

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

UNIVERSITY FREEDOM IN TURKEY

Semiyha DOLAŞIR PhD.

Ankara University

School of Physical Education and Sport

06100 Tandoğan ANKARA

Tel:+90 312 221 16 01/146

Fax: +90 312 212 29 86

sedolasir@hotmail.com

sedolasir@gmail.com

16 **UNIVERSITY FREEDOM IN TURKEY**

17

18

19

Abstract

20

21

22

23

24

25

26

27

28

29

30

31

32

Key Words : Scientific freedom, administrative freedom, financial

33

freedom

34

35

36

37

38

39

40

41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65

INTRODUCTION

The universities have had their positions as local service units since the middle ages. During this time period, scientific investigation and teaching activities and the freedom of those who do these activities have gone through evolution, continuously. Even though the idea of “whoever owns the country owns the university” has been in possession during autocrat regimes in the history, these temporary periods have not been able to step the freedom of universities from being developed.

Universities must have a free structure in order to do their public duties such as scientific, technical and cultural. The meaning of university freedom is that the universities have the authority of doing the scientific activities through their organs and can regulate the higher education freely and do it.

The university which should be free from the standpoint of its structure, duties, organs, programs and activities must have three basic characteristics for freedom. The university looks like a table with three feet. The absence of one foot causes the collapse of this table. Scientific freedom, administrative freedom and financial freedom make up the feet of university freedom.

UNIVERSITY FREEDOM

“Freedom” means the higher education institutions’ taking decisions about inner functions, financial functions and administration and developing politics in education, research in outside activities and other related activities (Özalp, 2002).

66 All higher education institutions try to make sure individuals' economics, social and
67 basically political rights are realized and science and technology do not harm and they are not
68 abused.

69

70 These institutions direct their interests to the modern problems the society has. With
71 this goal these institutions' programs and activities respond to the needs of society as a whole.
72 All higher education institutions, similar institutions and the individuals in them should act
73 together when they are under pressure. This act should be materialistic and emotional and
74 should include education employment opportunities. All higher education institutions should
75 try to prevent scientific and technological dependency and provide that all academic units have
76 equal position in gaining knowledge and using them. These institutions should encourage and
77 international academic cooperation which overcomes local, politics or such handicappes (Özal,
78 2002).

79

80 To benefit from the academic freedom as needed and obey the above mentioned
81 responsibilities, the higher education institutions should have high level freedom. States are
82 responsible for not to interfere with the freedom of higher education institutions and to prevent
83 the higher powers of the society from interfering to these institutions.

84

85 All the administrative organs of the higher education are elected freely and include
86 responsibilities from different parts of academicians. Freedom should include the decisions
87 related to determination of politics on education, research, outside activities, utilizing the
88 research and other activities (Human Rights Universal Announcement Meeting)

89

90 University freedom includes scientific, administrative and financial freedom and can
91 not be thought separately.

92 a. Scientific Freedom : University scientific freedom is necessary for faculty members
93 and assistances' freedom and on the other side regulating the scientific studies of
94 the university organs. This is very important for the development of university
95 creativity. A university that is far away from creativity noting more than a school
96 no matter what its name is.

97 b. Administrative Freedom: First of all, it requires that the universities and faculties
98 have public personality. Besides, administrative freedom expresses that the
99 universities be administered by organs elected by themselves.

100 c. Financial Freedom: It includes the authority of the university public responsibility
101 to be able to spend money by the units unique to itself.

102 As a result of these characteristics, the university profile which is aimed to reach is as
103 follows:

- 104 1. It should raise people who have a wide thought network, ask for their rights and
105 know how to project the rights they gained.
- 106 2. It should raise citizen who seeks the truth with free thought and does good to the
107 society in this direction.
- 108 3. It should be on the front of the society and should carry the modernity.
- 109 4. It is a free organization whose the scientists work freely, are not afraid of criticism
110 and can criticise freely, are able to express their thoughts freely, dependent to the
111 democratic election criteria, the organs are not formed by the public authority.
- 112 5. University is a non-profit organization.

113

114 The main goal in higher education is to raise individuals who have the ability to think
115 independently and creatively, who can question, researcher, who has gained useful knowledge
116 for himself/herself, society and humanity and who are intelligent. Such teaching can only be
117 carried out in the higher education institutions that investigate, produces science, contribute to
118 the development of technology, support continuously doing research and producing science,
119 has academic, administrative and financial freedom. In addition to teaching functions, higher
120 educations institutions, produce solutions about important national and universal issues. The
121 request is not necessary for these functions. Moreover, it is expected from the higher education
122 institutions that they describe such issues (TÜBA, 1996).

123

124 The meaning of the university freedom is the right of a society or organization to
125 administer itself. It is the security of the university that state provides against the ideology and
126 the aims of political power.

127

128 International Universities Association determined the freedom criteria at the meeting
129 hold in 1965 in Tokyo:

- 130 1. University should do all elections and appointments itself.
- 131 2. The selection of the students should be done by the universities.
- 132 3. The university should be able to prepare the educational programs itself .
- 133 4. The university should be able to regulate the research programmes itself.
- 134 5. The university should be able to utilize its budget as it wishes in the borders
135 of its authority.

136

137 The idea of “ free and democratic university” can be realized with a “self
138 administration” that is requires the affective and active participation of teaching staff, student,

139 researcher, personel and all of the academic society members. This understanding should be
140 realized inside of the univs and all the administrators should be elected with the participation of
141 the whole university components with democratic ways (TUBA, 1996).

142

143 To develop politics which will support scientific educations with universal principle
144 and methods, free thought, developing and supporting national and international academic
145 cooperation, should be the priorities of the university administrators.

146

147 **EVALUATING UNIVERSITY FREEDOM IN TURKEY IN**
148 **THE FRAME OF RELATED LAWS**

149

150 During the republic period, Darülfünun was given a great importance with a paper
151 publisher in April 1, 1925 it was given public representation and administration with joined
152 budget rights and this organisation was separated from the NEM from scientific point of view.
153 With this law, university freedom has been realized the first time in our history. However,
154 despite this right and freedom given to Darülfünun with 1925 regulation this institution was
155 not able to realize the development and progress and 1933 a regulation was done with law
156 2252 in order to get rid of the problems arisen because of the negative position this institution
157 was taken for revolutions (MEB, 1998).

158

159 **1933 Reform and Law Number 2252**

160

161 İstanbul Darülfünun was closed and İstanbul University was established with law
162 number 2252 in order to set the modern university the Republic brought. In this law;

163 Number 2 “ National Education Ministry, starting August 1, 1933 was given the right
164 to establish a new institution named İstanbul University...”

165

166 With number 2 İstanbul University was responsible to NEM and academic and
167 administrative freedom was finished which was given in 1925.

168

169 Number 5 “For the period August 1, 1933 and May 31, 1934 of the university which
170 will be established according to law number 2, the appointment of faculty members,
171 administration and foreign experts belongs to Ministry of National Education...”

172

173 With the law number 5, the university has been set free from the authority of
174 appointing faculty members, administration and foreign experts for itself. In the frame of same
175 law, the president of the president is appointed by the suggestion of the NEM and approval of
176 the President of the country. One of the freedom criteria is doing all the appointments and
177 elections itself related to the university. Those have been prevented with this law.

178

179 * The information in this section has been put together from the publication of National
180 Education Ministry named “Higher Education in the 75. year of Republic” and related laws
181 (2547) and 1961and 1982 Constitution

182

183 **1946 Reform and University Law Number 4936**

184

185 In the criticism after 1933 reform, it has been stated that İstanbul university did very
186 important progresses, in the mean time could not do many important duties. Functioning of the
187 university according to the principles of democratic society has been forseen as responsibility

188 for the society in order for the democracy to set roots. To put it different, university “should be
189 free in all functions” and should provide necessary environment for the faculty members and
190 staff to work in certain rules and with certain rights. For this reason, in order to speed up the
191 process of being democratic, the universities law number 4936 has been regulated. In this law:

192 Law number 1: “Universities are higher science, research and teaching units formed of
193 faculties, institutions, school and scientific organisations with freedom and public
194 representation. In the general freedom and public representation of each university, the
195 faculties that form the university has science and administration freedom and public
196 representation according to this law”.

197

198 With this law, the scientific and administrative freedom has been given to the
199 universities that was taken away with 1933 reform.

200

201 Law number 12 : “The president of the university is selected by the faculty professors
202 juri for two years and he/she should be from a different faculty for each election period”.

203

204 After election of the candidate proposed by NEM in 1933 reform, the university has
205 had a greate process by electing the president of the university by itself. With general
206 dimensions of law number 4936:

207

208 - Universities have reached scientific and administrative freedom,

209 - Universities have been given to the control of the administrators elected by themselves,

210 - The duties of the universities have been determined in details,

211 - Educating the teaching staff with certain standards has been provided,

212 - Doing teaching activities’ productive and accoding to the country realities has been provided.

213

214 1946 universities law has formed a university structure with functions with democratic
215 rules and does not allow outer interference. 1960 revolution has harmed university freedom but
216 with 1961 constitution, university freedom has been guaranteed again. As result, “university”
217 concept, has been found a place first time in 1961 constitution. Constitution’s number 120
218 related to universities states : “Universities are public representatives with freedom. They are
219 administered by the organs which are elected by the faculty members and university organs,
220 faculty members and assistants can not be taken away by the authorities outside of the
221 universities”. However, with the student problems started in 1968 was taken as the reason for
222 March 12, 1971 military act and constitution number 120 has been changed to bring the
223 statement that the government can take measurements to prevent student problems. In this
224 frame, it was thought that the university law should be changed and June 20, 1978 the
225 universities law was formed.

226

227 **Universities Law Number 1750**

228

229 In the frame of this law, the university has been described as follows :

230 Number 2 : “Universities are higher science, research, teaching and publication units
231 with public representation and freedom which are made out of faculty, department, school,
232 institute and such units. Each university is a whole with the the units and organisations belong
233 to it. A university’s faculties have the public representation just like the university as the units
234 of it, whether other organisations that are part of the university should have or not public
235 representation is the decision of university senate”.

236

237 With this decription, administrative freedom is narrowed and it is stated that the
238 faculties make the university has public represantation.

239

240 Number 4 : “ Higher Education Council, in the concept of higher education wholeness
241 is the council which has the duty of doing necessary research and evaluation to direct the basic
242 principle and politics of state develepment plan and the needs of modern science and
243 technology provide the coordination among higher education institutions by absorving the
244 practices giving suggestions to the higher positions”.

245

246 Number 7 : “ University supervision committee Works to provide the super vision of
247 the state or the universities as it reports to the prime ministry. The committee is chaired by the
248 prime minister and the members are the ministry of education, ministry of justice, three
249 members chosen out of faculty members who worked as the presidents of the universities,
250 chairman of the state planning organisation are member chosen for three yeard out of those
251 who worked as deans at the National Security Council.

252

253 According to number 43 of the same law, opening of a faculty or school at university
254 is realized with the suggestion of the university senate and approval of the Ministry of
255 National Education. The foundation of a central structure was done with these rules. Hence,
256 the scientific supervision of the faculty members was done. In other words, narrowing of
257 scientific freedom was added to the administrative freedom narrawed by certain conditions.

258

259 In summary, with the 1973 reform, administrative freedom was narrowed at certain
260 condition with Higher Education Council that was established with responsibility of

261 administrating university and Supervision Council to supervise the university scientific
262 freedom was shadowed by providing the scientific supervision of faculty members.

263

264 **1981 Reform and Higher Education Law Number 2547 Higher Education**

265

266 Higher Education Council was established in November 4, 1981 in order to determine
267 the goals and principles of higher education and to regulate the Essentials as a whole related to
268 organisation, function, duty, authority and responsibility of higher education; education-
269 teaching, research, publishing, teaching staff, students and personnel. The structure is as follows

270 :

271

- 272 1. Among those who worked as rector and faculty member, 7 members selected by the
273 president,
- 274 2. 7 members selected by the Council of Minister among those work at higher
275 positions and retired,
- 276 3. 1 member selected by General Staff,
- 277 4. 1 member selected by minister of National Education,
- 278 5. 7 members selected by University Council among those professors and faculty
279 members who are not council member.

280

281 Higher Education Council is made up of a total of 24 members.

282 **Duties**

- 283 1. Determining the borders of university development, summer school, night and day
284 teaching and so on.

- 285 2. Making decisions to open or close faculty, institute, school at university and to give
286 them to the Minister of National Education.
- 287 3. Giving the budgets to the National Education Minister that are prepared by the
288 universities and higher units after supervising and approving them.
- 289 4. Examining the student number suggestions the universities will accept to their
290 programs and to determine the Essentials related to students selection and
291 acceptance.
- 292 5. Investigating the discipline of rectors and deciding, firing those who behave against
293 the regulations or transferring them to another unit.

294

295 **Other Organs**

296 Higher Education Supervision Committee: The committee that is part of HEC and
297 supervises the universities, the units that are parts of the universities and their functions in the
298 name of HEC. The president of the Higher Education Supervision Committee is appointed by
299 the president of HEC among the members of HEC.

300

301 University Council: It is an academic organ. It provides the coordination among
302 universities. This committee is necessary but it should be formed with the democratic election
303 done inside of the university.

304

305 **University Organs**

306

307 Rector : He/she is appointed by the president of the country among those candidates
308 who are determined by the faculty members who has the of professors.

309

310 Dean : The dean who is representative of the faculty and its units is selected and
311 appointed by HEC for three years among three professors from inside or outside of the
312 university proposed by the rector of the university.

313

314 Other organs of the universities are senate, univesity board of directors, faculty council,
315 faculty board of administrators.

316

317 A total of 83 change have been made out of 68 number of Higher Education Law 2547
318 and these changes have been destroyed many functions of the units related to the higher
319 education rather than adding positive points to the universities. Academic freedom of the
320 faculties and universities have been taken out and these units have been transported to HEC
321 with 1981 law. Universities have been given under to control of political authorities with HEC
322 which is under the control of political authorities.

323

324 With this law, all higher education institutions are regulates as a whole. Administrating
325 and supervising of this whole is given to HEC. The system put aside by the regulations of
326 HEC is authoritative, central, interfering and supervising. Even though HEC is formed and
327 described as a planning and coordinating organ, it has been background of the university
328 system (<http://.odtu.com.tr>).

329

330 With the functioning of HEC, university and schools have been put in a vertical
331 structure system. According to this, system forming to academic organs of universities, senate
332 and faculty council, is an appointment chain. Because of this reason, it is impossible to
333 mention the administrative freedom at universities.

334

360 education-teaching, scientific research, publication and advising related to
361 college teaching. This duty will also be realized by HEC. HEC is not with a
362 free structure therefore the universities can not be expected, either.

363 2. 1961 constitution number 120/4 gives the faculty members and teaching
364 staff right to freely do research and publish but this right is restricted with
365 1982 constitution number 130.

366 3. The political rights that were given to teaching staff and faculty with 1961
367 constitution number 120/6 are taken back with HEC law 2547 number 59.

368 4. Another difference between 1961 and 1982 constitutions is related to the
369 consistency of academic life. Law 2547 threatens the teaching staff and
370 faculty in a covered way. According to this law, if a faculty and teaching
371 staff is against the goals and general principles of higher education, he/she
372 can be transported to another higher education institution to be tried out or to
373 be fired with the suggestion of rector or according to the normal procedure. I
374 wonder if which academician will feel secure and in piece with such threat.

375 5. Another difference is with regulation 2547 education with tuition is set
376 through double education.

377 6. Also, while in 1961 constitution there is no regulation related to private
378 universities. 1982 foresees the establishment of private universities. Private
379 universities will give their annual activity reports to HEC and they will be
380 evaluated once a year.

381

382

383

384

385 **The Problems from the Point of Scientific (Academic) Freedom**

386

387 The meaning of academic freedom is, to search the knowledge, examining, discussion,
388 to produce, create, teach, explain or to write and gain, develop and progress of academicians.
389 Academic freedom is a pre-condition for the universities and other higher education
390 institutions to do education, research, administration and service. All members of the academic
391 society have the right to do their jobs without any discrimination and any pressure put by the
392 state or other unit on them (Yıldırım, 2002).

393

394 Scientific research and publication freedom make up the basic od scientific freedom.
395 The freedom of scientific research and publication freedom of individuals are regulated by
396 number 27 of the constitution. However, scientific freedom of universities is secured by
397 number 130 of the constituion.

398 “Number 130 - Universities that have academic freedom and have public
399 representation are established by state with law to educate people suitable for the needs of the
400 country and nation according to the principles of modern education-teaching; to do education-
401 teaching, scientific research, publication and advising related to college teaching. This duty
402 will also be realized by HEC. HEC is not with a free structure therefore the universities can
403 not be expected, either”.

404

405 Individual has the right to do scientific research, teaching and publication no only as
406 faculty member or academic public representative bu as an individual. However, university of
407 faculties should already have the freedom of art, to do scientific research and publish the
408 results of these research results as an academic public representative or a part of it. According

409 to the constitution court, scientific freedom requires a free working environment and
410 administration from the establishment of university to its functioning (Yıldırım, 2002).

411

412 The content of the universities' scientific freedom includes : faculty members and
413 teaching staff freely doing research, freely determination of teaching and testing programs,
414 faculties' numbers and application by faculties, realization of scientific supervision according
415 to the principle of self-supervision and oto-control.

416

417 A university administration similar to the administration stages at state would prevent
418 the thought production, free thought and free work. HEC law number 2547 organisation type
419 comes from a central understanding. Even though the above mentioned law number 3d states
420 that the universities have scientific freedom, other parts of the law has opposite statements.
421 For example, establishing departments research center, connecting and closing them is the
422 decision of Higher Education Council (Law 2547, Number 7/d-2).

423

424 Scientific freedom of the universities on the other hand, requires that establishing
425 department, research center and such, dosing, connecting them should be decided by the
426 university.

427

428 **Problems Lived from the Angle of Administrative Freedom**

429

430 The meaning of administrative freedom should be free for the administrative decisions.
431 Administrative freedom is a term used to express the ağabeylity of each unit to take applyable
432 decisions and has the right to apply them. The administrative freedom of universities means,
433 the administering and supervision of these units by the organs formed by democratic ways and

434 the faculty members and teaching staff of these organs not being taken away by outside of
435 university authorities what so ever (Yıldırım, 2002).

436

437 However, the point should not be forgotten is that the administrative freedom is given
438 to the faculty members and organs of the universities but not to the buildings. Before
439 September 12, university freedom was understood as the freedom inside of the university
440 buildings and campus, the administrative freedom of universities is taken away as a reaction.
441 Instead of this, the supervision and control of the state over the universities is reestablished
442 strictly. However, the authority of the state to supervise and control the universities should not
443 be understood as administering and controlling the scientific studies of the universities.

444

445 1982 constitution and HEC law has taken away the administrative freedom of
446 universities. Because, universities and the related units' decision and application organs are
447 either appointed or is a mixture of appointment and election. Already, both the relate numbers
448 of constitution to the universities (number 130 and 131) and Number 2547 HEC law never
449 mention administrative freedom.

450

451 There are many drawbacks for administrative freedom not being at the universities and
452 related units : Decision and application organs feel dependent to those who appoint them
453 because they come to duty by appointment or partly election and appointment.

454

455 Secondly, inside of the unit administrative supervision mechanisms can not function
456 effectively. Thirdly, rather than the necessities of the scientific research and application,
457 decisions in the direction of central administration's politics are taken and applied.

458

459

EVALUATION

460

461 In years of 2000's, in order to take our universities to west standards and wanted levels,
462 we need to first get rid of our mistakes and missing points. Unless we do this, the projects
463 towards the future will have no meaning.

464

465 1982 constitution uses the concept of freedom as only "scientific freedom" at state
466 universities. However, it is hard to mention from administrative and financial freedom at the
467 universities where the faculty members are determined according to the private criteria by the
468 private administrators, rector, deans, general secretary and persennel are determined by the
469 board of regents or fired by them and the whole financial process is done by the private
470 accountants. Today, it is hard to state that there is a real academic freedom because of HEC
471 (Demirtaş, 1999).

472

473 Starting 1980 s, until today the "academic freedom" and "university freedom" has been
474 destroyed. Universities have been tried to be represetatives of official ideology. In general, as
475 in the fields related to "Human", the funds related to science and university have been cut
476 back. A group of the academicians have become the educator, researcher or advisor of the
477 private universities or private organizations. They have started to give less time and effort to
478 public universities. Universities have gone away from being a "think tank" which everybody
479 can say what he or she thinks freely and they started feeling pressure on them physically and
480 intellectually.

481

482 The president of our country has stted that the universities that were established for
483 the political reason are lacking quality, the HEC is not performing what it should and he also

484 stated that he miss the university with freedom and modern at Ankara University semester
485 being ceremony, he stated that giving authority to HEC to appoint the rectors and faculty
486 members have destroyed academic freedom and the understanding of democracy and the
487 universities established for political reasons are “educating” jobless youngsters.

488

489 The president has stated that Modern Turkiye will be realised with modern and free
490 university. University administrators need to be individuals with strong personality and strong
491 scientific background. Universities should be good example to the students with their
492 administrative structure and democratic administration. The administrators of our higher
493 education institutions should come to duty by election and the universities should have
494 administrative freedom in addition to scientific freedom and this is the necessity of
495 democracy. The president also stated that the faculty members should elect their administrators
496 and in a traditional democracy and freedom of the university the HEC ‘s duty should be limited
497 with coordination and planning.

498

499

500

501

502

503

504

505

506

507

508

REFERENCES

509
510
511
512
513
514
515
516
517
518
519
520
521
522
523

1. Demirtaş, C. (1999).Yükseköğretim ve özerklik. *Afyon Kocatepe Üniversitesi Eğitim Bilimleri Fakültesi Sanal Kütüphanesi.*
2. İnsan Hakları Evrensel Bildirisi (6-10 September).*Ülkemizde üniversite özerkliği ile ilgili konuların değerlendirilmesi.* Lima
3. MEB. (1998). Cumhuriyetin 75. yılında yükseköğretim. *Yükseköğretim Genel Müdürlüğü Yayınları.* Ankara
4. Özalp, Ş. (2002).Üniversite özerkliği. *Afyon Kocatepe Üniversitesi Eğitim Bilimleri Fakültesi Sanal Kütüphanesi.*
5. TÜBA, (1996). *Yükseköğretimde Sorunlar.*
6. Yıldırım, R. (2002). Üniversite kurumlarının dört güncel problemi. *Afyon Kocatepe Üniversitesi Eğitim Bilimleri Fakültesi Sanal Kütüphanesi.*
7. <http://.www.yok.gov.tr>.