上海理工大学文件

2017　92

关于印发《上海理工大学学生申诉处理规定（试行）》的通知

2017　6　18

Official Document

University of Shanghai for Science and Technology

USST 2017 No. 92

Notice of printing and distributing Regulations on Student Appeal of University of Shanghai for Science and Technology (Trial)

To all departments,

Regulations on Student Appeal of University of Shanghai for Science and Technology (Trial) has been approved at the

Student Appeal Case Handling Committee is responsible for and reports to President Office Meeting.

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Article 6 Student Appeal Case Handling Committee is composed of nine members and four temporary members.

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Members of the committee shall be USST leaders who are in charge of supervision work (leaders in charge) and heads of USST competent departments including President Office, Supervision Division, Students Affairs Division, Teaching Affairs Office, Graduate School, Postgraduate Student Affairs Department, Security Division, Logistics Management Division and Legal Affairs Office.

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Temporary members shall be two teacher representatives and two student representatives. Teacher temporary members shall be

recommended by USST labor union. If those who appeal are undergraduate students, student temporary member shall be recommended by the student union. If those who appeal are postgraduate students, student temporary member shall be recommended by graduate students union.

Temporary members shall not be teachers or students of the school where the appellant studies.

Article 7 Student Appeal Case Handling Committee shall have a director and a secretariat. The director shall be the leader in charge who will supervise the operation of the committee. The secretariat shall be set up at President Office and takes charge of the routine operation of the committee. Head of President Office serves as the secretary-general and supervises the routine operation of the secretariat.

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Article 8 Student Appeal Case Handling Committee reexamines the appeal of students. A panel shall be formed which is composed

of at least nine members. The number of members of the panel shall be an odd number. Members of the panel shall include two teacher representatives and two student representatives.

The original investigation department and the original decision-making department shall not be involved in decision making after appeal reexamination.

Article 9 Duties of Student Appeal Case Handling Committee include:

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(1) Accepting appeal;

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(2) Conduct written reexamination or hold a hearing to reexamine appeal;

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(3) Reaching conclusion after reexamination; producing written decision on appeal reexamination;

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(4) Sending written decision on appeal reexamination to appellant, the original investigation department and the original decision-making department.

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Chapter 3 Acceptance of Appeal

Article 10 If student raises objection to USST disciplinary punishment decision (as listed below) which affects the V W X G H Q W ¶ V rights and interests, he/she may appeal with Student Appeal Case Handling Committee in accordance with this Regulations.

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(1) Decision on warning, serious warning, demerit recording, probation and expulsion;

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(2) Decision on cancellation of admission qualifications;

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(3) Decision on discontinuing schooling;

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(4) Decision on cancellation of qualification for earning diploma certificate and academic certificate or cancellation of diploma certificate and academic certificate;

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(5) Other decision which may be subject to appeal in accordance with laws and regulations.

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Article 11 If a student appeals, he/she shall submit written appeal application and copy of USST disciplinary punishment decision to secretariat of Student Appeal Case Handling Committee within 10 days after receiving disciplinary punishment decision. The appeal application shall contain the following items:

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(1) Name, class, student ID number and other basic information of appellant;

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(2) Details, reasons and demands of appeal; evidence and witness materials shall be attached;

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(3) Signature of appellant and date of appeal application.

第十二条

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Arti cle 12 Secretariat of Student Appeal Case Handling

Committee shall conduct review of appeal materials within 3 days after receiving appeal application and inform appellant after making the following decision according to circumstances:

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(1) Appeal is accepted when appeal application complies with the present Regulations;

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(2) Appeal materials are incomplete and appellant shall submit the remaining required materials within 2 days;

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(3) Appeal shall not be accepted if one of the following occurs:

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a) Appellant fails to follow Article 3 hereof regarding appellant qualifications;

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b) Appeal matter fails to follow Article 10 hereof regarding appeal scope;

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c) Appeal term fails to follow Article 11 hereof;

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d) Appeal materials are incomplete and the remaining required material are not submitted within the prescribed time period as set hereof.

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Chapter 4 Appea l Handling Procedures

Article 13 Student Appeal Case Handling Committee shall send copy of appeal application to the original investigation department and the original decision-making department the following day after making decision on appeal acceptance.

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The original investigation department and the original decision-making department shall offer written response to Student Appeal Case Handling Committee within 3 days after receiving copy of appeal application. The written response shall cover decision-making related facts and proof as well as other relevant materials.

Article 14 Student Appeal Case Handling Committee conducts reexamination in written form when handling appeal. The panel conducts reexamination by holding a hearing if the panel considers

it necessary.

Article 15 If reexamination is conducted in written form, the panel shall reexamine appeal related materials, make inquiry with the appellant, the original investigation department and the original decision-making department, and implement verification if necessary.

If reexamination is conducted in written form, appeal reexamination conclusion is valid only after obtaining approval of at least one half of the members of the panel.

Article 16 For appeal with unclear facts, insufficient evidence and much controversy, the panel may conduct reexamination by holding a hearing after discussion among the panel members.

If appeal is handled by holding a hearing for reexamination purpose, appeal reexamination conclusion is valid only after obtaining

approval of at least one half of the panel members after a secret ballot.

If the state secrets or USST secrets, privacy of appellant or other individuals are involved or otherwise stipulated by laws and regulations, reexamination may be conducted without a public hearing.

Article 17 Participants in hearing include panel members, note-taker, appellant, representative of the original investigation department, representative of the original decision-making department, witness and attendees.

Article 18 Head of Student Appeal Case Handling Committee shall appoint one member of the committee as the president of the hearing. Note-taker is appointed by hearing president. Hearing president discharges the following duties regarding hearing activities:

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(1) Finalizing time and venue of hearing;

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(2) Deciding on postponement, suspension or termination of hearing;

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(3) Conducting inquiry with appellant, representative of the original investigation department, representative of the original decision-making department and witness;

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(4) Accepting and checking all evidence;

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(5) Maintaining hearing order; issuing warning to those who disrupt hearing order and asking them to leave if the circumstances are serious.

第十九条

Article 19 Hearing president shall exercise duties impartially during the hearing and ensure the right of statement and right of defense of appellant, representative of the original investigation department and representative of the original decision-making

department.

The appellant, representative of the original investigation department, representative of the original decision-making department and witness shall attend the hearing on time, observe hearing order, honestly answer questions from hearing president and offer evidence according to the law.

第二十条 3

Article 20 The secretariat shall inform the appellant of the time and venue of the hearing within 3 days after decision on holding a hearing is made.

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If the appellant cannot attend the hearing for certain reasons, he/she shall tell the secretariat 3 days in advance and hearing president shall decide whether the hearing shall be postponed.

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If the hearing will not be postponed, the secretariat shall inform the appellant at least 1 day in advance. The appellant can ask his/her proxy to attend the hearing.

If the hearing will be postponed, hearing president shall reschedule the hearing.

If the appellant or proxy of appellant fail to attend hearing without any plausible reason, hearing procedures shall be implemented as planned.

第二十一条

Article 21 A hearing shall be conducted in accordance with the following procedures:

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(1) Host president announces the commencement of hearing and cause of action;

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(2) Appellant makes appeal;

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(3) Representative of the original investigation department and representative of the original decision-making department make statements;

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(4) With the permission of hearing president, the appellant,

representative of the original investigation department and representative of the original decision-making department may ask questions about relevant evidence or ask witness questions;

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(5) The appellant, representative of the original investigation department and representative of the original decision-making department make the final statements;

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(6) Hearing president announces the end of hearing.

第二十二条

Article 22 Hearing note-taker shall take down every activity of the hearing. Hearing president, hearing note-taker, the appellant, representative of the original investigation department and representative of the original decision-making department shall attach their signatures or seals on hearing notes.

第二十三条

Article 23 After completion of hearing, head of Student Appeal Case Handling Committee shall convene and preside over a panel

meeting where appeal of appellant and statements of the original investigation department and the original decision-making department shall be discussed and appeal reexamination decision shall be made.

第二十四条

Article 24 After written reexamination or hearing-based reexamination is conducted, Student Appeal Case Handling Committee shall make appeal reexamination decision on the basis of reexamination results:

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(1) If the original disciplinary punishment guarantees clear facts, accurate information, correct determination, procedural due process and appropriate punishment, the original disciplinary punishment shall be maintained.

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(2) If the facts, evidence and procedure of the original disciplinary punishment are considered inappropriate, reexamination

conclusion on cancellation or alteration of the original disciplinary punishment shall be reached. The conclusion shall be submitted to President Office or Special Meeting for deliberation and written appeal reexamination decision shall be issued on the basis of the decision of the President Office or Special Meeting.

If the original decision-making department is asked to make a new decision after deliberation of the appeal by the President Office or Special Meeting, the said department shall not give a more serious punishment to the appellant on the basis of the same facts and reasons.

第二十五条

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Article 25 Student Appeal Case Handling Committee shall finalize written appeal reexamination decision within 15 days after receiving written appeal. The written appeal reexamination decision shall be sent to the appellant, the original investigation department and the original decision-making department in a timely manner.

If decision cannot be made during the prescribed time period due to

complicated situations, decision-making may be postponed for 15 days with the permission of the head of Student Appeal Case Handling Committee.

第二十六条

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Article 26 Written appeal reexamination decision shall be directly sent to the appellant, the original investigation department and the original decision-making department. If the appellant refuses to sign and accept the written decision, it shall be sent in lien mode. If the app H O O D Q W K D V D O U H D G \ O H I W W K H in F D P S X V D O L H Q P R G H W K H Z U L W W H Q G H F L V L R Q V K D O O impossible to contact the appellant or the written decision cannot be sent through other means prescribed in this Article, it shall be sent via USST website in the form of public notice. The written decision shall be deemed to have been sent 30 days after the public notice is announced.

第二十七条

Article 27 Implementation of the original disciplinary punishment

shall continue during appeal period. If necessary, Student Appeal Case Handling Committee, with the permission of the head of Student Appeal Case Handling Committee, may ask the the original decision-making department to suspend implementation of the original disciplinary punishment.

第二十八条

Article 28 If appellant asks to withdraw appeal application and submit written withdrawal application prior to the finalization of written appeal reexamination decision, appeal application may be withdrawn. If appellant withdraws appeal application, appeal handling procedures terminate accordingly. If appellant appeals against on the basis of the same cause of action, Student Appeal Case Handling Committee will not accept the appeal.

第二十九条

Article 29 If appellant raises objection to written appeal reexamination decision, he/she may submit written appeal to Shanghai Municipal Education Commission within 15 days after receiving the written appeal reexamination decision.

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Chapter 5 Supplementary Provisions

第三十条

Article 30 Appeal application by postgraduate student pursuing non-certificate oriented education, student of School of Continuing Education, student from CHINA Hong Kong, CHINA Macao, and CHINA Taiwan and international student shall be handled in accordance with state regulations (if any). If there are no such state regulations, the present Regulations shall apply.

Rules on handling appeal by student from The Sino-British College shall be formulated by The Sino-British College in accordance with laws and regulations. If there are no such rules, the present Regulations shall apply.

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Article 31 % R W K ³ W K-H P H D E R L Y H Q H G´ D Q G ³ W K H P H Q W L R Q H G´ L Q W K H 5 H J X O D W L R Q V L Q F O X G H W

第三十二条

Article 32 Student Appeal Case Handling Committee shall be responsible for the interpretation of the Regulations.

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Article 33 The Regulations shall come into force since September 1, 2017 after being approved at the President Office Meeting. The original Regulations on Student Appeal of University of Shanghai for Science and Technology (USST [2013] No.110) shall be abolished simultaneously.

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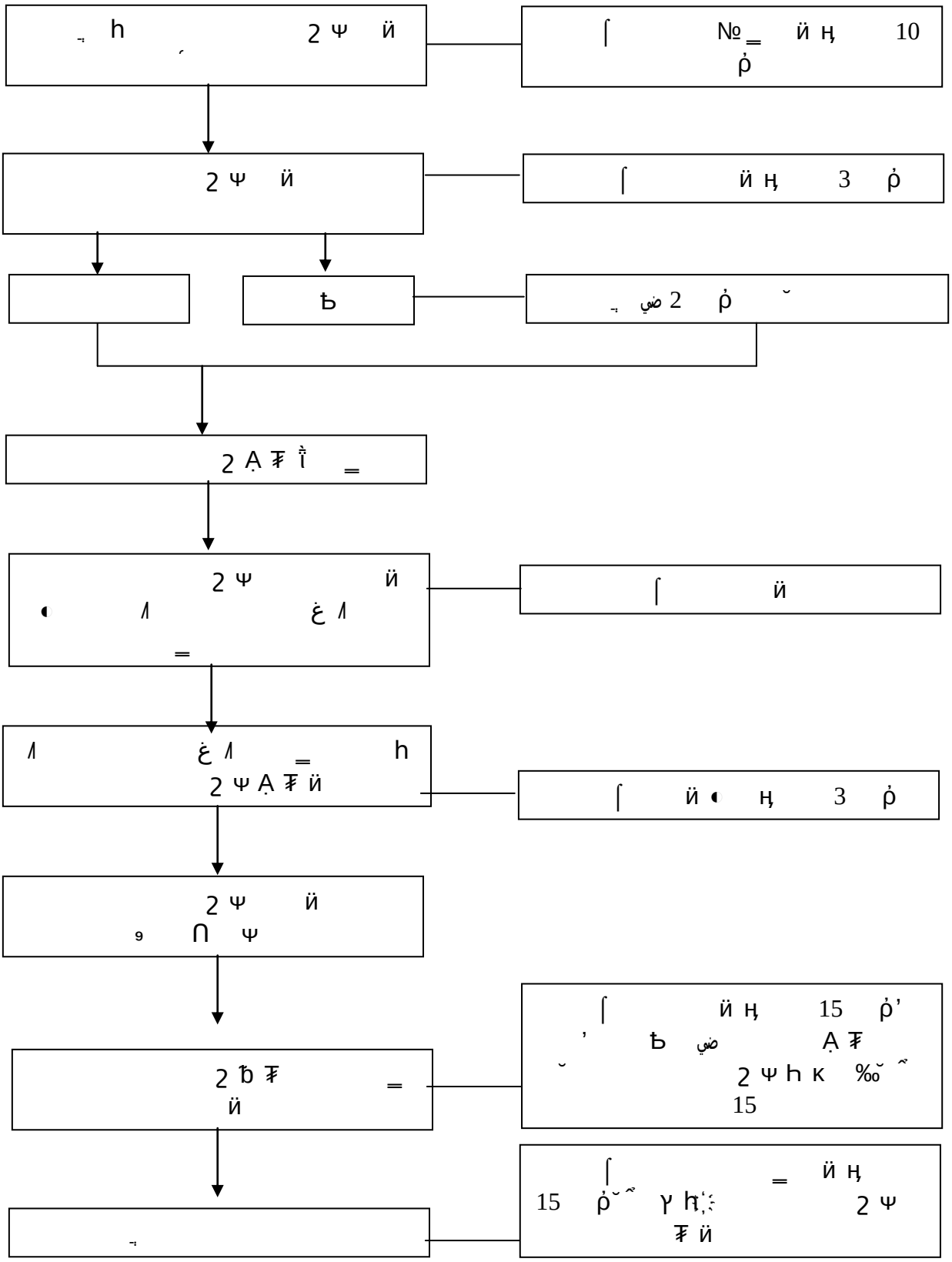
Appendix

学生申诉处理流程

Procedures for Handling Student Appeal



Appellant submits appeal application to secretariat of Student Appeal Case Handling Committee	Within 10 days after receiving written disciplinary punishment decision
Secretariat of Student Appeal Case Handling Committee reviews appeal materials	Within 3 days after receiving appeal application
Complete materials	