# Higher Education Law of the PRC

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## Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of developing higher education, implementing the strategy of revitalizing the country through science and education and the strategy of strengthening the country through human resources, and promoting the construction of socialist modernization.

Article 2 — This Law shall apply to higher education activities conducted within the territory of the People's Republic of China. For the purposes of this Law, "higher education" means education conducted on the basis of completion of senior secondary education.

Article 3 — The state adheres to the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the important thought of Three Represents, the Scientific Outlook on Development, and Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, follows the provisions of the Constitution, and develops socialist higher education.

Article 4 — Higher education shall implement the educational policy of the state, serve the socialist modernization drive and the people, be integrated with productive labor and social practice, and cultivate builders and successors of socialism with all-round development in moral, intellectual, physical, aesthetic and labor education.

Article 5 — The mission of higher education is to cultivate senior specialized talents with a sense of social responsibility, innovative spirit and practical ability, and to develop science, technology and culture, and to promote socialist modernization.

Article 6 — The state shall, in light of economic and social development needs, formulate plans for the development of higher education, establish higher education institutions, and adopt various forms to actively develop higher education. The state encourages enterprises, public institutions, social groups, other social organizations and individual citizens to establish and support higher education institutions and participate in the development of higher education in accordance with law.

Article 7 — The state shall, in accordance with the needs of ethnic minority characteristics and local conditions, assist and support the development of higher education in ethnic minority regions and cultivate senior specialized talents for ethnic minorities.

Article 8 — All citizens shall have the right to receive higher education in accordance with law. The state shall adopt measures to assist ethnic minority students and students from economically disadvantaged families to receive higher education. Higher education institutions shall admit female students on an equal basis with male students, and shall not refuse to admit disabled students who meet the admission criteria.

## Chapter II — Basic Systems of Higher Education

Article 9 — Higher education includes academic education and non-academic education. Higher education adopts a system of full-time and part-time education. The state supports the use of distance education methods such as radio, television and online teaching to implement higher education.

Article 10 — The academic levels of higher education are divided into specialized education, undergraduate education and postgraduate education. The following academic standards shall be met for higher education at different academic levels:

(1) — Specialized education shall enable students to master the basic theories and specialized knowledge necessary for their specialty, and to possess basic skills and preliminary practical abilities for engaging in the practical work of their specialty;

(2) — Undergraduate education shall enable students to systematically master the basic theories and basic knowledge necessary for their discipline or specialty, to acquire basic skills, methods and relevant knowledge necessary for engaging in the practical or research work of their specialty, and to possess preliminary abilities for engaging in practical or research work in their specialty;



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(3) — Postgraduate education at master's level shall enable students to master solid basic theories and systematic specialized knowledge, to acquire corresponding skills, methods and relevant knowledge, and to possess the abilities for engaging in practical or research work in their specialty. Postgraduate education at doctoral level shall enable students to master solid and broad basic theories, systematic and in-depth specialized knowledge in their discipline, and corresponding skills and methods, and to possess the abilities for independently engaging in creative scientific research or practical work in their discipline.

Article 11 — The basic length of schooling for undergraduate education is four to five years, for specialized education is two to three years, for master's degree postgraduate education is two to three years, and for doctoral degree postgraduate education is three to four years. The length of schooling for part-time higher academic education shall be appropriately extended.

Article 12 — Higher education institutions shall implement higher education in accordance with their approved academic levels and types. Institutions of higher learning and scientific research institutions approved to offer postgraduate education may undertake the task of postgraduate education.

Article 13 — Higher education institutions confer corresponding academic degree titles upon graduates who meet the degree criteria prescribed by the state in accordance with the Regulations of the People's Republic of China on Academic Degrees.

Article 14 — Citizens who have received higher education or obtained higher education qualifications through self-study may apply to degree-conferring bodies for corresponding degrees if their academic levels meet the degree criteria prescribed by the state.

## Chapter III — Establishment of Higher Education Institutions

Article 15 — Higher education institutions include institutions of higher learning and other higher education institutions. Institutions of higher learning refer to universities and independent colleges, including higher vocational schools and higher specialized schools. Other higher education institutions refer to institutions other than institutions of higher learning that organize higher education activities.

Article 16 — The establishment of higher education institutions shall comply with the state's plans for the development of higher education, meet the state's interests and the public interest, and shall not be for profit-making purposes.

Article 17 — The establishment of an institution of higher learning shall meet the following basic conditions:

(1) — Having an organizational structure and constitution;

(2) — Having qualified teachers;

(3) — Having teaching places, facilities and equipment that meet the prescribed standards;

(4) — Having the necessary funds for running the institution and stable sources of funding.

Article 18 — The establishment of an institution of higher learning shall be examined and approved by an expert evaluation body established by the administrative department of education or other relevant administrative departments. The establishment, renaming, and other adjustment matters of institutions of higher learning shall be subject to approval by the administrative department of education under the State Council.

Article 19 — Higher education institutions shall acquire the status of a legal person from the date of approval of their establishment. The president of an institution of higher learning shall be the legal representative of the institution. Higher education institutions shall enjoy civil rights and bear civil liabilities in accordance with law in civil activities.

## Chapter IV — Organization and Activities of Higher Education Institutions



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Article 20 — Institutions of higher learning shall implement the president responsibility system under the leadership of the primary-level organizations of the Communist Party of China. The primary-level organizations of the Communist Party of China in institutions of higher learning shall, in accordance with the Constitution of the Communist Party of China, exercise unified leadership over the work of the institution, support the president in independently and responsibly exercising his or her powers, and ensure the completion of all tasks such as teaching, scientific research and administrative management.

Article 21 — The president of an institution of higher learning shall comprehensively take charge of teaching, scientific research and administrative management, and exercise the following powers:

(1) — Formulating development plans and specific rules and regulations, and formulating and organizing the implementation of annual work plans;

(2) — Organizing teaching activities, scientific research and ideological and moral education;

(3) — Formulating internal organizational structure plans, recommending candidates for vice-presidents, and appointing and removing persons in charge of internal organizations;

(4) — Appointing and dismissing teachers and other internal staff, and conducting rewards and punishments for students;

(5) — Formulating and implementing annual budget plans, protecting and managing university property, and safeguarding the lawful rights and interests of the university;

(6) — Other powers stipulated in the university constitution.

Article 22 — Institutions of higher learning shall establish an academic committee to perform the following duties: reviewing disciplinary and specialty settings, teaching and scientific research plans; evaluating teaching and scientific research achievements; and handling other academic matters.

Article 23 — Institutions of higher learning shall carry out democratic management and supervision through the representative assembly of faculty and staff members and other means. The president shall report work to the representative assembly of faculty and staff members, listen to opinions and accept supervision.

Article 24 — Institutions of higher learning shall guarantee the lawful rights and interests of faculty, staff members and students, and shall not infringe upon their lawful rights and interests.

## Chapter V — Teachers and Other Educational Workers of Higher Education Institutions

Article 25 — Teachers and other educational workers of higher education institutions shall enjoy the rights prescribed by law, fulfill the obligations prescribed by law, and be loyal to the educational cause of the people.

Article 26 — The state shall implement a qualification system for teachers of higher education institutions. A citizen who meets the academic ability requirements stipulated in the Teachers Law of the People's Republic of China may, upon passing an evaluation, obtain the qualification as a teacher of a higher education institution.

Article 27 — Teachers of higher education institutions shall be subject to a professional technical position appointment system. Professional technical positions for teachers shall be established in accordance with the needs of teaching and scientific research. Specific ratios shall be prescribed by the state.

Article 28 — Institutions of higher learning shall assess the political and ideological performance, professional level, work attitude and work achievements of teachers, administrators and teaching support staff. The assessment results shall be the basis for appointment or dismissal, promotion, rewards and punishments.



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Article 29 — The state encourages teachers of higher education institutions to engage in scientific research, technological development and social services, and to cooperate with enterprises in conducting scientific and technological research and development and commercialization of technological achievements.

## Chapter VI — Students of Higher Education Institutions

Article 30 — Students of higher education institutions shall abide by laws and regulations, observe the code of conduct and the administrative rules of the institution, respect teachers, study diligently, and strive to improve their political, ideological, moral and professional levels.

Article 31 — Students of higher education institutions may participate in social services and work-study programs organized by the institution, but shall not affect the completion of their academic tasks.

Article 32 — Students of higher education institutions may organize student associations within their institutions. Student associations shall conduct activities within the scope prescribed by laws and regulations and shall be subject to the leadership and management of the institution.

Article 33 — Institutions of higher learning shall provide employment guidance and services for students and graduates. The state encourages graduates of higher education institutions to work in remote and impoverished areas, and encourages them to join the military and serve national defense.

## Chapter VII — Investment in Higher Education and Guarantee of Conditions

Article 34 — The state shall establish a system whereby financial appropriations constitute the main source, supplemented by raising higher education funds through multiple channels. The State Council and people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall ensure that the state financial investment in higher education increases gradually.

Article 35 — The state shall encourage enterprises, public institutions, social groups, other social organizations and individuals to donate funds to higher education. Enterprises making donations to higher education shall be entitled to enterprise income tax deductions in accordance with law.

Article 36 — Higher education institutions shall establish and improve their financial management systems, administer and use educational funds in accordance with law, and shall not misappropriate educational funds for other purposes.

Article 37 — Institutions of higher learning may, in accordance with the law, raise funds by means such as transferring scientific and technological achievements, engaging in scientific research and technological development, and providing consulting and other paid services to society.

Article 38 — Institutions of higher learning shall, in accordance with the state's relevant provisions, charge tuition fees from students. The fee standards shall be examined and approved in accordance with the state's relevant provisions and made public. The income from tuition fees shall be managed and used in accordance with the relevant provisions of the state, and no other unit or individual may withhold or misappropriate such fees.

## Chapter VIII — Supplementary Provisions

Article 39 — Higher education institutions organized by social forces in accordance with the relevant provisions of the state shall be governed by the relevant provisions of the state on privately-run education. The state encourages and supports social forces to organize higher education institutions, and shall administer them in accordance with the law.

Article 40 — Sino-foreign cooperative education in higher education shall be governed by the relevant provisions of the state. The state encourages international exchange and cooperation in higher education.



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Article 41 — This Law shall come into force on January 1, 1999.

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