

Higher Education Law of the People's Republic of China

(Adopted at the 4th Meeting of the Standing Committee of the 9th National People's Congress on August 29, 1998 and promulgated by Order No.7 of the President of the People's Republic of China on August 29, 1998)

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Chapter I General Provisions

Article 1 This Law is enacted in accordance with the Constitution and the Education Law for the purposes of developing the cause of higher education, implementing the strategy of reinvigorating the country through science and education and promoting the building of socialist material civilization and spiritual civilization.

Article 2 This Law shall be applicable to engagement in activities of higher education within the territory of the People's Republic of China.

Higher education referred to in this Law means education imparted on the basis of completion of senior secondary school education.

Article 3 The state adheres to the development of the cause of socialist higher education with Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping's Theory as guidance following the basic

principles defined by the Constitution.

Article 4 Higher education must implement the educational policy of the state, serve socialist modernization, integrate itself with production and labor to train those educated to be builders and successors of the socialist cause with all-round development of morality, intelligence and physique.

Article 5 The task of higher education is to train senior specialized talents with innovative spirit and practical capability, develop science, technology and culture and promote socialist modernization.

Article 6 The state formulates higher education development planning, establishes institutions of higher learning and adopts various forms to actively develop the cause of higher education in accordance with the requirements of economic construction and social development.

The state encourages such social forces as enterprises, institutions, societies and other social organizations and citizens in the establishment of institutions of higher learning, participation in and rendering support for the reform and development of the cause of higher education in accordance with law.

Article 7 The state presses ahead the reform of the higher education system and the reform of higher education teaching, optimizes the structure of and resources allocation for higher education, improve the quality and performance of higher education in the light of the actual conditions of different types and different tiers of institutions of higher learning and in accordance with the requirements of socialist modernization and development of the socialist market economy.

Article 8 The state assists and supports minority nationality regions in the development of the cause of higher education and training of senior specialized talents for minority nationalities in the light of the characteristics and requirements of minority nationalities.

Article 9 Citizens have the right to higher education according to law.

The state adopts measures to assist students of minority nationalities and students with financial difficulties to receive higher education.

Institutions of higher learning must admit disabled students who meet the admission standards set by the state and must not refuse to admit them for their disabilities.

Article 10 The state safeguards the freedom of scientific research, literary and artistic creations and other cultural activities in institutions of higher learning according to law.

Scientific research, literary and artistic creations and other cultural activities in institutions of higher learning should abide by law.

Article 11 Institutions of higher learning should be geared to the needs of society, run independently and practice democratic management in accordance with law.

Article 12 The state encourages cooperation among institutions of higher learning, between

institutions of higher learning and scientific research institutes as well as enterprises and institutions to be mutually supplementary with reach's own advantages and improve the performance in the employment of educational resources.

The state encourages and supports international exchanges and cooperation for the cause of higher education.

Article 13 The State Council uniformly leads and administers the cause of higher education nationwide.

People's governments of the provinces, autonomous regions and municipalities directly under the Central Government coordinate with unified planning the cause of higher education within their respective administrative areas, administer the training of talents mainly for the localities and institutions of higher learning the administration of which have been authorized by the State Council.

Article 14 The department of education administration under the State Council shall take charge of the work of higher education nationwide, administer the institutions of higher learning that mainly train talents for the whole country determined by the State Council. Other departments concerned under the State Council shall be responsible for the related work of higher education within the scope of responsibilities prescribed by the State Council.

Chapter II Basic System of Higher Education

Article 15 Higher education consists of curricula education and non-curricula education.

Higher education adopts the educational forms of full-time system and non-full-time system.

The state supports the adoption of broadcast, television, correspondence and other modes of distance education to impart higher education.

Article 16 Higher curricula education is divided into specialty education, undergraduate education and post graduate education.

Higher curricula education should meet the following standards for school work:

(1) specialty education should enable students to master the basic theory and basic knowledge essential for the respective specialty and acquire the basic skills and initial capability for the practical work of the respective specialty;

(2) undergraduate education should enable students to systematically master the basic theory and basic knowledge necessary for the respective discipline and specialty, master the basic skills, techniques and related know-how necessary for the respective specialty and acquire initial capability for the practical work and research work of the respective specialty; and

(3) master's post graduate education should enable students to master firm basic theory of the respective discipline, systematic specialty knowledge, master corresponding skills, techniques and

related know-how, and acquire capabilities for the practical work and scientific research work of the respective specialty. Doctoral post graduate education should enable students to master firm and broad basic theory, systematic and in-depth specialty knowledge and corresponding skills and techniques, and acquire capabilities for independent creative scientific research work and practical work of the respective discipline.

Article 17 The basic length of schooling for specialty education shall be two to three years, the basic length of schooling for undergraduate education shall be four to five years, the basic length of schooling for master's post graduate education shall be two to three years and the basic length of schooling for doctoral post graduate education shall be three to four years. The length of schooling for non-full-time higher curricula education should be adequately extended. Institutions of higher learning may adjust the length of schooling of the respective schools in the light of actual requirements subject to the approval of the competent department of education administration.

Article 18 Higher education shall be imparted by institutions of higher learning and other institutions of higher education.

Universities and independently established colleges(schools) mainly impart undergraduate and postgraduate education. Higher specialty institutions impart specialty education. Scientific research institutes may, subject to the approval of the department of education administration under the State Council, undertake the task of postgraduate education.

Other institutions of higher education impart non-curricula higher education.

Article 19 Graduates of senior secondary school education or those with equivalent educational level shall, upon passing the examination, be admitted by institutions of higher learning imparting corresponding curricula education, and obtain the qualification for admission as specialty students or undergraduate students.

Graduates of undergraduate course or those with equivalent educational level shall, upon passing the examination, be admitted by institutions of higher learning imparting corresponding curricula education or scientific research institutes approved to undertake the task of post graduate education and obtain the qualification for admission as master's post graduate students.

Graduates of master's post graduate course or those with equivalent educational level shall, upon passing the examination, be admitted by institutions of higher learning imparting corresponding curricula education or scientific research institutes approved to undertake the task of post graduate education and obtain the qualification for admission as doctoral post graduate students.

It shall be permissible for university graduates of specific disciplines and specialties to directly obtain the qualification for admission as doctoral postgraduate students. Specific measures shall be worked out by the department of education administration under the State Council.

Article 20 Students receiving higher curricula education shall be issued corresponding certificates of educational background or other certificates of studies by the institutions of higher learning or scientific research institutes approved to undertake the task of post graduate education they have been in on the

basis of the length of schooling and achievements in studies in accordance with the relevant provisions of the state.

Students receiving non-curricula higher education shall be issued corresponding certificates of completion of studies by the institutions of higher learning or other institutions of higher education. Certificates of completion of studies should carry length of schooling and contents of studies.

Article 21 The state practices self-taught higher education examination system.

Students having passed the examination shall be issued corresponding certificates of educational background or other certificates of studies.

Article 22 The state practices the academic degree system. The degrees are divided into the bachelor's degree, the master's degree and the doctor's degree. Citizens whose educational level has reached the standards for degrees set by the state through receiving higher education or self-study may apply to degree-awarding units for corresponding degrees.

Article 23 Institutions of higher learning and other institutions of higher education should, in accordance with the requirements of society and their own conditions for running education, undertake the work of imparting continuing education.

Chapter III Establishment of Institutions of Higher Learning

Article 24 Establishment of an institution of higher learning should conform to the state higher education development planning, accord with state interests and public interest of society and must not take profit making as the object.

Article 25 The basic conditions prescribed by the Education Law should be met for the establishment of an institution of higher learning.

A university or an independently established college(school) should as well have strong teaching and scientific research staff, higher teaching and scientific research level and corresponding scale and be in a position to impart undergraduate and above-undergraduate education. A university must also have more than three departments of disciplines prescribed by the state as major disciplines.

Specific standards for the establishment of institutions of higher learning shall be formulated by the State Council.

Specific standards for the establishment of other institutions of higher education shall be formulated by the departments concerned authorized by the State Council or people's governments of the provinces, autonomous regions and municipalities directly under the Central Government in accordance with the principles prescribed by the State Council.

Article 26 Corresponding names should be used for the establishment of institutions of higher learning in accordance with their respective tiers, categories, departments of disciplines, scale, teaching and scientific research levels.

Article 27 Whoever applies for the establishment of an institution of higher learning should present the following materials to the organ of examination and approval:

(1) a report on the application for the establishment;

(2) materials on feasibility authentication;

(3) articles of association; and

(4) other materials the presentation of which is required by the organ of examination and approval pursuant to the provisions of this Law.

Article 28 Articles of association of an institution of higher learning should specify the following particulars:

(1) name and address of the institution;

(2) aims of establishment of the institution;

(3) scale of the institution;

(4) establishment of departments of disciplines;

(5) mode of education;

(6) internal administrative system;

(7) sources of funds, properties and financial rules;

(8) rights and obligations between the sponsor(s) and the institution;

(9) procedures for the revision of articles of association; and

(10) other matters that must be provided for by articles of association.

Article 29 Establishment of institutions of higher learning shall be subject to the examination and approval of the department of education administration under the State Council, among them establishment of institutions of higher learning imparting specialty education may be subject to the examination and approval of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government upon authorization by the State Council; establishment of other institutions of higher education shall be subject to the examination and approval of the departments concerned authorized by the State Council or people's governments of the provinces, autonomous regions and municipalities directly under the Central Government. The department of education administration under the State Council has the power to nullify the institutions of higher learning and other institutions of higher education the establishment of which have been examined and approved

not conforming to the prescribed conditions.

Evaluation and reviewing institution consisting of specialists should be employed to conduct evaluation and review for the examination and approval of the establishment of institutions of higher learning.

Separation, amalgamation and termination of institutions of higher learning and other institutions of higher education, change in name and category and other important matters shall be subject to the examination and approval of the original examination and approval organ; revision of articles of association shall be submitted to the original examination and approval organ for verification and approval.

Chapter IV Organization and Activities of Institutions of Higher Learning

Article 30 An institution of higher learning obtains the qualification of a legal entity as of the date of approval for its establishment. The president of the institution of higher learning shall be the legal representative of the institution of higher learning.

An institution of higher learning has civil rights in accordance with law in civil activities and bears civil liability.

Article 31 Institutions of higher learning should carry out teaching, scientific research and social services centering round training talents to guarantee that educational and teaching quality reaches standards prescribed by the state.

Article 32 Institutions of higher learning work out schemes for admission and independently regulate the percentage of admission for departments and disciplines in accordance with the requirements and demand of society, conditions for running the institution and scale of the institution verified by the state.

Article 33 Institutions of higher learning independently set up and adjust disciplines and specialties.

Article 34 Institutions of higher learning independently work out teaching plans, select and compile textbooks and organize activities of imparting teaching in accordance with the requirements of teaching.

Article 35 Institutions of higher learning independently conduct scientific research, technological development and social services in the light of their own conditions.

The state encourages cooperation in diverse forms between institutions of higher learning and enterprises, institutions, societies and other social organizations in scientific research, technological development and extension.

The state supports those institutions of higher learning where conditions mature becoming state scientific research bases.

Article 36 Institutions of higher learning independently carry out scientific, technological and cultural exchanges and cooperation with foreign institutions of higher learning in accordance with the relevant

provisions of the state.

Article 37 Institutions of higher learning independently decide on the setting up and personnel employment of such internal organizational structures as teaching, scientific research and administrative functional departments in the light of actual requirements and in accordance with the principle of streamlining and efficiency; assess the positions of teachers and other specialized technical personnel, adjust the allocation of subsidies and salary in accordance with the relevant provisions of the state.

Article 38 Institutions of higher learning independently administer and use the property provided by the sponsor(s), state financial subsidy and properties donated and granted in accordance with law.

Institutions of higher learning must not use the property for teaching and scientific research activities for other purposes.

Article 39 The state-run institutions of higher learning practice the president responsibility system under the leadership of the grass-roots committees of the Chinese Communist Party in institutions of higher learning. In accordance with the Constitution of the Chinese Communist Party, the grass-roots committees of the Chinese Communist Party in institutions of higher learning exercise unified leadership over school work and support the presidents in independently and responsibly discharging their duties, their responsibilities of leadership are mainly as follows: to implement the line and policies of the Chinese Communist Party, adhere to the socialist orientation of running the institutions, exercise leadership over ideological and political work and work related to morality in the institutions, hold discussions and take decisions on the set-up of internal organizational structures and candidates for the persons-in-charge of internal organizational structures, hold discussions and take decisions on such major matters as the reform, development and basic administrative rules of the institutions to ensure the completion of various tasks centered round training of talents.

Internal management system of institutions of higher learning run by social forces shall be determined in accordance with the provision of the state concerning running of schools by social forces.

Article 40 Presidency of institutions of higher learning shall be taken up by citizens conforming to the qualifications for the office prescribed by the Education Law.

Appointment and relief from duties of presidents and vice presidents of institutions of higher learning shall be made pursuant to the relevant provisions of the state.

Article 41 The president of an institution of higher learning shall be fully responsible for the teaching, scientific research and other administrative work of the respective institution and exercise the following duties and powers:

(1)to draft development planning, formulate specific rules and regulations and annual work plan and organize their implementation;

(2)to organize teaching activities, scientific research and ideological and moral education;

(3)to draft schemes for the setting up of internal organizations, recommend candidates for vice

presidency, appoint and relieve persons-in charge of internal organizations;

(4)to employ and dismiss teachers and other internal workers, administer students' school roll and give rewards or impose penalties;

(5)to draft and implement annual fund budget proposal, protect and manage school properties and safeguard the legitimate rights and interests of the school; and

(6)other duties and powers provided for in the articles of association.

The president of an institution of higher learning chairs the president's administrative meeting or the institution's administrative meeting and handles the relevant matters prescribed in the preceding paragraph.

Article 42 An institution of higher learning establishes an academic committee for the review of such relevant academic matters as setting up of disciplines and specialties, proposals of teaching plan and scientific research plan, and evaluate achievements in teaching and scientific research.

Article 43 Institutions of higher learning guarantee the participation of teaching and administrative staff in democratic management and supervision and safeguard the legitimate rights and interests of teaching and administrative staff in accordance with law in the organizational form of the conference of representatives of teaching and administrative staff with teachers as the main body.

Article 44 Levels of running a school and educational quality of institutions of higher learning shall be subject to the supervision of departments of education administration and the evaluation organized by them.

Chapter V Teachers and Other Educational Workers of Institutions of Higher Learning

Article 45 Teachers and other educational workers of institutions of higher learning have the rights prescribed by law, fulfill the obligations prescribed by law and shall be faithful to the educational cause of the people.

Article 46 Institutions of higher learning practice the teachers' qualification system. Chinese citizens who abide by the Constitution and laws, ardently love the educational cause, have good ideology and moral character, have an educational background of graduation of post graduate course or graduates of regular college course and have corresponding educational and teaching capabilities may, upon confirmation of being qualified, acquire the qualification of teachers of institutions of higher learning. Those citizens without the educational background of graduation of post graduate course or graduates of regular college course who have acquired a specialty from study and passed the state examination for teachers' qualification may also, upon confirmation of being qualified, acquire the qualification of teachers of institutions of higher learning.

Article 47 Institutions of higher learning practice the teachers' position system.

Teachers'positions of institutions of higher learning shall be set up in accordance with the

requirements of the tasks in teaching, scientific research undertaken by the institutions. Teachers' positions include assistant, lecturer, associate professor and professor.

Teachers of institutions of higher learning should meet the following basic conditions for acquiring the positions prescribed in the preceding paragraph:

(1) one who has acquired the teacher's qualification for an institution of higher learning;

(2) one who has a systematic mastery of the basic theory of the respective discipline;

(3) one who has the educational and teaching capability and scientific research capability of the corresponding position; and

(4) one who undertakes the courses and teaching task of prescribed periods of the corresponding position.

Professors and associate professors should, in addition to having the above basic conditions for taking up the position, also have systematic and firm basic theory of the respective discipline and rich experiences in teaching and scientific research, with remarkable achievements in teaching, theses and works reaching high level or has outstanding achievements in teaching and scientific research.

Specific conditions for taking up positions for the positions of teachers of institutions of higher learning shall be prescribed by the State Council.

Article 48 Institutions of higher learning practice the teachers' employment system.

Teachers who have the qualification for taking up the position upon evaluation shall be employed by institutions of higher learning in accordance with the responsibilities, conditions and terms of office of teachers' positions.

Employment of teachers of institutions of higher learning should abide by the principle of mutual equality and voluntarism, and an employment contract shall be signed by the president of an institution of higher learning and the teacher who accepts the employment.

Article 49 Institutions of higher learning practice the educational staff system for administrators. Institutions of higher learning practice the specialty technical position employment system for auxiliary teaching staff and other specialty technical staff.

Article 50 The state protects the legitimate rights and interests of teachers and other educational workers of institutions of higher learning, takes measures to improve the working conditions and living conditions of teachers and other educational workers of institutions of higher learning.

Article 51 Institutions of higher learning should provide facilities for teachers' participation in training, conducting scientific research and academic exchanges.

Institutions of higher learning should check up the ideological and political performance, professional ethics, professional level and actual achievements in work of teachers, administrators, auxiliary teaching staff and other specialized technical personnel. Results of the check-up shall constitute the basis of employment or dismissal, promotion, rewards or penalties.

Article 52 Teachers, administrators and auxiliary teaching staff as well as other specialized technical personnel of institutions of higher learning should do their respective work well centering around teaching and training of talents.

Chapter VI Students of Institutions of Higher Learning

Article 53 Students of institutions of higher learning should abide by laws and regulations, abide by students' code of conduct and the institutions' various administrative rules, respect teachers, study hard, strengthen their physique, foster ideas of patriotism, collectivism and socialism, strive to learn Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping's Theory, have good ideological morality and master high-level scientific and cultural knowledge and specialized skills.

The legitimate rights and interests of students of institutions of higher learning are protected by law.

Article 54 Students of institutions of higher learning should pay a tuition fee in accordance with state provisions.

Students whose families are financially difficult may apply for subsidy or reduction and exemption of the tuition fee.

Article 55 The state establishes scholarships and encourages institutions of higher learning, enterprises and institutions, societies as well other social organizations and individuals in the establishment of scholarships of various forms in accordance with relevant state provisions, and give rewards to students of good character and scholarship, students of the specialties prescribed by the state and students who go to work in regions determined by the state.

The state establishes the fund and loans for work-study programs for students of institutions of higher learning, and encourages institutions of higher learning, enterprises and institutions, societies as well as other social organizations and individuals in the establishment of various forms of grants-in-aid to provide assistance for students whose families are financially difficult.

Students who obtain loans and grants-in-aid should fulfill corresponding obligations.

Article 56 Students of institutions of higher learning may participate in after-school social services and work-study activities, however these must not adversely affect the completion of tasks of schoolwork.

Institutions of higher learning should encourage and support students' social services and work-study activities and provide guidance and administration.

Article 57 Students of institutions of higher learning may organize students' societies within the institutions. Students' societies carry out activities within the scope prescribed by regulations and shall be subject to the leadership and administration of the institutions.

Article 58 Students of institutions of higher learning who qualify in ideology and moral character, complete the prescribed courses within the prescribed length of schooling and are up to standard in results or study and obtain corresponding credits shall be permitted to graduate.

Article 59 Institutions of higher learning should provide employment guidance and services for graduates and students who have completed the courses.

The state encourages graduates of institutions of higher learning to work in border regions, remote areas and difficult areas.

Chapter VII Guarantee for Input and Conditions of Higher Education

Article 60 The state establishes the system of financial allocation as the main source to be supplemented by raising funds for higher education through various other channels to make the development of the cause of higher education to be commensurate with the level of economic and social development.

The State Council and people's governments of the provinces, autonomous regions and municipalities directly under the Central Government ensure gradual increase in funds for state-run higher education pursuant to the provisions of Article 55 of the Education Law.

The state encourages enterprises and institutions, societies as well as other social organizations and individuals to provide input into higher education.

Article 61 Sponsors of institutions of higher learning should guarantee the stable source(s) of funds for running a school and must not withdraw the funds he/she/they put in running the school.

Article 62 The department of education administration under the State Council provides in conjunction with the other departments concerned under the State Council for the standards for expenditures of funds and the basic principles of fund-raising of institutions of higher learning on the basis of per capita annual educational cost of students in school; the departments of education administration of people's governments of the provinces, autonomous regions and municipalities directly under the Central Government formulate in conjunction with the departments concerned standards for annual expenditure of funds and measures for fund-raising of institutions of higher learning within the respective administrative areas to form the basic basis for sponsors and institutions of higher learning in raising funds for running the school.

Article 63 The state adopts a preferential policy with regard to the import of books and materials and equipment for teaching and scientific research as well as school-run industries by institutions of higher learning. Returns from industries run by institutions of higher learning or transfer of intellectual property rights as well as other scientific and technological achievements shall be used by institutions of higher learning for running the school.

Article 64 Tuition fee collected by institutions of higher learning should be administered and used pursuant to relevant state provisions, any other organization or individual must not use it for other purposes.

Article 65 Institutions of higher learning should establish and perfect financial management rules in accordance with law, rationally use and strictly control the educational funds and improve the performance of educational investment.

Financial activities of institutions of higher learning should be subject to supervision in accordance with law.

Chapter VIII Supplementary Provisions

Article 66 Penalties shall be imposed pursuant to the relevant provisions of the Education Law for activities of higher education in violation of the provisions of the Education Law.

Article 67 Individuals outside the territory of China who meet the conditions prescribed by the state and have gone through relevant formalities may enter institutions of higher learning in China for study, research and academic exchanges or teaching, their legitimate rights and interests shall be protected by the state.

Article 68 The institutions of higher learning referred to in this Law mean universities, independently established colleges(schools) and institutions of higher learning for specialties, including among them vocational higher schools and institutions of higher learning for adults.

Other institutions of higher education referred to in this Law mean organizations engaging in activities of higher education other than institutions of higher learning and the scientific research institutes approved to undertake the educational task of postgraduates.

Provisions concerning institutions of higher learning of this Law shall be applicable to other institutions of higher education and the scientific research institutes approved to undertake the educational task of postgraduates, however the provisions specifically applicable to institutions of higher learning are excluded.

Article 69 This Law shall come into effect as of January 1, 1999.