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# 中华人民共和国高等教育法（2018修正）

# Higher Education Law of the People’s Republic of China (2018 Revision)

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（1998年8月29日第九届全国人民代表大会常务委员会第四次会议通过 根据2015年12月27日第十二届全国人民代表大会常务委员会第十八次会议《关于修改〈中华人民共和国高等教育法〉的决定》第一次修正 根据2018年12月29日第十三届全国人民代表大会常务委员会第七次会议《关于修改〈中华人民共和国电力法〉等四部法律的决定》第二次修正）

(Adopted at the 4th Session of the Standing Committee of the 9th National People's Congress on August 29, 1998; amended for the first time according to the Decision on Revising the Higher Education Law of the People's Republic of China at the 18th Session of the Standing Committee of the 12th National People's Congress on December 27, 2015; and amended for the second time according to the Decision on Revising Four Laws including the Electric Power Law of the People's Republic of China at the 7th Session of the Standing Committee of the 13th National People's Congress on December 29, 2018)

第一章 总 则

Chapter 1 General Provisions

第一条   为了发展高等教育事业，实施科教兴国战略，促进社会主义物质文明和精神文明建设，根据宪法和教育法，制定本法。

Article 1 This Law is enacted in accordance with the Constitution and the Education Law with a view to developing higher education, implementing the strategy of developing the country by relying on science and education, and promoting socialist material and ethical progress.

第二条   在中华人民共和国境内从事高等教育活动，适用本法。

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

本法所称高等教育，是指在完成高级中等教育基础上实施的教育。

For purposes of this Law, higher education means education conducted on the basis of completion of senior secondary education.

第三条   国家坚持以马克思列宁主义、毛泽东思想、邓小平理论为指导，遵循宪法确定的基本原则，发展社会主义的高等教育事业。

Article 3 In developing socialist higher education, the State adheres to Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping Theory as its guide and follows the basic principles laid down in the Constitution.

第四条   高等教育必须贯彻国家的教育方针，为社会主义现代化建设服务、为人民服务，与生产劳动和社会实践相结合，使受教育者成为德、智、体、美等方面全面发展的社会主义建设者和接班人。

Article 4 Higher education shall be conducted in adherence to the educational principles of the State, in the service of the socialist modernization drive and the people and in combination with productive labor and social practice, in order that the educatees shall become the socialist builders and successors, who are developed in an all-round way--morally, intellectually, physically and aesthetically.

第五条   高等教育的任务是培养具有社会责任感、创新精神和实践能力的高级专门人才，发展科学技术文化，促进社会主义现代化建设。

Article 5 The task of higher education is to train people to become senior specialists imbued with the spirit of sense of social responsibility, creativeness and the ability of practice, to develop science, technology and culture and to promote the socialist modernization drive.

第六条   国家根据经济建设和社会发展的需要，制定高等教育发展规划，举办高等学校，并采取多种形式积极发展高等教育事业。

Article 6 In light of the need of economic and social development, the State formulates plans for the development of higher education, runs higher education institutions and promotes higher education in various ways.

国家鼓励企业事业组织、社会团体及其他社会组织和公民等社会力量依法举办高等学校，参与和支持高等教育事业的改革和发展。

The State encourages all sectors of society, including enterprises, institutions, public organizations or groups as well as individual citizens, to run higher education institutions in accordance with law and to participate in and support the reform and development of higher education.

第七条   国家按照社会主义现代化建设和发展社会主义市场经济的需要，根据不同类型、不同层次高等学校的实际，推进高等教育体制改革和高等教育教学改革，优化高等教育结构和资源配置，提高高等教育的质量和效益。

Article 7 In light of the needs of the socialist modernization drive and of development of a socialist market economy, the State, on the basis of the different types and levels of the existing higher education institutions, advances the restructuring of higher education and the reform of teaching in higher education institutions, and optimizes the structure of higher education and the distribution of resources, in order to improve the quality and increase the efficiency of higher education.

第八条   国家根据少数民族的特点和需要，帮助和支持少数民族地区发展高等教育事业，为少数民族培养高级专门人才。

Article 8 The State, in light of the characteristics and needs of the ethnic groups, assists and supports the development of higher education in regions inhabitated by ethnic peoples for the purpose of training senior specialists among them.

第九条   公民依法享有接受高等教育的权利。

Article 9 Citizens shall, in accordance with law, enjoy the right to receive higher education.

国家采取措施，帮助少数民族学生和经济困难的学生接受高等教育。

The State takes measures to enable students from minority nationalities and students with financial difficulties to receive higher education.

高等学校必须招收符合国家规定的录取标准的残疾学生入学，不得因其残疾而拒绝招收。

Higher education institutions shall enroll disabled students who are up to the admission qualifications prescribed by the State, they may not refuse to enroll them on account of their disability.

第十条   国家依法保障高等学校中的科学研究、文学艺术创作和其他文化活动的自由。

Article 10 The State, in accordance with law, ensures the freedoms of scientific research, literary and artistic creation and other cultural activities conducted in higher education institutions.

在高等学校中从事科学研究、文学艺术创作和其他文化活动，应当遵守法律。

Research, literary and artistic creation and other cultural activities in higher education institutions shall be conducted in compliance with law.

第十一条   高等学校应当面向社会，依法自主办学，实行民主管理。

Article 11 Higher education institutions shall be oriented to the needs of society and shall run the schools on their own and in accordance with law and administer democratic management.

第十二条   国家鼓励高等学校之间、高等学校与科学研究机构以及企业事业组织之间开展协作，实行优势互补，提高教育资源的使用效益。

Article 12 The State encourages collaboration between higher education institutions and their collaboration with research institutes, enterprises and institutions in order that they all can draw on each other's strengths and increase the use efficiency of educational resources.

国家鼓励和支持高等教育事业的国际交流与合作。

The State encourages and supports international exchange and cooperation in higher education.

第十三条   国务院统一领导和管理全国高等教育事业。

Article 13 The State Council shall provide unified guidance and administration for higher education throughout the country.

省、自治区、直辖市人民政府统筹协调本行政区域内的高等教育事业，管理主要为地方培养人才和国务院授权管理的高等学校。

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall undertake overall coordination of higher education in their own administrative regions and administer the higher education institutions that mainly train local people and the higher education institutions that they are authorized by the State Council to administer.

第十四条   国务院教育行政部门主管全国高等教育工作，管理由国务院确定的主要为全国培养人才的高等学校。国务院其他有关部门在国务院规定的职责范围内，负责有关的高等教育工作。

Article 14 The administrative department for education under the State Council shall be in charge of the work of higher education throughout the country and administer the affairs of the higher education institutions designated by the State Council as schools that mainly train people for the country as a whole. Other departments concerned under the State Council shall be responsible for the work related to higher education within the limits of their duties defined by the State Council.

第二章 高等教育基本制度

Chapter II Basic System of Higher Education

第十五条   高等教育包括学历教育和非学历教育。

Article 15 Higher education includes education for academic qualifications and education for non-academic qualifications.

高等教育采用全日制和非全日制教育形式。

Higher education takes both full-time and part-time forms.

国家支持采用广播、电视、函授及其他远程教育方式实施高等教育。

The State supports higher education conducted through radio, television, correspondence and other long-distance methods.

第十六条   高等学历教育分为专科教育、本科教育和研究生教育。

Article 16 Higher education for academic qualifications includes special course education, regular course education and graduate program.

高等学历教育应当符合下列学业标准：

The following academic levels shall be attained through higher education for academic qualifications:

（一）专科教育应当使学生掌握本专业必备的基础理论、专门知识，具有从事本专业实际工作的基本技能和初步能力；

1. Special course education shall enable students to grasp the basic theories and special knowledge which the course must offer and to acquire the basic skills and the preliminary ability of practical work in the fields of their specialized subjects.

（二）本科教育应当使学生比较系统地掌握本学科、专业必需的基础理论、基本知识，掌握本专业必要的基本技能、方法和相关知识，具有从事本专业实际工作和研究工作的初步能力；

(II) Regular course education shall enable students to grasp more systematically the basic theories and knowledge required by the branches of learning or specialized subjects offered, to grasp the basic skills, methods and relevant knowledge necessitated by their specialized subjects, and to acquire the preliminary ability of practical work and research in the fields of their specialized subjects.

（三）硕士研究生教育应当使学生掌握本学科坚实的基础理论、系统的专业知识，掌握相应的技能、方法和相关知识，具有从事本专业实际工作和科学研究工作的能力。博士研究生教育应当使学生掌握本学科坚实宽广的基础理论、系统深入的专业知识、相应的技能和方法，具有独立从事本学科创造性科学研究工作和实际工作的能力。

(III) The graduate program for candidates working for MA shall enable candidates to grasp firmly the basic theories in their branches of learning and grasp the systematic knowledge of their specialized subjects, to grasp the skills and methods and relevant knowledge required, and to acquire the ability of practical work and research in the fields of their specialized subjects. The graduate program for candidates working for Ph.D. shall enable candidates to grasp firmly the breadth of the basic theories and the systematic and profound knowledge of the specialized subjects and grasp the skills and methods required by their branches of learning, and to acquire the ability of creative research on their own and of practical work in the fields of their specific branches of learning.

第十七条   专科教育的基本修业年限为二至三年，本科教育的基本修业年限为四至五年，硕士研究生教育的基本修业年限为二至三年，博士研究生教育的基本修业年限为三至四年。非全日制高等学历教育的修业年限应当适当延长。高等学校根据实际需要，可以对本学校的修业年限作出调整。

Article 17 The basic length of schooling for special course education is from two to three years, for regular course education it is from four to five years, for graduate program for candidates working for MA it is from two to three years, and for graduate program for candidates working for PhD it is from three to four years. The length of schooling for non-full-time higher education for academic qualifications shall be properly extended. Higher education institutions may, in light of actual needs, readjust the length of schooling thereof.

第十八条   高等教育由高等学校和其他高等教育机构实施。

Article 18 Higher education shall be conducted by higher education institutions and other higher education organizations.

大学、独立设置的学院主要实施本科及本科以上教育。高等专科学校实施专科教育。经国务院教育行政部门批准，科学研究机构可以承担研究生教育的任务。

Universities, independent colleges mainly implement undergraduate and higher education. Colleges and universities shall conduct special course education. With the approval of the administrative department for education under the State Council, research institutes may undertake the graduate program.

其他高等教育机构实施非学历高等教育。

Other higher education organizations shall conduct higher education for non-academic qualifications.

第十九条   高级中等教育毕业或者具有同等学力的，经考试合格，由实施相应学历教育的高等学校录取，取得专科生或者本科生入学资格。

Article 19 Graduates from senior middle schools and people with the same educational level, who have passed the entrance examinations, shall be enrolled by higher education institutions that offer the necessary education for academic qualifications and shall acquire the status of special course students or undergraduates.

本科毕业或者具有同等学力的，经考试合格，由实施相应学历教育的高等学校或者经批准承担研究生教育任务的科学研究机构录取，取得硕士研究生入学资格。

Graduates from universities and people with the same educational level, who have passed the entrance examinations, shall be enrolled by higher education institutions that offer the necessary education for academic qualifications or by research institutes that have obtained approval of undertaking the graduate program, and shall acquire the status of candidates working for MA.

硕士研究生毕业或者具有同等学力的，经考试合格，由实施相应学历教育的高等学校或者经批准承担研究生教育任务的科学研究机构录取，取得博士研究生入学资格。

People who have completed the graduate program and people who have the same educational level, having passed the entrance examinations, shall be enrolled by higher education institutions that offer the necessary education for academic qualifications or research institutes that have obtained approval of undertaking the graduate program, and shall acquire the status of candidates working for Ph.D.

允许特定学科和专业的本科毕业生直接取得博士研究生入学资格，具体办法由国务院教育行政部门规定。

Specific measures for allowing graduates of special branches of learning or specialized subjects directly to obtain the status of candidates working for Ph.D. shall be formulated by the administrative department for education under the State Council.

第二十条   接受高等学历教育的学生，由所在高等学校或者经批准承担研究生教育任务的科学研究机构根据其修业年限、学业成绩等，按照国家有关规定，发给相应的学历证书或者其他学业证书。

Article 20 Students receiving higher education for academic qualifications shall be issued appropriate academic qualification certificates or other education certificates by their respective higher education institutions or research institutes that have obtained approval of undertaking the graduate program, on the basis of their length of study, academic records and so on and in accordance with the relevant regulations of the State.

接受非学历高等教育的学生，由所在高等学校或者其他高等教育机构发给相应的结业证书。结业证书应当载明修业年限和学业内容。

Students receiving higher education for non-academic qualifications shall be granted appropriate diplomas by their respective higher education institutions or other higher education organizations. In the diplomas shall be recorded the length of study and the subjects studied.

第二十一条   国家实行高等教育自学考试制度，经考试合格的，发给相应的学历证书或者其他学业证书。

Article 21 The State applies a system of higher education examinations for self-taught people, under which those who have passed the examinations shall be issued appropriate academic qualification certificates or other education certificates.

第二十二条   国家实行学位制度。学位分为学士、硕士和博士。

Article 22 The State applies a system of academic degree. Degrees are divided into bachelor's, master's and doctor's degrees.

公民通过接受高等教育或者自学，其学业水平达到国家规定的学位标准，可以向学位授予单位申请授予相应的学位。

Citizens who, through receiving higher education or self-teaching, have met the qualifications for academic degrees in terms of their educational level as prescribed by the State, may apply to degree-conferring bodies for the issue of appropriate degrees.

第二十三条   高等学校和其他高等教育机构应当根据社会需要和自身办学条件，承担实施继续教育的工作。

Article 23 Higher education institutions and other higher education organizations shall undertake continuing education in light of social needs and their own conditions for offering such education.

第三章 高等学校的设立

Chapter III Establishment of Higher Education Institutions

第二十四条   设立高等学校，应当符合国家高等教育发展规划，符合国家利益和社会公共利益。

Article 24 Higher education institutions shall be established in accordance with State plans for the development of higher education and in keeping with the interests of the State and the public.

第二十五条   设立高等学校，应当具备教育法规定的基本条件。

Article 25 The basic conditions as provided for in the Education Law shall be fulfilled for establishment of a higher education institution.

大学或者独立设置的学院还应当具有较强的教学、科学研究力量，较高的教学、科学研究水平和相应规模，能够实施本科及本科以上教育。大学还必须设有三个以上国家规定的学科门类为主要学科。设立高等学校的具体标准由国务院制定。

Universities and independent colleges shall, in addition, have a stronger staff for teaching and research, a higher level of teaching and research, as well as a necessary size of the student body, in order that they can offer regular course education and education at a higher level. Universities must also have more than three national disciplines prescribed as the main disciplines. The specific requirements for establishment of higher education institutions shall be formulated by the State Council.

设立其他高等教育机构的具体标准，由国务院授权的有关部门或者省、自治区、直辖市人民政府根据国务院规定的原则制定。

The specific requirements for establishment of other higher education organizations shall be drawn up by the relevant departments authorized by the State Council or by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government in accordance with the principles laid down by the State Council.

第二十六条   设立高等学校，应当根据其层次、类型、所设学科类别、规模、教学和科学研究水平，使用相应的名称。

Article 26 The name to be adopted by a higher education institution established shall be commensurate with its administrative level, the category it belongs to, the subjects it offers, the size of its student body and its level of teaching and research.

第二十七条   申请设立高等学校的，应当向审批机关提交下列材料：

Article 27 For establishment of a higher education institution, the following materials shall be submitted to the approving authority:

（一）申办报告；

1. an application report;

（二）可行性论证材料；

2. feasibility study materials;

（三）章程；

(III) Articles of association;

（四）审批机关依照本法规定要求提供的其他材料。

(IV) other materials required by the examining and approving authority in accordance with the provisions of this Law.

第二十八条   高等学校的章程应当规定以下事项：

Article 28 The regulations of a higher education institution shall include the following:

（一）学校名称、校址；

1. name and address of the school;

（二）办学宗旨；

(II) the aim of the school;

（三）办学规模；

(III) Scale of the school;

（四）学科门类的设置；

4. disciplines;

（五）教育形式；

(V) forms of education;

（六）内部管理体制；

(VI) internal management system;

（七）经费来源、财产和财务制度；

(VII) sources of funds, property, and financial systems;

（八）举办者与学校之间的权利、义务；

(VIII) the rights and obligations of sponsors and the institution;

（九）章程修改程序；

(IX) Procedures for modifying the articles of association; and

（十）其他必须由章程规定的事项。

(X) other items that must be included in the regulations.

第二十九条   设立实施本科及以上教育的高等学校，由国务院教育行政部门审批；设立实施专科教育的高等学校，由省、自治区、直辖市人民政府审批，报国务院教育行政部门备案；设立其他高等教育机构，由省、自治区、直辖市人民政府教育行政部门审批。审批设立高等学校和其他高等教育机构应当遵守国家有关规定。

Article 29 The establishment of higher education institutions for undergraduate education or above shall be subject to examination and approval by the administrative department for education under the State Council; the establishment of higher education institutions for special course education shall be subject to examination and approval by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government and record-filing with the administrative department for education under the State Council; the establishment of other higher education organizations shall be subject to the examination and approval by administrative departments for education of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government. The examination and approval of the establishment of higher education institutions and other higher education organizations shall abide by the relevant provisions of the State.

审批设立高等学校，应当委托由专家组成的评议机构评议。

A panel composed of specialists shall be entrusted with the appraisal of the examination and approval of the establishment of higher education institutions.

高等学校和其他高等教育机构分立、合并、终止，变更名称、类别和其他重要事项，由本条第一款规定的审批机关审批；修改章程，应当根据管理权限，报国务院教育行政部门或者省、自治区、直辖市人民政府教育行政部门核准。

The division, amalgamation, termination, and alteration of the names, categories or other important matters of higher education institutions and other higher education organizations shall be subject to examination and approval by the approving authorities specified in the first paragraph of this Article; amendment of regulations shall be subject to verification by the administrative department for education under the State Council or the administrative departments for education under the people's governments of provinces, autonomous regions and centrally-administered municipalities.

第四章 高等学校的组织和活动

Chapter 4 Organization and Activities of Higher Education Institutions

第三十条   高等学校自批准设立之日起取得法人资格。高等学校的校长为高等学校的法定代表人。

Article 30 A higher education institution shall acquire the status of a legal person from the date on which its establishment is approved. The principal of a higher education institution shall be the legal representative of such institution.

高等学校在民事活动中依法享有民事权利，承担民事责任。

A higher education institution shall, in accordance with law, enjoy civil rights and bear civil liabilities in civil affairs.

第三十一条   高等学校应当以培养人才为中心，开展教学、科学研究和社会服务，保证教育教学质量达到国家规定的标准。

Article 31 Higher education institutions shall concentrate on training students, carry out teaching and research and provide services for the society, and ensure that the quality of education and teaching meet the requirements laid down by the State.

第三十二条   高等学校根据社会需求、办学条件和国家核定的办学规模，制定招生方案，自主调节系科招生比例。

Article 32 Higher education institutions shall draw up enrollment plans in light of social needs, the conditions of the institutions, and the size of the student body verified by the State, and readjust on their own the proportions of enrollment for different faculties and subjects.

第三十三条   高等学校依法自主设置和调整学科、专业。

Article 33 Higher education institutions shall, in accordance with law, act on their own in offering and readjusting the branches of learning and specialized subjects.

第三十四条   高等学校根据教学需要，自主制定教学计划、选编教材、组织实施教学活动。

Article 34 Higher education institutions shall, on the basis of the needs of teaching, act on their own in drawing up their teaching programs, compiling teaching materials and making arrangements for their teaching activities.

第三十五条   高等学校根据自身条件，自主开展科学研究、技术开发和社会服务。

Article 35 Higher education institutions shall, on the basis of their own conditions, act on their own in conducting research, developing technology and providing services for the society.

国家鼓励高等学校同企业事业组织、社会团体及其他社会组织在科学研究、技术开发和推广等方面进行多种形式的合作。

The State encourages higher education institutions to cooperate in various forms with enterprises, institutions, public organizations or groups in research and in development and extensive use of technologies.

国家支持具备条件的高等学校成为国家科学研究基地。

The State supports qualified institutions of higher learning to become national scientific research bases.

第三十六条   高等学校按照国家有关规定，自主开展与境外高等学校之间的科学技术文化交流与合作。

Article 36 Higher education institutions shall, in accordance with the relevant regulations of the State, act on their own in conducting scientific, technological and cultural exchanges and cooperation with higher education institutions outside of the territory of our country.

第三十七条   高等学校根据实际需要和精简、效能的原则，自主确定教学、科学研究、行政职能部门等内部组织机构的设置和人员配备；按照国家有关规定，评聘教师和其他专业技术人员的职务，调整津贴及工资分配。

Article 37 Higher education institutions shall, in light of actual needs and on the principle of simple and efficient administration, act on their own in deciding on the internal structure of the departments for teaching, research and executive function and on the number of staff for different departments. They shall, in accordance with relevant State regulations, assess the performance of teachers and other professional workers and technicians, make appointment to such posts, and readjust the payment of subsidies and salaries.

第三十八条   高等学校对举办者提供的财产、国家财政性资助、受捐赠财产依法自主管理和使用。

Article 38 Higher education institutions shall, in accordance with law, act on their own in managing and using the property provided by sponsors, the fiscal funds allocated by the State and the contributions and donations received.

高等学校不得将用于教学和科学研究活动的财产挪作他用。

No higher education institutions may misappropriate the funds earmarked for teaching and research.

第三十九条   国家举办的高等学校实行中国共产党高等学校基层委员会领导下的校长负责制。中国共产党高等学校基层委员会按照中国共产党章程和有关规定，统一领导学校工作，支持校长独立负责地行使职权，其领导职责主要是：执行中国共产党的路线、方针、政策，坚持社会主义办学方向，领导学校的思想政治工作和德育工作，讨论决定学校内部组织机构的设置和内部组织机构负责人的人选，讨论决定学校的改革、发展和基本管理制度等重大事项，保证以培养人才为中心的各项任务的完成。

Article 39 In higher education institutions run by the State, the system shall be applied under which the presidents assume overall responsibility under the leadership of the primary committees of the Communist Party of China in higher education institutions. Such committees shall, in accordance with the Constitution of the Chinese Communist Party and relevant regulations, exercise unified leadership over the work of the institutions and support the presidents in exercising their functions and powers independently and responsibly. In exercising leadership, the committees shall chiefly perform the following duties: to adhere to the lines, principles and policies of the Chinese Communist Party, to keep to the socialist orientation in running the schools, to provide guidance to ideological and political work and moral education in the institutions, to discuss and decide on the internal structure and directors of departments of the institutions, reform, development and basic management systems of the institutions and other important matters, and to ensure fulfillment of all the tasks centering on the training of students.

社会力量举办的高等学校的内部管理体制按照国家有关社会力量办学的规定确定。

The internal management systems of higher education institutions run by different sectors of society shall be established by such sectors in accordance with the regulations of the State governing such institutions.

第四十条   高等学校的校长，由符合教育法规定的任职条件的公民担任。高等学校的校长、副校长按照国家有关规定任免。

Article 40 The post of president of a higher education institution shall be held by a citizen who meets the qualifications for the post as provided for in the Education Law. Presidents and vice-presidents of higher education institutions shall be appointed and removed according to the relevant regulations of the State.

第四十一条   高等学校的校长全面负责本学校的教学、科学研究和其他行政管理工作，行使下列职权：

Article 41 The president of a higher education institution undertakes over-all responsibility for the institution's teaching, research and administrative affairs, and exercises the following duties:

（一）拟订发展规划，制定具体规章制度和年度工作计划并组织实施；

1. to draw up development plans, formulate specific rules and regulations and annual work plans, and arrange for their implementation;

（二）组织教学活动、科学研究和思想品德教育；

(II) to make arrangements for teaching, research and ideological and moral education;

（三）拟订内部组织机构的设置方案，推荐副校长人选，任免内部组织机构的负责人；

(III) to draw up plans for internal structure, nominate candidates for vice-presidents, and appoint and remove directors of departments of the institution;

（四）聘任与解聘教师以及内部其他工作人员，对学生进行学籍管理并实施奖励或者处分；

(IV) to appoint and dismiss teachers and other workers of the institution, keep control of the school roll, and give reward and punishment to students;

（五）拟订和执行年度经费预算方案，保护和管理校产，维护学校的合法权益；

(V) to draw up and implement annual fiscal budget, protect and manage the property of the institution, and protect the lawful rights and interests of the institution; and

（六）章程规定的其他职权。

(VI) other functions and powers specified in the articles of association.

高等学校的校长主持校长办公会议或者校务会议，处理前款规定的有关事项。

The president of a higher education institution chairs the council of presidents or presides over the administrative affairs meetings of the institution, and handles the affairs prescribed in the preceding paragraph.

第四十二条   高等学校设立学术委员会，履行下列职责：

Article 42 In a higher education institution an academic committee shall be set up to perform the following duties and responsibilities:

（一）审议学科建设、专业设置，教学、科学研究计划方案；

1. deliberating discipline construction and specialties to be offered, teaching and research plans and schemes;

（二）评定教学、科学研究成果；

2. evaluating successes achieved in teaching and research;

（三）调查、处理学术纠纷；

(III) investigating and dealing with academic disputes;

（四）调查、认定学术不端行为；

(IV) investigating and identifying academic misconducts; and

（五）按照章程审议、决定有关学术发展、学术评价、学术规范的其他事项。

(V) deliberating and deciding on other matters relating to academic development, academic evaluation and academic norms in accordance with the articles of association.

第四十三条   高等学校通过以教师为主体的教职工代表大会等组织形式，依法保障教职工参与民主管理和监督，维护教职工合法权益。

Article 43 Higher education institutions shall, in accordance with law and through the conference of representatives of teachers and administrative staff workers, with teachers as its main body, or through other forms, guarantee that teachers and staff workers are involved in the democratic management and supervision of the institutions and safeguard their lawful rights and interests.

第四十四条   高等学校应当建立本学校办学水平、教育质量的评价制度，及时公开相关信息，接受社会监督。

Article 44 Higher education institutions shall establish the system for evaluation of the level of running of and quality of teaching, disclose relevant information in a timely manner, and accept the public supervision.

教育行政部门负责组织专家或者委托第三方专业机构对高等学校的办学水平、效益和教育质量进行评估。评估结果应当向社会公开。

Administrative departments for education shall be responsible for organizing experts or entrusting third-party professional organizations to evaluate the level and efficiency of running and quality of teaching in higher education institutions. The evaluation results shall be made public.

第五章 高等学校教师和其他教育工作者

Chapter 5 Teachers and Other Educators of Higher Education Institutions

第四十五条   高等学校的教师及其他教育工作者享有法律规定的权利，履行法律规定的义务，忠诚于人民的教育事业。

Article 45 Teachers and other educational workers of higher education institutions shall enjoy the rights prescribed by law, fulfill the obligations prescribed by law, and devote themselves to the cause of the people's education.

第四十六条   高等学校实行教师资格制度。中国公民凡遵守宪法和法律，热爱教育事业，具有良好的思想品德，具备研究生或者大学本科毕业学历，有相应的教育教学能力，经认定合格，可以取得高等学校教师资格。不具备研究生或者大学本科毕业学历的公民，学有所长，通过国家教师资格考试，经认定合格，也可以取得高等学校教师资格。

Article 46 A qualification system shall be instituted among teachers in higher education institutions. All Chinese citizens, who abide by the Constitution and laws, take a keen interest in education, have sound ideological and moral character, have completed undergraduate or graduate programs, have the necessary competence in education and teaching, and are considered qualified, may serve as teachers in higher education institutions. Citizens, who have not completed undergraduate or graduate programs but have acquired a speciality through study, have passed national examinations for qualifications of teachers, and are considered qualified, may likewise serve as teachers in such institutions.

第四十七条   高等学校实行教师职务制度。高等学校教师职务根据学校所承担的教学、科学研究等任务的需要设置。教师职务设助教、讲师、副教授、教授。

Article 47 A system of professional titles shall be instituted among teachers in higher education institutions. The post of a teacher in an institution of higher learning shall be set according to the needs of the teaching and scientific research tasks undertaken by the institution. The professional titles of teachers include teaching assistant, lecturer, associate professor and professor.

高等学校的教师取得前款规定的职务应当具备下列基本条件：

To acquire any of the professional titles prescribed in the preceding paragraph, a teacher in a higher education institution shall meet the following basic requirements:

（一）取得高等学校教师资格；

1. to be qualified as a teacher in a higher education institution;

（二）系统地掌握本学科的基础理论；

(II) have a systematic mastery of the basic theories of his discipline;

（三）具备相应职务的教育教学能力和科学研究能力；

(III) having the necessary competence in education, teaching and research as required by the post; and

（四）承担相应职务的课程和规定课时的教学任务。

(IV) to shoulder the curriculum commensurate with the title and the teaching assignments in required class hours.

教授、副教授除应当具备以上基本任职条件外，还应当对本学科具有系统而坚实的基础理论和比较丰富的教学、科学研究经验，教学成绩显著，论文或者著作达到较高水平或者有突出的教学、科学研究成果。

Professors and associate professors, in addition to the basic requirements as mentioned above, shall possess systematic and sound basic theories of their branches of learning, have comparatively rich experience in teaching and research, have achieved remarkable successes in teaching, and have composed comparatively high level of thesis or works or achieved outstanding results in teaching and research.

高等学校教师职务的具体任职条件由国务院规定。

The specific requirements for professional titles in higher education institutions shall be formulated by the State Council.

第四十八条   高等学校实行教师聘任制。教师经评定具备任职条件的，由高等学校按照教师职务的职责、条件和任期聘任。

Article 48 A system of appointment shall be instituted among teachers in higher education institutions. A person, having been evaluated as being qualified for holding a teaching post, shall be appointed by a higher education institution according to the duties, requirements and tenure of office for the post.

高等学校的教师的聘任，应当遵循双方平等自愿的原则，由高等学校校长与受聘教师签订聘任合同。

Appointment of teachers of higher education institutions shall be based on the principle of equality and voluntariness on both sides, and contracts of appointment shall be signed by presidents of higher education institutions and the teachers appointed.

第四十九条   高等学校的管理人员，实行教育职员制度。高等学校的教学辅助人员及其他专业技术人员，实行专业技术职务聘任制度。

Article 49 A system of educational administrators shall be instituted among administrative and managerial personnel in higher education institutions. A system of appointment for professional workers and technicians shall be instituted for auxiliary teaching staff and other professional workers and technicians in higher education institutions.

第五十条   国家保护高等学校教师及其他教育工作者的合法权益，采取措施改善高等学校教师及其他教育工作者的工作条件和生活条件。

Article 50 The State protects the lawful rights and interests of teachers and other educational workers of higher education institutions and takes measures to improve their working and living conditions.

第五十一条   高等学校应当为教师参加培训、开展科学研究和进行学术交流提供便利条件。

Article 51 Higher education institutions shall create conditions and provide convenience for teachers to undergo training, conduct research and take part in academic exchange.

高等学校应当对教师、管理人员和教学辅助人员及其他专业技术人员的思想政治表现、职业道德、业务水平和工作实绩进行考核，考核结果作为聘任或者解聘、晋升、奖励或者处分的依据。

Higher education institutions shall assess the ideology, political performance, professional ethics, professional skill and actual achievements of teachers, administrative and managerial personnel, auxiliary teaching staff and other professional workers and technicians, and the results of the assessment shall serve as the basis for appointment, dismissal, promotion, reward and punishment.

第五十二条   高等学校的教师、管理人员和教学辅助人员及其他专业技术人员，应当以教学和培养人才为中心做好本职工作。

Article 52 Teachers, administrative and managerial personnel, auxiliary teaching staff and other professional workers and technicians in higher education institutions shall do their own work well, concentrating on teaching and training students.

第六章 高等学校的学生

Chapter 6 Students in Higher Education Institutions

第五十三条   高等学校的学生应当遵守法律、法规，遵守学生行为规范和学校的各项管理制度，尊敬师长，刻苦学习，增强体质，树立爱国主义、集体主义和社会主义思想，努力学习马克思列宁主义、毛泽东思想、邓小平理论，具有良好的思想品德，掌握较高的科学文化知识和专业技能。

Article 53 Students of higher education institutions shall abide by laws and regulations, observe norms of conduct for students and the management systems of the schools, respect teachers, work hard in their studies, build up their physiques and the concepts of patriotism, collectivism and socialism, diligently study Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping Theory, have sound ideology and moral character, grasp a comparatively high level of scientific and cultural knowledge and specialized skills.

高等学校学生的合法权益，受法律保护。

The lawful rights and interests of students of higher education institutions shall be protected by law.

第五十四条   高等学校的学生应当按照国家规定缴纳学费。

Article 54 Students of higher education institutions shall pay the tuition fees according to the regulations of the State.

家庭经济困难的学生，可以申请补助或者减免学费。

Students from families with financial difficulties may apply for subsidies or reduction of or exemption from such fees.

第五十五条   国家设立奖学金，并鼓励高等学校、企业事业组织、社会团体以及其他社会组织和个人按照国家有关规定设立各种形式的奖学金，对品学兼优的学生、国家规定的专业的学生以及到国家规定的地区工作的学生给予奖励。

Article 55 The State establishes scholarships and encourages higher education institutions, enterprises, institutions, public organizations or groups and individuals to establish scholarships in a variety of ways in accordance with the relevant regulations of the State, in order to give awards to students of good character and scholarship, students in specialities specified by the State and students going to work in State-assigned areas.

国家设立高等学校学生勤工助学基金和贷学金，并鼓励高等学校、企业事业组织、社会团体以及其他社会组织和个人设立各种形式的助学金，对家庭经济困难的学生提供帮助。

The State establishes work-study fund and student loans for students of higher education institutions and encourages higher education institutions, enterprises, institutions, public organizations or groups and individuals to establish stipends in a variety of ways to provide assistance for students who come from families with financial difficulties.

获得贷学金及助学金的学生，应当履行相应的义务。

Students receiving student loans or stipends shall fulfill corresponding obligations.

第五十六条   高等学校的学生在课余时间可以参加社会服务和勤工助学活动，但不得影响学业任务的完成。

Article 56 Students of higher education institutions may take part in community services and work-study activities during their spare time, provided that this does not prevent them from completing their studies.

高等学校应当对学生的社会服务和勤工助学活动给予鼓励和支持，并进行引导和管理。

Higher education institutions shall encourage and support students to take part in community services and work-study activities, and provide guidance and exercise control in this respect.

第五十七条   高等学校的学生，可以在校内组织学生团体。学生团体在法律、法规规定的范围内活动，服从学校的领导和管理。

Article 57 Students of a higher education institution may form their own organizations in school. Student organizations shall conduct their activities within the limits defined by laws and regulations and obey leadership and control of the school authorities.

第五十八条   高等学校的学生思想品德合格，在规定的修业年限内学完规定的课程，成绩合格或者修满相应的学分，准予毕业。

Article 58 Students of higher education institutions shall be permitted to graduate, if they are qualified in their ideology and moral character, have completed study of the courses required during the required length of schooling, and have passed the examinations or got all the credits required.

第五十九条   高等学校应当为毕业生、结业生提供就业指导和服务。

Article 59 Higher education institutions shall provide guidance and services with respect to job opportunities for graduates and students who have completed certain courses.

国家鼓励高等学校毕业生到边远、艰苦地区工作。

The State encourages graduates of higher education institutions to go and work in outlying areas and places where conditions are hard.

第七章 高等教育投入和条件保障

Chapter 7 Input to Higher Education and Guarantee of Conditions

第六十条   高等教育实行以举办者投入为主、受教育者合理分担培养成本、高等学校多种渠道筹措经费的机制。

Article 60 Higher education practices a mechanism wherein the government mainly provides capital investment, educatees reasonably share the cultivation cost, and higher education institutions raise funds through various channels.

国务院和省、自治区、直辖市人民政府依照教育法第五十六条的规定，保证国家举办的高等教育的经费逐步增长。

The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in accordance with the provisions in Article 56 of the Education Law, ensure that funds for State-run higher education institutions gradually increase.

国家鼓励企业事业组织、社会团体及其他社会组织和个人向高等教育投入。

The State encourages enterprises, institutions, public organizations or groups and individuals to invest in higher education.

第六十一条   高等学校的举办者应当保证稳定的办学经费来源，不得抽回其投入的办学资金。

Article 61 Sponsors of higher education institutions shall ensure stable sources of funding for education, and they may not draw back the funds they put in education.

第六十二条   国务院教育行政部门会同国务院其他有关部门根据在校学生年人均教育成本，规定高等学校年经费开支标准和筹措的基本原则；省、自治区、直辖市人民政府教育行政部门会同有关部门制订本行政区域内高等学校年经费开支标准和筹措办法，作为举办者和高等学校筹措办学经费的基本依据。

Article 62 The administrative department for education under the State Council shall, in conjunction with other relevant departments under the State Council and on the basis of the annual cost of education per enrolled student, formulate the annual norms of expenditure for higher education institutions and the basic principles for raising educational funds; the administrative departments for education of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in conjunction with other relevant departments, work out the annual norms of expenditure for higher education institutions in their respective administrative areas and measures for raising educational funds, which shall serve as the basis for sponsors and higher education institutions in raising funds for education.

第六十三条   国家对高等学校进口图书资料、教学科研设备以及校办产业实行优惠政策。高等学校所办产业或者转让知识产权以及其他科学技术成果获得的收益，用于高等学校办学。

Article 63 The State adopts preferential policies with regard to the books and other material and equipment for teaching and research imported by higher education institutions and to the industrial undertakings run by such institutions. Earnings from industrial undertakings run by higher education institutions or from transfer of their intellectual property rights or other scientific and technological achievements shall be used for running of such institutions.

第六十四条   高等学校收取的学费应当按照国家有关规定管理和使用，其他任何组织和个人不得挪用。

Article 64 The tuition fees collected by higher education institutions shall be controlled and used in accordance with the relevant regulations of the State, no other institutions or individuals may use them for other purposes.

第六十五条   高等学校应当依法建立、健全财务管理制度，合理使用、严格管理教育经费，提高教育投资效益。

Article 65 Higher education institutions shall, according to law, establish and improve the fiscal management system, properly use and strictly control educational funds, and make the best of the investment in education.

高等学校的财务活动应当依法接受监督。

Higher education institutions shall, in accordance with law, accept supervision over their financial activities.

第八章 附 则

Chapter 8 Supplementary Provisions

第六十六条   对高等教育活动中违反教育法规定的，依照教育法的有关规定给予处罚。

Article 66 Anyone who violates the provisions of the Education Law in conducting higher education shall be punished according to the relevant provisions of the Education Law.

第六十七条   中国境外个人符合国家规定的条件并办理有关手续后，可以进入中国境内高等学校学习、研究、进行学术交流或者任教，其合法权益受国家保护。

Article 67 Individuals from outside the territory of China who meet the conditions prescribed by the State and who have completed the necessary formalities may enter higher education institutions in China to pursue their studies and research, to conduct academic exchange or to teach, and their lawful rights and interest shall be protected by the State.

第六十八条   本法所称高等学校是指大学、独立设置的学院和高等专科学校，其中包括高等职业学校和成人高等学校。

Article 68 For purposes of this Law, higher education institutions are universities, independent colleges, and specialized higher education schools, including higher vocational schools and higher education schools for adults.

本法所称其他高等教育机构是指除高等学校和经批准承担研究生教育任务的科学研究机构以外的从事高等教育活动的组织。

Other higher education organizations referred to in this Law are organizations engaged in higher education other than the higher education institutions and the research institutes approved to provide graduate program.

本法有关高等学校的规定适用于其他高等教育机构和经批准承担研究生教育任务的科学研究机构，但是对高等学校专门适用的规定除外。

The provisions of this Law regarding higher education institutions are applicable to other higher education organizations and the research institutes approved to provide graduate program, except the provisions that are applicable specially to higher education institutions.

第六十九条   本法自1999年1月1日起施行。

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