) “Accredited”: This decision denotes that the faculty, department or the school of an institution of higher education, and that the faculty members are qualified to carry out the program presented, and that the programs presented are adequate academically.

(B) “Conditionally accredited”: This implies that on the condition that the program or other issues are changed, it is found satisfactory. Upon making all the alterations required within the time limit specified by YÖDAK, “Conditionally accredited”: will be replaced by “Accredited.” Otherwise the accreditation approval will be lifted. Conditional accreditation is valid for maximum two years.

(C) “Accepted as a Candidate for Accreditation”: This decision is given for such institutions that have not yet started educational activities or are functioning and have presented projects found satisfactory for further development to reach the desired level are put on probation for one academic year; a reevaluation made according to the procedures following this period may end up producing a different kind of decision. Candidacy for accreditation cannot exceed two years.

(D) “Not Accredited” This implies the program is not approved. Following the communiqués of the “Not Accredited” decision, application can be renewed only after a period of one year, the earliest.

(6) YODAK informs the Presidency and the Prime Ministry of the decisions it takes.

Duration,
Cancellation and
Continuation of
Accreditation

13. YÖDAK can cancel any of the accreditations of an Institution of higher education if the recommended conditions are not fulfilled provided a written notification is made at least one academic year in advance.

However, before such a decision is taken, a period of one academic year is allowed to fulfill its obligations through a written

advance notification that explains all the rationale underlying such a notice. If the evaluation following this one year period is found unsatisfactory, and that the requirements are not fulfilled, the accreditation will be cancelled.

In cases where the requirements of YODAK are fulfilled by the institution of higher education concerned before the cancellation notification is forwarded, and that they are compatible with the requirements, accreditation is not cancelled. However, when the accreditation of an institution of higher education is cancelled, YODAK takes the necessary measures as stipulated in article 12 of this Law.

The Legal Rights of an Institution Registered as an Institution of Higher Education 14. (1) An institution that has obtained the permission to open an institution of learning and has had its programs accredited, is accepted to be registered as an institution of higher education, and will benefit from the rights and privileges granted by this Law to all institutions of higher education. An institution registered as an institution of higher education is accepted as an institution of higher education based on the National Education Law and this is the situation from the standpoint of other laws as well.

(2) Graduates of accredited programs are accepted as graduates of an institution of higher education and will be granted all the rights conferred upon higher education graduates by the laws.

(3) In order for an institution to be labeled “University” and start its educational activities, it should have at least three faculties with accredited undergraduate and/or graduate programs, and at least six undergraduate and/or graduate programs. In this context, the name “University” can only be used based on YODAK decision.

YÖDAK President and Duties of the Members 15. (1) The duties of YODAK President are as specified below:
(A) To chair YODAK meetings and represent YODAK in the country and abroad.
(B) To approve the agenda for the meetings prepared by the Secretariat General. To call the council to meetings and to maintain order in meetings;
(C) To ensure that the bylaws and regulations stipulated by this Law are prepared and those that are put into effect are implemented and applied;
(D) To delegate duties to Ad-Hoc Committees and forward the reports, suggestions and evaluations of these committees to YÖDAK;
(E) To organize, follow and audit YÖDAK and the general

secretariat functioning under YÖDAK;

(F) To perform the duties of a disburser for YÖDAK and the secretariat general functioning under YÖDAK; and

(G) To perform other obligations assigned to him/her by this Law.

(2) YÖDAK members will perform duties assigned to them with this Law and other additional duties assigned by the YÖDAK President.

(4) YÖDAK president and members are responsible to the Presidency.

(5)

Establishment of
the General
Secretariat under
YÖDAK and its
Duties
Table One
Table Two

16.

(1) A secretariat general is established to execute the administrative affairs, correspondence, filing and archival services of YÖDAK.

(2) The staff of Secretariat General is specified in Table One given as an addendum to this Law, and the qualifications sought in the prospective employees to be assigned to these positions, their duties, responsibilities are specified in Table Two given as an addendum to this Law.

(3) All civil servants working at the general secretariat of YÖDAK are, from the standpoint of their working conditions and their duties and responsibilities, under Civil Servants Law.

(4) The salaries and appropriations of the personnel working at the secretariat general are shown in the budget of the Presidency.

7/1979
3/1982
12/1982
44/1982
42/1983
5/1984
29/1984
50/1984
2/1985
10/1986
13/1986
30/1986
31/1987
11/1988
33/1988
13/1989
34/1989
73/1989
8/1990
19/1990
42/1990
49/1990
11/1991
85/1991
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35/1992
3/1993
62/1993
10/1994
15/1994
53/1994
18/1995
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19/1996
32/1996
16/1997
24/1997
19/1998
40/1998
6/1999
4/2000
15/2000
20/2001
43/2001
25/2002
60/2002
3/2003
43/2003
63/2003
69/2003
5/2004
35/2004
20/2005

Establishment of
Ad-hoc
Committee and
its Duties

17. (1) Ad-Hoc Committees are established by YÖDAK to examine and evaluate academic and/or technical matters and to report the outcomes of these evaluations to YÖDAK.
- (2) Ad-Hoc Committees consist of one chair and two members.
- (3) The duty of an Ad-Hoc Committee ends upon reporting their examination and evaluation results to YÖDAK.
- (4) Ad-Hoc Committee chair and members should be specialized in the fields they are assigned, and in cases where the duty is related to academic areas, they need to be qualified in the related areas.
- (5) The duties of Ad-Hoc Committees are as follows:
(A) To examine and investigate in the area assigned to them, and to present the findings to YÖDAK; and
(B) To finalize their examination and investigation in the institutions of higher education in fifteen days the most, and to prepare the findings in the proceeding fifteen days so as to report them to YÖDAK.

Allocations and
Expenditures of
Ad-Hoc
Committee

18. (1) The chair and the members of the Ad-Hoc Committee receive a pay the amount of which is determined by the Council of Ministers.
- (2) The expenditures of the Ad-Hoc Committee formed by YODAK for purposes of auditing, observation and similar tasks are met from an entry specified in the budget of the Presidency.

The salaries of

19. The salaries of YODAK president and members are calculated

YÖDAK
President and
Members

based on the following criteria:

:

(1) (A) The amount to be paid to YÖDAK president and members is to be determined by the Council of Ministers with the proviso that the salaries paid to professors in their host universities are to be taken into consideration, and/or

(B) Considering the salary a full time professor receives in their host universities, the salaries to be paid to YÖDAK president and members employed full-time on a contractual basis will be determined by the Council of Ministers.

(2) Upon completing their service, YODAK president and members receive a compensation calculated by multiplying the monthly salary and/or an honorarium equivalent to a monthly salary for every year of service they completed. For the remaining months, pro-rata method is applied.

CHAPTER FOUR

Interuniversity Academic Coordination Board

Establishment of 20.
the Inter-
university
Academic
Coordination
Board and its
Duties

(1) The Inter-university Academic Coordination Board consists of two elected members from each university, the university rectors or their representatives. Each university determines its two elected members are from among full-time members elected by vote.

(2) The Inter-university Academic Coordination Board meets at least twice a year to a set agenda upon a call from YODAK and with YODAK chairing the meeting.

(3) The Inter-university Academic Coordination Board is an academic organ fulfilling the following obligations:

(A) To establish principles concerning the criteria for doctoral degrees and academic titles of Assistant Professor, Associate Professor and Professor, and forming the examining committees.

(B) To establish the principles to evaluate the doctoral degrees and the academic titles of Associate Professor and Professor received abroad, and to decide on their equivalency;

(C) To determine the two members to be appointed to YÖDAK;
and

(D) To fulfill its other obligations assigned by this Law and YÖDAK.

CHAPTER FIVE

Principles Concerning the Duties of Institutions of Higher Education

Duties of
Institutions of
Higher
Education

17/1986
10/1987
40/1992
53/2002

21. In accordance with the aims and basic principles of this Law and the National Education Law, the duties of the institutions of higher education are as follows:
- (1) In a manner befitting the principles of contemporary civilizations, teaching and learning, and in line with the needs and development plans of the society, carry out educational activities, scientific research, engage in publications and give advising services depending on various levels of secondary education;
 - (2) Parallel to the state development plans, planning and programming made in accordance with the aims and principles of YÖDAK, so as to train the human power very much needed in areas that require human power and individual's need for development, while at the same time considering the trends in the world;
 - (3) To disseminate scientific data that would help raise the living standards of the society and enlighten the public through verbal, written or other means of communication;
 - (4) 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.
 - (5) To conduct within the scope of educational activities, formal, informal, continuing, open and distance education services compatible with its own principles of establishment and/or contribute to institutions engaged in such activities;
 - (6) To conduct extensive research to find solutions through scientific means to all matters related not only to social, economic and cultural issues but to general and technical education as well; and to engage in publications to enlighten the society on these issues through verbal, written and similar means of communication;
 - (7) To conduct studies and make programs that would help modernize services and increase productivity; cooperate with institutions related to these, and to suggest solutions to solve environmental problems;
 - (8) To be involved in scientific research and development activities, to produce and/or develop technology and evaluate the findings for practical application and to

- prepare significant applicable projects;
- (9) To conduct scientific education at various levels and in areas relevant to societal needs;
- (10) To organize national and international congresses, conferences, seminars, panels and similar activities and to encourage and/or secure participation in such meetings;
- (11) To examine the issues affecting the development and progress of the country from various perspectives and conduct a research study presenting the findings and the recommendations to the public at large; and
- (12) To make the necessary arrangements, make decisions and put into action so as to harmonize higher education in our country with the criteria of “European Higher Education Area” which is planned to be formed in the year 2010 in accordance with the Bologna Process.

CHAPTER SIX Academic Organization of Universities

Part One University Organs

- | | | |
|---|-----|---|
| University
Organs | 22. | <p>University organs are as follows:</p> <p>(1) (A) Rector’s Office;
(B) Senate; and
(C) University Executive Board.</p> <p>(2) Universities can establish their own organs other than the ones specified in section (1) above on the condition that they provide their underlying factors for inception, their aims and working principles in their founding laws and by-laws.</p> |
| Rector’s Office,
Rector and Vice-
Rectors | 23. | <p>(1) The Rector’s Office is the executive organ of a university, and consists of the rector, vice-rectors, secretary general and other top ranking administrators defined in their own founding laws or founding by-laws.</p> <p>(2) Rector is the representative of the juristic personality of the institution of higher education. The appointment/removal from office and terms of office are determined by the founding laws and by-laws of universities. A rector should be a professor.</p> <p>(3) The rector appoints vice-rectors to assist him/her in running the affairs of the university; the number and terms of service of vice-rectors are defined in their own founding laws and bylaws..</p> <p>(4) In his/her absence, the Rector appoints one of the Vice-Rectors to act as acting rector. If the acting rectorship lasts for more than</p> |

- six months, a new Rector is appointed based on the rules specified in section (2) above.
- Duties, powers and responsibilities of the Rector
24. The duties, powers and responsibilities of the rector are as follows:
- (1) To ensure that the establishment and working objectives of all the boards founded in compliance with the founding law and by-laws of the university are materialized and that the plans, programs, reports and resolutions of the Senate are implemented;
 - (2) To chair the university executive board; to govern the university compatible with the resolutions of the authoritative bodies and the objectives of the university.
 - (3) To observe, evaluate and supervise/audit the working conditions, productivity, standards of both the corporate bodies and units in the university and the efficiency of the academic and administrative personnel;
 - (4) To report to the Senate, Board of Trustees or Executive Board, at the end of each academic year, and whenever necessary, on the university's academic activities as regards education, research and publication;
 - (5) To submit the university investment programs, budget and personnel needs prepared by the university executive board to board of trustees or administrative board;
 - (6) To attend the board of trustees or administrative board meetings;
 - (7) To ensure and develop collaboration, coordination and cooperation between the institutions attached to the university; and
 - (8) To fulfill the duties vested on him with this Law and/or the founding law or by-laws of the university and use full power
- The Composition of the Senate, Duties, Powers, Responsibilities, and Meetings
25. (1) Within the framework of the founding laws and by-laws of each university, the Senate is composed of the university administrators, and faculty members and students who are elected separately to be the representatives of their body at the Senate. Vice-Rectors may attend the meeting but have no right to vote. Student representatives will be called to meeting where the issues to be discussed would be basically related to them, and they have a right to cast their vote.
- (2) Senate is the university's highest academic organ. The duties and powers of the Senate are as follows:
- (A) To decide on the principles relating to the university's educational programs, research, and publication activities;
 - (B) To prepare by- laws and regulations and other

governing rules concerning the academic affairs and working environment at the university;

(C) To examine and decide on the minimum teaching hours and duration of the teaching-learning programs and the academic calendar taking into account the suggestions raised by the different units attached to the university;

(D) To examine and decide on the objections raised against decisions of the faculty boards and of the institutes and schools attached to the office of the Rector.

(E) To make the academic strategic planning for the university, decide on the academic performance criteria and establish a rewarding system.

(F) To award honorary academic titles (no examination being required); and

(G) To fulfill the other obligations assigned to him by this Law and the founding law and by-laws of the university.

(3) The Senate meets at least four times a year, i.e., at the beginning and end of every academic term. If he/she deems necessary, the Rector calls for a meeting of the Senate.

(4) Upon a written petition signed by one third of its Members, the Senate can be called to an urgent meeting.

The composition of the University Executive Board, Duties and Responsibilities

26. (1) Under the chairmanship of the Rector, the University Executive Board, which is a decision-making organ on administrative and financial matters vested with full Power, consists of the university administrators and elected representatives in compliance with the founding laws and by-laws of the university.

(2) The University Executive Board has the following duties and responsibilities:

(A) To implement the decisions of the Senate and governing bodies of higher education in line with specified plans and programs and take necessary measures;

(B) To prepare plans and programs related to the activities of the university and ensure they are implemented and applied,

(C) To take into consideration the proposals of the constituent units of the university, to examine the investment program, personnel needs and budgetary draft proposals and submit it through the office of the Rector to the board of trustees or administrative board for approval.

(D) To examine and reach a final decision concerning objections raised against the decisions of the Faculty,

Institute or School Administrative Boards.

(E) To decide on matters brought up by the Rector related to university administration;

(F) To distribute the approved budgetary allocations among academic units;

(G) To function as the personal status committee or to form committee or committees to work on these matters;

(H) To assign administrative personnel to other units in the university upon the recommendation of the rector if deemed necessary;

(I) To assign temporarily, when deemed necessary, faculty members to other units in the university upon the recommendation of the rector and approval of the unit they are attached, and provided the new assignment is compatible with the area of study of the faculty members; and

(J) To fulfill other duties assigned by this Law and the founding laws and by-laws of the universities.

(3) University Executive Board meets at least once a month under the chairmanship of the rector. The Board can be called to an urgent meeting by the rector or one third of the board members. The quorum for University Executive Board meetings is absolute majority, and decisions are taken by absolutely majority of those that attended.

Part Two Faculty Organs

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| Faculty Organs | 27. | The following are the Faculty organs:
(1) Dean
(2) Faculty Board;
(3) Faculty Executive Board. |
| Appointment of the Dean,
Removal from Office, Duties, Powers and Responsibilities | 28. | (1) The Dean is the representative of a Faculty and its units. The procedures for appointment/removal from office and term of office are determined by the founding laws and by-laws of the respective universities. The dean should at least hold the title of an associate professor.
(2) The Dean appoints Vice-Deans to help him/her in his/her work whose number and term in office are determined by principles set forth in the founding laws and by-laws of the university. One of the vice-deans acts as acting dean in his/her absence.
.
(3) The Duties, Powers and Responsibilities of the Dean are as follows:
(A) To represent the Faculty; |

- (B) To chair the faculty boards and implement their decisions;
- (C) To maintain coordination and productive working environment among the constituent units
- (D) To ensure the orderly implementation of teaching-learning, scientific research and publication activities;
- (E) To report at the end of each academic term to the faculty board, university executive board and the senate the general situation and functioning of the Faculty;
- (F) To present to the office of the Rector the rationale for the budgetary requirements of the Faculty, taking into consideration the views of the Faculty Administrative Board concerning the budget;
- (G) To present to the office of the Rector the views of and decisions taken by the faculty board that are to be presented to the senate in accordance with the laws and bylaws;
- (H) To supervise and control the constituent units and personnel at every level of the faculty;
- (I) To take the necessary measures for the provision of needed for the students social and cultural development;
- (J) To perform other duties assigned by this law and/or the founding law and by-laws of the university.

The
Composition of
the Faculty
Board, Duties
and Powers, and
Meetings Styles

29. (1) The Faculty Board is composed of the faculty administrators and faculty members to be elected from among them in accordance with the laws and by-laws of the respective university.
- (2) Faculty Board is an academic organ with the following duties and powers:
- (A) To decide on the educational program, research and publication activities of the faculty and the main principles thereof, the plans and programs thereto related;
 - (B) To present to the office of the rector recommendations regarding the opening of new departments in faculties, merging of existing departments or their closing.
 - (C) To present to the senate, following the board decision, the courses to be taught in the departments, new courses to be added, cancelled or rescheduled;
 - (D) To present to the office of the rector the number of students to be admitted following the calculations made based on the capacity of the faculty and the planning of human power;
 - (E) To decide on issues related to student admittance to the

institution, finding the course equivalents, procedures related to teaching-learning and examinations, withdrawal, freezing and other similar matters; and

(F) To fulfill the other duties assigned to it by this Law and/or the founding law and by-laws of the university.

(3) The Faculty Board usually meets four times a year, i.e., at the beginning and end of each academic term. The dean may call the faculty board to a meeting when deems necessary.

(4) The faculty board can be called to an urgent meeting upon a written signed demand by one third of the board members.

The
Composition
of the Faculty
Executive Board,
Duties, Powers
and
Responsibilities

30. (1) Under the chairmanship of the Dean, the Faculty Executive Board consists of the department chairs, and directors of institutes and schools attached to the faculty (if available) and faculty members elected in accordance with the principles stated in the founding laws and by-laws of respective university.

(2) The Faculty Administrative Board has the following powers and duties:

(A) To implement the decisions taken by the senate, university executive board and faculty boards;

(B) To prepare a draft budget in line with the decisions of the department boards;

(C) To present to the office of the rector a report, including its own views, after examining the new academic personnel requirements submitted by faculty boards;

(D) To establish temporary study-groups and teaching-learning coordination units when deemed necessary, and regulate their duties;

(E) To make decisions on other matters related to the faculty brought up by the dean; and

(F) To fulfill other duties assigned by this law and the founding laws and by-laws of the university.

Appointment of
Department
chair, Removal
from Office,
Duties, Powers
and
Responsibilities

31. (1) Department Chair is the head of the learning-teaching, research and application unit of faculties or schools;

(2) The principles concerning the department chair's appointment, removal from office, term in office are all specified in the founding laws and by-laws of each university. Holding the title of an assistant professor in the related field is a minimum requirement to be appointed to this position.

(3) The duties, powers and responsibilities of the department chair are as follows:

(A) To chair the department boards, to implement the

decision taken by the board, to execute the learning-teaching and research activities in the department in an orderly and productive manner, and provide equal opportunities to all faculty members in these areas; and

(B) To present to the office of the dean or institute the needs of the undergraduate and graduate students after consulting the views of the chair of the major science division, and obtaining the decision of the department board.

Composition of the Department Board, Duties and Powers, Frequencies of Meetings

32.

(1) Department Board is formed based on the principles specified in the founding law and by-laws of each university and includes the departmental administrators, full time faculty members and the student representative.

(2) The duties and the powers of the department board are as follows:

(A) To determine the learning-teaching, scientific research, publication and, if available, revolving fund activities of the department, planning the principles of these activities and scheduling these activities;

(B) To prepare investment plans and draft budgets;

(C) To make decisions on issues concerning the managing of the department brought to the agenda by the department chair; and

(D) To fulfill other duties assigned by this law and the founding law and by-laws of the respective university.

(3) The following are the principles concerning the frequency of meetings:

(A) The department board meets at least three times in an academic term and when the department chair deems necessary.

(B) The department board could be called to an urgent meeting with a petition signed by at least one third of the board members.

Part Three Institute and School Organs

Organs of the Institute, Duties, Powers and Responsibilities

33.

(1) The organs of the institute are the director of the institute, the institute board and the institute executive board.

(2) The appointment/removal from office, terms in office of the director are all determined by the founding laws and by-laws of the respective university. The condition for being

appointed as an institute director, the candidate should hold the title of at least an assistant professor.

- (3) The institute director elects maximum two assistants for a period of three years from among the full time members of the departments that offer programs in the institute.
- (4) The procedures to follow in serving as the acting director or if a vacancy occurs, are the same as those for the deanship.
- (5) The institute director performs the duties assigned by this law to the dean from the standpoint of the institute.
- (6) The Institute Board is comprised under the chairmanship of the institute director of the department chairs with programs running under the institute, and representatives determined by the founding laws and by-laws of the respective universities.
- (7) The Institute Executive Board is comprised under the chairmanship of the Institute Director of members elected by the Institute Board according to the founding laws and by-laws of the respective universities. .
- (8) The Institute Board and the Institute Executive Board perform the duties assigned by this law to the Faculty Board and the Faculty Administrative Board.

Organs of
Schools of
Higher
Education,
Duties, Powers
and
Responsibilities

- 34.
- (1) The organs of the schools of higher education are the Directors of schools of higher education, their Boards and Administrative Boards.
 - (2) The Director of a school of higher education is appointed according to the founding laws and by-laws of the respective university. The School director should at least hold the title of an assistant professor.
 - (3) The Director has at most two assistant directors whom (s)he appoints from among the full-time teaching staff of the school of higher education in accordance with the founding laws and by-laws of the university.
 - (4) 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.
 - (5) Within the framework of the schools of higher education, the Director performs the duties assigned to the Deans by this law.
 - (6) The Board of a school of higher education meets under the chairmanship of the Director and consists of the heads of the departments or sections of the school of higher education and elected faculty members of these sections where the election is made in accordance with the founding laws and by-laws of the university concerned.
 - (7) The Executive Board of a school of higher education meets under the chairmanship of the Director and consists of the

heads of the departments or sections of the school of higher education and elected faculty members of these sections where the election is made in accordance with the founding laws and by-laws of the university concerned.

- (8) Within the framework of the school of higher education, the Board and the Executive Board of the school of higher education perform the duties assigned by this law to the Faculty Board and the Faculty Administrative Board.

Chapter Seven

Principles concerning educational staff

- Qualifications of Teaching Staff Members and their Personal Rights 35.
- (1) Provided the special qualifications proposed in clause (2) of this article concerning the teaching staff members are maintained, the following general qualifications are required:
- (A) Not to be deprived of public rights
 - (B) Not to be convicted for any kind of shameful offence.
 - (C) Not to have any physical or mental handicap to perform the duties the position requires.
- (2) In addition to the general qualification specified in clause (1) above, they should also carry the special qualifications based on their academic career and experience as required by the teaching position they will be appointed to and as specified by the founding laws and by-laws of the universities.
- (3) Teaching staff members are appointed based on the provisions of this law and the principles of the founding laws and by-laws of the respective university.
- (4) Teaching staff members can be employed on a part-time or a full-time basis.
- (5) It is mandatory that at least two fifths of the teaching staff members to be employed by institutions of higher education should be full-timers.

Chapter Eight

Education and Rules-Regulations related to Students

- Education and Duration 36.
- (1) Associate degree, undergraduate and post-graduate programs are offered at the institutions of higher education.
- (2) Institutions of higher education can perform their educational activities through formal, informal, continuous, and open and distance education systems.
- (3) The medium of instruction in all the institutions of higher education is English. However, it could be conducted in

Turkish or in other languages in programs and/ or courses determined by the board of trustees or the executive board, and upon the approval of YODAK.

- (4) Institutions of higher education can offer summer school in addition to their fall and spring terms. All arrangements related to summer schools are under the discretion of the university concerned.
- (5) All principles concerning the exams, criteria for passing the courses, and the duration of the education will be determined by the “Education and Examination By-laws and Regulations” to be prepared by each institution of higher learning and also obtaining the views of YODAK.

Admission to
Higher
Education

37.

- (1) The following minimum conditions are required for admittance to universities:
 - (A) To be a graduate of a high school or its equivalent and to submit affidavit(s) of support.
 - (B) For TRNC nationals:
 - (a) To be successful in the criteria determined by the Ministry involved in educational matters, Interuniversity Coordination Board and YODAK and to be placed to a program in a university; or
 - (b) To be successful in internationally accepted exams (International Baccalaureate, GCE, IGCSE, SAT or similar level qualifications) at the level approved by YODAK for admittance.
 - (C) The nationals of the Turkish Republic should be placed to a program in a university based on their results in the entrance examination conducted by the Student Selection and Placement Center
 - (D) Students other than TR and TRNC nationals are admitted to a program in a university based on the criteria set forth by the university in line with the provisions of this law and approved by YODAK.
- (2) It is mandatory that the minimum criteria set by YODAK should be considered for admitting candidates to the Master’s and Doctoral Programs.
- (3) It is mandatory that the criteria determined for vertical or horizontal transfer between institutions of higher learning or programs should be observed.
- (4) In addition to taking the entrance examinations, the student should submit supportive documents indicating his/her

proficiency in the foreign language or be successful in the proficiency examination administered by the university.

- (5) Those who fail to submit supportive documents to indicate their foreign language proficiency or those who do not demonstrate success at the desired level in the Proficiency exam administered by the university, have to attend the preparatory school/program and only upon successful completion of this school/program, will they be allowed to register to the degree program.
- (6) Reasons and governing rules leading to a student's dismissal from the university due to failure, lack of attendance, discipline and/or similar matters are prepared taking into consideration the views of YODAK, by the universities and stated clearly in their by-laws or regulations.
- (7) The university governing rules clearly state, observing the principles of transparency, equality and justice, the student's right to appeal to the decisions, and the procedures and processes of how he/she will defend him/herself.
- (8) Other rules pertaining to admission procedures and other matters related to students in institutions of higher learning excluding universities are specified in their own founding laws and by-laws.

Chapter Nine Financial Provisions

Sources of Income

38. Sources of income of higher education institutions are as follows
- (1) Fees and payments received from students;
 - (2) Dormitory fees received from students;
 - (3) Income from movable and immovable property or from property allocated to the university
 - (4) Income from publications and sales;
 - (5) Profits from the enterprises of the revolving fund;
 - (6) Donations, bequests and sundry; and
 - (7) Income from promotions and sponsors.

Financial Facilities

39. Following are the financial facilities provided to universities :
- (1) All donations and bequests which are made to higher education institutions are exempt from taxation, duties, stamp duties and fees.
 - (2) Payments made for the purchase of the materials needed for education, administration and investment are exempt from

- stamps, customs and duty.
- 24/1982
11/1985
67/1987
16/1989
20/1990
22/1991
14/1992
63/1993
21/1995
1/1997
4/1998
16/1998
3/1999
14/2001
41/2002
58/2003
73/2003
13/2005
- (3) 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.
- (4) The conditions, provisions and principles for State subsidy to institutions of higher education are determined by by-laws to be prepared by the Ministry and approved by the Council of Ministers.

Auditing by
the Court of
Accounts

40. The Court of Accounts audits the compatibility of the expenditures of YODAK to the provisions concerning the budget and budgetary applications.

Chapter Ten The Founding and Working Principles of Higher Education Institutions

Founding
Principles of
Higher
Education
Institutions

- 41.
- (1) Higher Education Institutions with scientific autonomy and public juristic personality can be established with the Power openly given by a special law or this Law.
- (2) The manner of administration and the organs of Higher Education Institutions that do not fit into the definition of a university will be determined by by-laws prepared by YODAK and submitted to the Council of Ministers by the Ministry.
- (3) The establishment and educational activities of these higher education institutions are materialized in compliance with the by-laws to be executed by this Law.
- (4) Education at Institutions of Higher Education is fee-based.
- (5) The Institutions of Higher Education conduct all their work and activities within the framework of the principles proposed in this Law, and under the close supervision and auditing of YODAK.
- (6) The founding by-laws of institutions of higher education are prepared by YODAK and submitted to the approval of

the Council of Ministers by the Ministry, and goes into effect following their publication in the Official Gazette.

- (7) Institutions of higher education can obtain revenues in order to give services and make the necessary investments to raise the quality of education and meet the human power needs of the country in compliance with the principles and main objectives proposed in this Law and the general objectives of National Education. Furthermore, they take the necessary measures on matters related to accommodation (dormitories), sports and cultural activity centers based on the capacity of the institution.

The composition of the Board of Trustees or Administrative Board and Working Principles

42.

- (1) The Board of Trustees or the Administrative Board is the highest organ in institutions of higher education. The president and the members of the board of trustees and the administrative board are appointed in accordance with the founding laws and by-laws of the universities and YODAK is informed about the appointments made.
- (2) The Board of Trustees or the Administrative Board consists of at least seven members including the president. The Rector attends the Board of Trustees or the Administrative Board meetings. The by-laws concerning the working principles of the Board of Trustees or the Administrative Board are prepared by YODAK, and submitted to the approval of the Council of Ministers and goes into effect following their publication in the Official Gazette. .
- (3) The Board of Trustees or the Administrative Board employs, approves the promotion or removal from office of the administrative and academic staff based on the propositions made by the university authorities, and accepts the budget of the institution of higher education and follows their implementation. Determines the tuition fees students have to pay. Furthermore, executes the other duties specified in the provisions of the rules and regulations prepared by the founders of the university and/or founders of the foundation. The decision making and *ita* powers of the Board of Trustees or the Administrative Board can be handed over to the Rector or the University Executive Board stipulated by their own founding laws and by-laws.

Conditions for opening an Institution of Higher Education and/or

43.

- (1) It is mandatory that in order to establish a higher education institution or to open new faculty, department, school, preparatory school or other units attached to the institution of higher education, an “initial permission” has to be obtained from the Ministry, and for commencing

a Unit and for commencing educational activities

educational activities permission has to be obtained from YODAK.

- (2) “Initial permission to establish” needs to be obtained from the Ministry and “permission to start education” has to be obtained from YODAK. The application procedures and the rules related to how to obtain these permits to be prepared by YODAK are determined by the by-laws submitted to the Council of Ministers by the Ministry for approval.
- (3) Following the “initial permission” granted by the Ministry, to process and evaluate the application and/or to start the accreditation procedures, it is sent to YODAK within 15 days. To obtain “initial permission” and/or “permission to start teaching/learning activities” they have to abide by the principles and procedures stipulated by this law.
- (4) Any institution that has obtained the “initial permission” has to fulfill its obligations as regards opening an institution of higher education and/or a department or program attached to it within a period of two years. Those who fail to do so, will have their “initial permission” cancelled. The application can be repeated only after a period of one year.
- (5) The “initial permission” or the “permission to launch teaching/learning activities” will be terminated for those who establish institutions of higher education or start teaching/ learning activities without obtaining any permission, or those who act in a manner contrary to the objectives of National Education, or those who still continue with their teaching/learning activities in spite of having their license cancelled or in spite of being shut down, they will be subject to the following procedures:
 - (A) In the event that those who establish new institutions of higher education or those who add new faculties, departments, programs, schools or preparatory school to already existing institutions or start educational activities without obtaining the initial permission, cannot benefit from the rights specified in Article 14 nor from the exemptions specified in Article 39 of this Law.
 - (B) In the event that learning/ teaching activities are conducted contrary to the objectives of national education, the “initial permission” and the “permission to start educational activities” are terminated.
 - (C) In the event that institutions of higher education pursue their teaching/learning activities despite having their permits cancelled or terminated, they cannot benefit from the rights specified in Article

14 nor from the exemptions specified in Article 39 of this Law.

In the event that the institutions of higher education with terminated licenses or shun from all functions produce graduates, then these graduates cannot benefit from the rules specified in Article 14, clause 2 of this Law. Students, who were registered before the license termination or shutting down process, will be given opportunities to transfer to other universities.

- (6) In the event that the activities of a university are temporarily suspended. or permanently terminated, the students, teaching faculty and all documents of the institution shall be transferred to YÖDAK.
- (7) It is the responsibility of YODAK to inform the Presidency and the Ministry about the newly opened, closed or annulled institutions of higher education.

Chapter Eleven Transitional Provisions

Transitory
Article:
YODAK
members'
temporary stay
in office
2/1993

1. (1) Following the publication of this Law in the Official Gazette, new YODAK members will be appointed in three months.

However, until new YODAK members are appointed based on the provisions of this Law, the YODAK members that are composed in compliance with the Institutions of Higher Education Founding, Duties, Auditing and Accreditation Law will continue performing their duties, with the power and responsibility assigned to them by this Law.

- (2) The Interuniversity Academic Coordination Council and the Republican Assembly contingency stipulated by this Law, will be from among the old YODAK members assigned temporarily until the new YODAK is formed.

Transitory
Article:
Compatibility
with the new
Law

2. The existing Institutions of Higher Education have to act in compliance with this Law and make their own laws in compatible with this Law in the two years following the date of publication of this Law in the Official Gazette. The "initial permission" will be terminated if the provisions of this Law are not observed. During the period of the termination, the institution of higher education cannot benefit from the financial facilities specified in Article 39 nor from other rights granted by this Law.

Transitory
Article:
Covering the

3. Starting from the date of publication of this law in the Official Gazette, all the revenues and expenditures of the newly formed YODAK will be shown in the budget of the President's Office

Expenditures of YODAK during the fiscal year 2005

during the 2006 fiscal year.

However, until the 2006 fiscal year Budget Law is passed, all the expenditures of YODAK during the 2005 fiscal year will be met from the Budget of the Ministry.

Chapter Twelve Final Provisions

- | | | |
|---|-----|--|
| Power to Prepare By-Laws | 44. | The Council of Ministers enjoys the power to prepare by-laws to facilitate reaching the objectives stipulated by this law. The by-laws projected by this Law will be prepared by YODAK and submitted by the Ministry to the Council of Ministers for approval. |
| Annulment 2/1993 | 45. | As of the date this Law goes into effect, "Institutions of Higher Education Founding, Duties, Auditing and Accreditation Law" will be annulled. Until the by-laws stipulated by this Law are prepared, the by-laws of the mentioned law will be in force. |
| Institutions of Higher Education established or to be established by international agreements | 46. | Institutions of Higher Education established or to be established by international agreements will perform their functions in collaboration with YODAK within the framework of their own laws. |
| Power of execution | 47. | This Law is executed by the President. |
| Entry into Force | 48. | This Law will go into force as of the day of publication in the Official Gazette. |