

上海理工大学文件

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关于印发《上海理工大学学生申诉处理规定（试行）》 的通知

校内各部门：

《上海理工大学学生申诉处理规定（试行）》已经校长办公会审议通过，现全校印发，请遵照执行。

附件：学生申诉处理流程

上海理工大学
2017年6月18日

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 President Office Meeting after discussion. The Regulations is now printed and distributed to you. Please read it carefully and strictly follow the rules thereof.

Appendix: Procedures for Handling Student Appeal

University of Shanghai for Science and Technology
June 18, 2017

上海理工大学学生申诉处理规定（试行）

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

第一章 总则

Chapter 1 General Provisions

第一条 为规范校内学生申诉制度，保证学校处理行为的客观、公正，保障学生的合法权益，根据《中华人民共和国高等教育法》、《普通高等学校学生管理规定》和有关法律、法规，以及《上海理工大学章程》，制定本规定。

Article 1 To standardize USST student appeal regulations, ensure objectivity and impartiality when the University handles appeal case and protect the legitimate rights and interests of students, these Regulations are formulated in accordance with *Higher Education Law of the People's Republic of China, Provisions on the Administration of Students in Regular Institutions of Higher Education, Regulations of University of Shanghai for Science and Technology* and relevant laws and regulations.

第二条 本规定所称的申诉，是指学生对学校作出的涉及本人权益的处理或者处分决定有异议，向学校提出对该决定进行复查的意见和要求。

Article 2 For the purpose of this Regulations, appeal is defined as student's suggestions and demands when he/she raises objection to USST disciplinary punishment decision which affects

the student's rights and interests and the said student asks the University to conduct review of the decision.

第三条 本规定适用于本校接受高等学历教育的研究生和本科生（非学历教育的研究生，参照本规定执行）。

Article 3 These Regulations are applicable to all undergraduate and postgraduate students who are receiving higher education at USST (also applicable to postgraduate student pursuing non-certificate oriented education).

第四条 学生坚持严肃、认真、诚信的原则提出申诉；学校坚持公开、公正、实事求是和有错必纠的原则处理学生的申诉。

Article 4 Student shall adhere to the principles of seriousness, meticulousness and honesty when appealing against USST decision. The University shall follow the principles of openness, impartiality, facts-based investigation and correcting mistakes whenever discovered when handling student's appeal case.

第二章 处理申诉的组织

Chapter 2 Organization for Handling Appeal Case

第五条 学校设立学生申诉处理委员会，负责受理学生对处理或者处分决定不服提起的申诉。

Article 5 The University sets up Student Appeal Case Handling Committee which is responsible for handling appeal by student when he/she raises objection to disciplinary punishment decision.

学生申诉处理委员会向校长办公会负责并报告工作。

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

第六条 学生申诉处理委员会由 9 名委员和 4 名临时委员组成。

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

委员由分管监察的校领导（下称“分管校领导”）和校长办公室、监察处、学生处、教务处、研究生院、研究生工作部、保卫处、后勤管理处、法律事务室负责人等职能部门相关负责人担任。

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.

临时委员由 2 名教师代表和 2 名学生代表担任。教师临时委员由学校工会推举。申诉人为本科生的，学生临时委员由学生会推举；申诉人为研究生的，学生临时委员由研究生会推举。

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.

临时委员不能由申诉人所在学院的师生担任。

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

第七条 学生申诉处理委员会设主任和秘书处。主任由分管校领导担任，主持委员会工作。秘书处设在校长办公室，负责委员会日常工作。秘书长由校长办公室主任担任，主持秘书处工作。

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.

第八条 学生申诉处理委员会复查学生申诉，由 9 名或 9 名以上委员组成合议组。合议组成员人数必须是单数，成员应当包括 2 名教师代表委员和 2 名学生代表委员。

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.

原处理调查部门和原处理决定部门相关负责人不参与申诉复查处理决定。

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

第九条 学生申诉处理委员会的职责包括：

Article 9 Duties of Student Appeal Case Handling Committee include:

(一) 受理申诉人的申诉；

(1) Accepting appeal;

(二) 书面复查或者召开听证会复查申诉人的申诉；

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

(三) 作出复查结论，出具申诉复查决定书；

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

(四) 将申诉复查决定书送达申诉人、原处理调查部门和原处理决定部门。

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

第三章 申诉的受理

Chapter 3 Acceptance of Appeal

第十条 学生对学校作出的涉及本人权益的下列处理或者处分决定不服，可以依照本规定向学生申诉处理委员会提出申诉：

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

(一) 对警告、严重警告、记过、留校察看、开除学籍等纪律处分的决定不服的；

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

(二) 对取消入学资格的决定不服的；

(2) Decision on cancellation of admission qualifications;

(三) 对予以退学处理的决定不服的；

(3) Decision on discontinuing schooling;

(四) 对取消授予学位证书、学历证书资格或撤销学位证书、学历证书的決定不服的；

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

(五) 法律、法规规定可以提出申诉的其它处理决定。

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

第十一条 学生提出申诉，应当自收到处理或者处分决定书之日起 10 日内，向学生申诉处理委员会秘书处递交书面申诉申请书和学校作出的处理或者处分决定书副本。申诉申请书应当载明下列内容：

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:

(一) 申诉人的姓名、班级、学号及其它基本情况；

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

(二) 申诉的事项、理由、要求并附上相关的证据、证人材料；

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

(三) 申诉人署名及提出申诉的日期。

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

第十二条 学生申诉处理委员会秘书处应当在接到申诉申请书之日起 3 日内对申诉材料进行审查，根据具体情况作出如下决定并告知申诉人：

Article 12 Secretariat of Student Appeal Case Handling

上海理工大学留学生办公室 INTERNATIONAL STUDENTS OFFICE, USST

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:

(一) 申诉请求符合本规定，予以受理；

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

(二) 申诉材料不齐全，要求申诉人在 2 日内补正；

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

(三) 有下列情况之一的，不予受理：

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

1. 申诉人不符合本规定第三条申诉人资格的；

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

2. 申诉事由不符合本规定第十条申诉范围的；

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

3. 申诉期限不符合本规定第十一条的；

c) Appeal term fails to follow Article 11 hereof;

4. 申诉材料不齐全且在本条规定期限内未补正的。

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

第四章 申诉的处理程序

Chapter 4 Appeal Handling Procedures

第十三条 学生申诉处理委员会应当在作出受理决定次日将申诉申请书副本送达原处理调查部门和原处理决定部门。

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.

原处理调查部门和原处理决定部门应当自收到申请书副本之日起3日内向学生申诉处理委员会作出包括作出处理决定的事实、依据和其它相关材料的书面答复。

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.

第十四条 学生申诉处理委员会处理申诉，一般采取书面方式进行复查。合议组认为有必要的，通过召开听证会的方式进行复查。

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.

第十五条 采取书面方式进行复查的，由合议组对申诉的有关材料进行复查，对申诉人、原处理调查部门和原处理决定部门进行询问，开展必要的查证。

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.

采取书面方式进行复查的，申诉复查结论应获得合议组二分之一以上委员同意，方为有效。

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.

第十六条 对于事实不清、证据不足、争议较大的申诉，经合议组集体讨论决定，可以通过召开听证会的方式进行复查。

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.

召开听证会复查的方式处理申诉的，申诉复查结论应经合议组无记名投票表决二分之一以上同意，方为有效。

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.

如涉及国家秘密或者学校秘密的、涉及申诉人个人或他人隐私的，或者法律、法规另有规定的，可以通过不公开听证的方式进行复查。

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.

第十七条 听证会的参加人员包括合议组成员、记录人、申诉人、原处理调查部门代表、原处理决定部门代表、证人、旁听人员。

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.

第十八条 学生申诉处理委员会主任在学生申诉处理委员会委员中指定一人担任听证主持人，记录人由听证主持人指定。听证主持人就听证活动行使下列职权：

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:

- (一) 决定举行听证的时间、地点;
- (1) Finalizing time and venue of hearing;
- (二) 决定听证的延期、中止或者终结;
- (2) Deciding on postponement, suspension or termination of hearing;
- (三) 询问申诉人、原处理调查部门代表、原处理决定部门代表、证人;
- (3) Conducting inquiry with appellant, representative of the original investigation department, representative of the original decision-making department and witness;
- (四) 接收并审核有关证据;
- (4) Accepting and checking all evidence;
- (五) 维护听证秩序, 对违反听证秩序的人员进行警告, 对情节严重者可以责令其退场。
- (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 听证主持人在听证活动中应当公正地履行主持听证的职责, 保证申诉人、原处理调查部门、原处理决定部门代表行使陈述权、申辩权。

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.

申诉人、原处理调查部门、原处理决定部门代表、证人应按时参加听证，遵守听证秩序，如实回答听证主持人的询问，依法举证。

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 秘书处应在作出召开听证会决议之日起3日内通知申诉人听证会召开的时间和地点。

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.

申诉人因故不能参加听证会的，应提前3日向秘书处提出，由听证主持人决定是否延期。

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.

决定不延期的，秘书处应至少提前1日通知申诉人，申诉人可委托1名代理人出席。

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.

决定延期的，由听证主持人另行安排听证时间。

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

申诉人或申诉人委托的代理人无故不出席听证会的，听证会程序继续进行。

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 听证应当按照下列程序进行：

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

- (一) 听证主持人宣布听证开始，宣布案由；
(1) Host president announces the commencement of hearing and cause of action;
- (二) 申诉人申诉；
(2) Appellant makes appeal;
- (三) 原处理调查部门和原处理决定部门代表陈述；
(3) Representative of the original investigation department and representative of the original decision-making department make statements;
- (四) 经听证主持人允许，申诉人、原处理调查部门代表、原处理决定部门代表可以就有关证据进行质问，也可以向到场的证人发问；
(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;

(五) 申诉人、原处理调查部门、原处理决定部门代表作最后陈述;

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

(六) 听证主持人宣布听证结束。

(6) Hearing president announces the end of hearing.

第二十二条 听证记录员应当将听证的全部活动进行笔录, 并由听证主持人、听证记录员、申诉人、原处理调查部门、原处理决定部门代表签名或者盖章。

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 听证结束后, 学生申诉处理委员会主任应当主持召开合议组会议, 对申诉人的申诉、原处理调查部门和原处理决定部门的陈述进行评议, 并作出申诉复查决定书。

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 通过书面复查或者听证会方式复查后，学生申诉处理委员会应当根据复查的实际情况作出申诉复查决定书：

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:

(一) 原处理或处分决定认定事实清楚、依据明确、定性准确、程序正当、处理或处分适当的，维持原处理或处分决定。

(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.

(二) 原处理或处分决定的事实、依据、程序等存在不当，作出建议撤销或变更的复查意见，提交校长办公会或专门会议审议，并根据校长办公会或专门会议的决定出具申诉复查决定书。

(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.

经校长办公会或专门会议审议，要求申诉事项原处理决定部门重新作出决定的，该部门不得以同一事实和理由作出加重对申诉人的处罚的决定。

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 学生申诉处理委员会应当在接到书面申诉之日起 15 日内，作出申诉复查决定书，并及时将申诉复查决定书送达申诉人、原处理调查部门和原处理决定部门。

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.

情况复杂不能在规定限期内作出结论的，经申诉处理委员会主任批准，可延长 15 日。

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 送达申诉复查决定书，应当直接送交申诉人本人、原处理调查部门和原处理决定部门。申诉人本人拒绝签收的，以留置方式送达；申诉人本人已离校或留置送达有困难的，以邮寄方式送达；申诉人本人难于联系，或者用本条规定的其他方式无法送达的，通过学校网站以公告方式送达。自公告发出之日起，经过 30 日，视为送达。

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 appellant has already left the campus and it's difficult to send in lien mode, the written decision shall be send by mail. If it's 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 在申诉期间，原处理或处分决定不停止执行。学生申诉处理委员会认为必要的，经学生申诉处理委员会主任批准，可以建议原处理决定部门暂缓执行有关决定。

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 申诉复查决定书作出前，申请人要求撤回申诉申请并递交书面撤诉申请的，可以撤回。申诉人撤回申诉申请的，申诉处理程序终结。申诉人就同一事由再次提出申诉的，学生申诉处理委员会不予受理。

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 申诉人对申诉复查决定书有异议的，自收到学校复查决定书之日起 15 日内，可以向上海市教育委员会提出书面申诉。

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.

第五章 附 则

Chapter 5 Supplementary Provisions

第三十条 对非学历教育研究生、继续教育学院学生、港澳台侨学生、国际学生的申诉请求，国家有专门规定的，按专门规定处理；国家无专门规定的，适用本规定。

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.

中英国际学院学生申诉处理办法由中英国际学院依法依规制定，未规定的依据本规定执行。

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.

第三十一条 本规定所称“以上”、以下”均包括本数。

Article 31 Both “the above-mentioned” and “the below mentioned” in the Regulations include the current number.

第三十二条 本规定由学校学生申诉处理委员会负责解释。

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

第三十三条 本规定经校长办公会议通过，自 2017 年 9 月 1 日起施行，原《上海理工大学学生申诉处理条例》（上理工学〔2013〕110 号）同时废止。

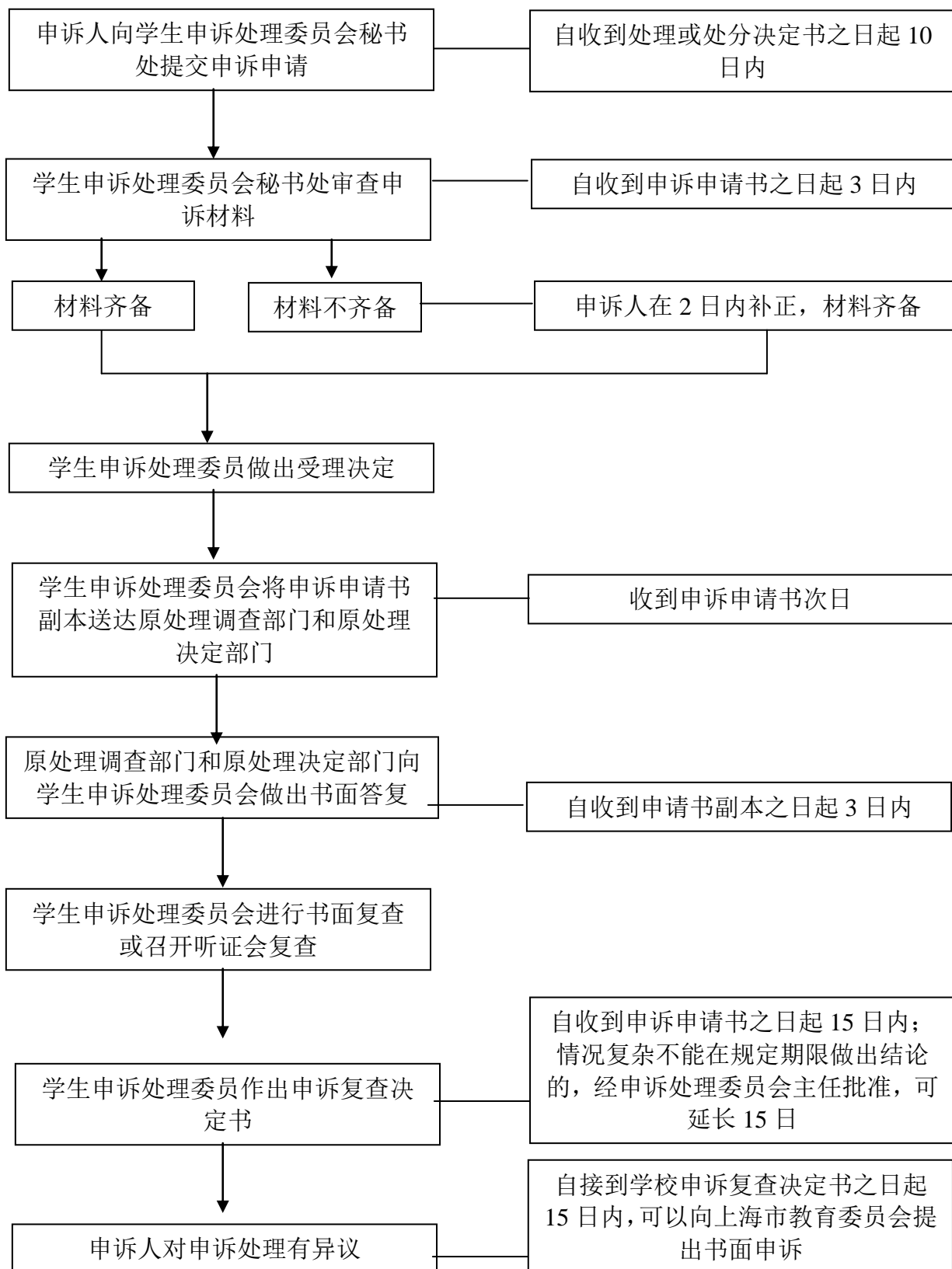
Article 33 The Regulations shall come into force since September 1, 2017 after being approved at the President Office Meeting. The original *Regulations on Student Appeal of University of Shanghai for Science and Technology* (USST [2013] No.110) shall be abolished simultaneously.

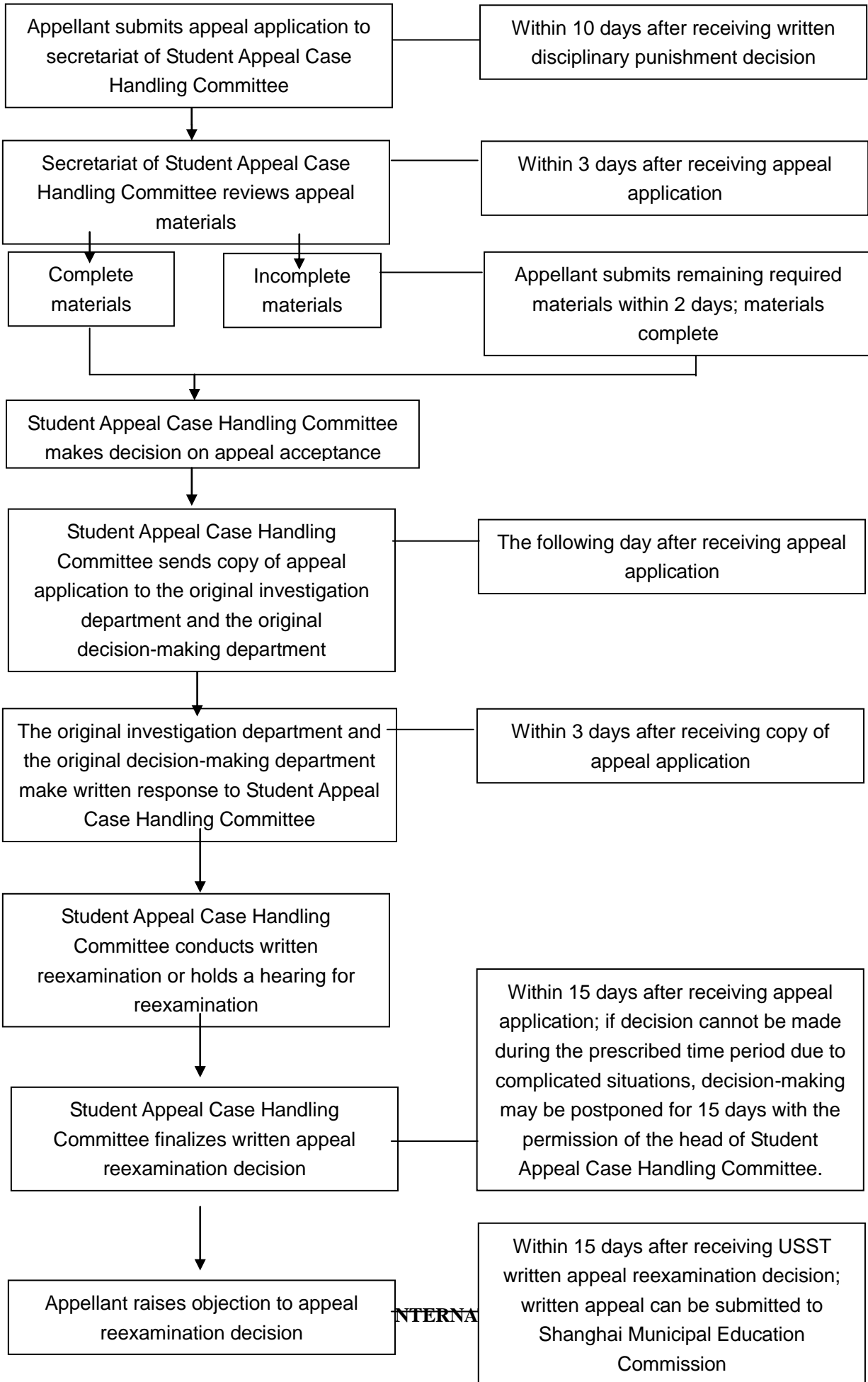
附件

Appendix

学生申诉处理流程

Procedures for Handling Student Appeal





校长办公室

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