

Chapter I

Knowledge of Laws and Regulations

As China's socialist market economy deepens continuously and education reform process advances rapidly, school system of colleges and universities continues to update, school size expands and the number of college students increases. At the same time, many unsafe factors lurking inside the campus and the surrounding areas are constantly emerging, and all kinds of safety accidents occur at times. Security issue has become a hot topic concerned by society, school, students and parents.

Broadly speaking, safety includes individual safety, public and private property security, public security and national security. College students' individual safety also includes personal safety, psychological safety, learning safety and property security. If college students want to do a good job in security, they should grasp manifold safety knowledge. Only with more safety knowledge and good use in practice does security work remain in active status.

Law is important guarantee to maintain social normal operation. Citizens can not live without the law, and the state can not run without legal governance. During the period at school, college students should seriously study *Criminal Law of the People's Republic of China*, *The Criminal Procedure Law of the People's Republic of China*, *Public Security Administration Punishments Law of the People's Republic of*, *State Security Law of the People's Republic of China*, *Law of the People's Republic of China on Guarding State Secrets*, *Production Safety Law of the People's Republic of China*, *Rules on Safeguarding Internet Security and Regulations on Ordinary Colleges and Universities Student Management* and other relevant laws and regulations. Study, understand and use law truly to regulate actions and learn

to use the law to protect legitimate interests. Here we introduce laws and regulations closely related to students' life one by one.

Common Laws and Regulations

Criminal Law of the People's Republic of China

Criminal Law of the People's Republic of China (*Criminal Law* for short below), includes four hundred fifty-two articles and divides into general provisions and specific provisions. General provisions stipulate the mission, basic principle and scope of application, characteristics of criminal behavior, the type of penalties, specific application of penalties and so on. Specific provisions stipulate formation and accusation of different criminal behavior and specific applicable standards, etc.

Article 32, 33 and 34 of *Criminal Law* stipulate that punishments are divided into principal punishments and supplementary punishments. The types of principal punishments consist of public surveillance, criminal detention, fixed-term imprisonment, life imprisonment and the death penalty. The types of supplementary punishments consist of fine, deprivation of political rights and confiscation of property.

The aim of Criminal Punishment is not the punishment itself, but to maintain public interests and stability of social order through punishment, to promote the overall improvement of people's live. The justice of *Criminal Law* is to punish criminals who should be punished and promote happiness and freedom of the people.

Civil Law of the People's Republic of China

Civil Law of the People's Republic of China (*Civil Law* for short below) came into force from January 1, 1987. It is made according to the *Constitution*, the actual situation in China and the practical experience in civil activities. The basic principle is to safeguard the legitimate civil rights and interests of citizens and legal person, to correctly adjust civil relations, to meet the needs of the development of socialist modernization and adjust property and personal relationship between citizens of equal status, between legal persons,

between citizens and legal person. The law stipulates the content such as capacity for civil rights and capacity for civil conduct of citizens (natural person), the concept of legal person, civil juristic act and agency, civil rights (property rights, creditor's rights, intellectual property rights, personal rights), civil liability and limitation of action.

Public Security Administration Punishments Law of the People's Republic of China

Public Security Administration Punishments Law of the People's Republic of China (*Public Security Administration Punishments Law* for short below) is a basic law with contents such as systematically stipulating entities, proceedings, law enforcement and supervision of punishment of Public Security Administration, and an applicable procedural law of public security organ to handle public security cases. The law is of extensive and far-reaching significance to maintain public order, protect legitimate rights and interests of citizens, regulate public security organs and people's police duties etc. *Law on Penalties for Administration of Public Security* came into force since March 1, 2006.

Acts of violation of *Law on Penalties for Administration of Public Security* cover all areas of social life, including:

- ◆ acts of disturbing public order, such as disturbing the order of government agencies, organizations, enterprises and institutions, making it impossible for normal operation to proceed; disturbing order at stations, wharfs and other public places; disturbing order on buses and other public transport.
- ◆ acts of jeopardizing public security, such as carrying or keeping firearms and ammunition illegally; illegally manufacturing, selling, storing dangerous goods; illegally making, selling and carrying controlled knives and tools, etc.
- ◆ acts of violation of personal rights of others, such as assault and battery, illegal restriction of personal freedom of others, insulting and defaming others, maltreating family members, etc.
- ◆ acts against property rights, such as theft, fraud, seizing a small amount of; plundering property of others; extortion and intentional

damage to public and private property, etc.

- ◆ acts of jeopardizing social management, such as conceal plunder, buying stolen goods, smoking and injecting drugs, reselling coupons, disturbing social order by using secret societies and feudal superstitious activities, swindle and bluff personating as state personnel, but not serious enough for criminal penalties.
- ◆ acts of violation of administration of fire prevention and control, such as violation of the ban on smoking and the use of fire where there is inflammable and explosive materials; violation of occupying fire prevention space; those who do not remove serious fire danger after being informed by public security organs.
- ◆ acts of violation of household and identity card of residents management, such as altering household registry certificate; those who fail to comply with declaring household and receiving identity card of residents, and refuse to correct it.
- ◆ acts of raping, going whoring with unlicensed prostitutes and introducing others into prostitution. Going whoring with unlicensed prostitutes does not constitute a crime.
- ◆ acts of violation of traffic management, such as embezzlement, lent plates and certificates for motor vehicles or a driver's license; violation of traffic rules, resulting in a traffic accident; drunk-driving, etc.
- ◆ acts of violation of rules to grow opium poppy plants or other kinds of plants from which drugs are extracted or illegal transportation, sale, storage and use of poppy, which does not constitute a crime, as well as gambling or offering conditions for gambling.

State Security Law of the People's Republic of China

China's current *State Security Law of the People's Republic of China* (*State Security Law* for short below) was adopted on February 22, 1993, in the 30th Meeting of the Standing Committee of 7th National People's Congress by Order No.68 of the President of the People's Republic of China, and it came into force upon promulgation. For acts endangering national security, the law makes the following provisions:

Any organization or individual that endanger the state security of the People's Republic of China shall be dealt with by law. According to the Law, the acts that endanger state security refers to that foreign institutions, organizations, or individuals implement or instigate and subsidize others, or domestic organizations, individuals collaborated with foreign institutions, organizations, individuals implement following acts endangering state security of the People's the Republic of China, including:

- ◆ those who have a conspiracy to subvert the government, dismember the state or overthrow the socialist system;
- ◆ those who participate an espionage organization or accept tasks of an espionage organization and its agents;
- ◆ those who steal, spy, buy and illegally provide state secrets;
- ◆ those who instigate, seduce, bribe state functionary to betray;
- ◆ those who carry out other sabotage against state security.

Law of the People's Republic of China on Guarding State Secrets

1. Secrets that state secrets include

Article 2 of *Law of the People's Republic of China on Guarding State Secrets* (*Law on Guarding State Secrets* for short below) stipulates that State secrets shall be matters that have a vital bearing on state security and national interests and, as specified by legal procedure, are entrusted to a limited number of people for a given period of time. Article 9 of *Law on Guarding State Secrets* stipulates that the state secrets shall include the following:

- ◆ secrets concerning key policy decisions on state affairs;
- ◆ secrets in the construction of national defense and in the activities of the armed forces;
- ◆ secrets in diplomatic and foreign affair activities as well as secrets to be maintained as commitments to foreign countries;
- ◆ secrets in the national economic and social development;
- ◆ secrets concerning science and technology;
- ◆ secrets concerning activities for safeguarding state security and the investigation of criminal offences;
- ◆ other matters that are classified as state secrets by the state secrecy

administrative department.

2. Legal liability of divulging state secrets

Persons who, in violation of the provisions of *Law on Guarding State Secrets*, for any of the following acts, shall be punished; if constitutes a crime, shall be investigated for criminal liability:

- ◆ those who illegally acquire and possess state secrets;
- ◆ those who sell, transmit and unauthorizedly destroy state secrets;
- ◆ those who transmit state secrets by the way without protection by security measures such as ordinary mail, express delivery and so on;
- ◆ those who mail, ship state secrets out of the country's territory, or without approval by competent departments, carry, transmit state secrets out of the country's territory;
- ◆ those who illegally copy, record, store state secrets;
- ◆ those who involve state secrets in private contacts or correspondence;
- ◆ those who transmit state secrets through Internet and other public information network or wire and wireless communications without protection by security measures;
- ◆ those who involve in computers, storage devices access to the Internet and other public information network classified as state secrets;
- ◆ those who exchange information through information system, Internet and other public information network classified as state secrets without protection by security measures;
- ◆ those who store and process state secrets by using computers and storage devices which are not classified as state secrets;
- ◆ Those that unauthorizedly uninstall and modify Safety Technology Program, managers of information system classified as state secrets;
- ◆ Those who present, sell, discard or use computers, storage devices classified as state secrets not in use without security technologies processing for other purposes.

Production Safety Law of the People's Republic of China

Production Safety Law of the People's Republic of China was adopted in the Tenth Session of the Standing Committee of the Twelfth National People's Congress of the People's Republic of China on August 31, 2014 and came into

force on December 1, 2014. There are seven chapters, one hundred and fourteen articles, and it makes basic legal rules mainly for Guarantee of Safety by Production and Business Operation Entities, Rights and Obligations of Employees, Supervision and Administration of Production Safety, Emergency Rescue, Investigation and Handling of Production Safety Accidents and Legal Liabilities.

Production safety should be people-oriented, adhere to the guideline of “safety first, focus on prevention, and comprehensive control”, strengthen and implement the main responsibility of production and business operation entities, and establish the system in charge of production and business operation entities, which is participated by employees, and self-disciplined business and supervised by government and society.

The production and business operation entities shall offer education and training programs to the employees thereof regarding production safety so as to ensure that the employees have the necessary knowledge of production safety, know the relevant regulations and rules for safe production and operation, and master the skills for safe operation for their own positions, understand the emergency treatment measures and be aware of their rights and obligations in terms of safety production. No employee who has not passed the education and training programs regarding production safety may start to work at his position.

The production and business operation entities shall administer dispatched workers in a unified way with employees when use them, and carry out education and training on job safety operation rules and safety operation skills to dispatched workers. Dispatch unit shall carry out necessary safety education and training to dispatched workers.

The production and business operation entities shall carry out appropriate safety education and training, and provide the necessary labor protection articles to practice students when receive students of secondary vocational schools, colleges and universities to practice. Schools shall assist the production and business operation entities to carry out safety education and training to practice students.

Special operators in charge of safety production in the production and business operation entities must receive special training in accordance with

relevant provisions of the state, and they may take up a post of such duty only after they have obtained a certificate of operation qualification.

Regulations on the Safety Management of Hazardous Chemicals

Regulations on the Safety Management of Hazardous Chemicals was revised and adopted in 144th executive session of the State Council on February 16, 2011 (Order No. 591 of the State Council), and the revised *Regulations on the Safety Management of Hazardous Chemicals* came into force formally on December 1, 2011, which includes eight chapters, one hundred and two articles. The purpose is to strengthen the safety management of hazardous chemicals, prevent and reduce hazardous chemicals accidents, guarantee the life and property safety of the general public, and protect the environment.

Management of hazardous chemicals shall stick to the guideline of “safety first, giving priority to prevention and realizing comprehensive control”, and tighten and effectuate the status of enterprises as the main body to assume responsibilities. The person chiefly in charge of the entity producing, storing, using, trading and transporting hazardous chemicals shall be entirely responsible for the management of hazardous chemicals of this entity.

Hazardous chemicals entity shall provide safety conditions in accordance with the laws, administrative regulations and national and industrial standards, establish and improve safety management regulations and job safety responsibility system, and carry out safety education to employees, legal education and job skills training. Employees shall receive education and training and may not start to work until they have passed the relevant examination; and for the post with eligibility requirements, it shall be equipped with personnel legally obtained appropriate qualifications.

Code of Occupational Disease Prevention of the People's Republic of China

Code of Occupational Disease Prevention of the People's Republic of China was adopted in the 24th Session of the Standing Committee of the Eleventh People's Congress on October 27, 2001 and promulgated by Order No.52 of the president of the People's Republic of China. The revised codes

includes seven chapters, ninety articles.

The prevention of occupational diseases should follow the guideline of “focusing on prevention and combining prevention with control”, establish the system responsible by employers, regulated by administrative organ, industry self-disciplined, participated by employees and supervised by society, and stand to the categorized management and comprehensive treatment. The Employer shall put into practice the well-structured responsibility system for occupational disease prevention, strengthen the management on the occupational disease prevention, elevate the level of occupational disease prevention and be liable for the in-house occupational diseases. The principals of the Employer and occupational health administrators shall undergo the occupational health training, adhere to the occupational-disease-prevention laws and regulations, and organize the in-house occupational-disease-prevention work according to applicable laws.

The Employer should provide the regular pre-employment/on-job occupational health training to laborers, popularize the occupational health knowledge, supervise/urge the laborers to comply with the laws, regulations, rules and operating rules for occupational disease prevention, instruct the laborers for the correct utilization of occupational-disease-prevention equipment and individual-used occupational-disease-prevention articles. The Employer shall rectify the laborer’s activities running against the above provisions.

Regulation on Work-Related Injury Insurance

Decision on Amending Regulation on Work-Related Injury Insurance of the State Council was adopted in the 136th executive meeting of the State Council (Order No. 586 of the State Council) on December 8, 2010, and came into force on January 1, 2011. The Regulation includes eight chapters, sixty-seven articles. The terms are that:

1) The purpose of its enactment is to guarantee the workers suffered accident injuries due to work or occupational disease to obtain medical treatment and financial compensation, to promote injury prevention and occupational recovery, and to disperse work-related injury risk of employers.

2) If one of the following circumstances exists, employees should be

recognized as work-related injury:

- ◆ those who are injured due to work in an accident within working hours and workplace;
- ◆ those who are injured due to work-related preparatory or finishing work in an accident around working hours in the workplace;
- ◆ those who are injured by accident such as violence due to carrying out duties within working hours and workplace;
- ◆ those who suffer from occupational diseases;
- ◆ those who are injured due to work or whereabouts are unknown during accident during working out;
- ◆ those who are injured during a motor vehicle accident on the way to work;
- ◆ other cases classified as industrial injury stipulated by laws and administrative regulations.

3) Workers enjoy work-related injury medical treatment when suffer accident injury due to work or occupational disease.

Labour Law of the People's Republic of China

Labour Law of the People's Republic of China (Labour Law below for short) was adopted at the Eighth Meeting of the Standing Committee of the Eighth National People's Congress on July 5, 1994, and came into force on January 1, 1995. The law, as China's first basic law of comprehensive adjustment of labor relations and the parent law of labour law system, is the foundation to formulate and implement other labour laws and regulations.

Articles of Chapter four of *Labour Law*, "Working Hours, Rest and leaves", stipulate that: The State shall practise a working hour system under which labourers shall work for no more than 8 hours a day and no more than 44 hours a week on the average; The employing unit shall guarantee that its staff and workers have at least one day off a week; The employing unit may extend working hours due to the requirements of its production or business after consultation with the trade union and labourers, but the extended working hour for a day shall generally not exceed one hour; if such extension is called for due to special reasons, the extended hours shall not exceed three hours a day under the condition that the health of labourers is guaranteed.

However, the total extension in a month shall not exceed thirty six hours.

Articles of Chapter Six of Labour Law, Occupational Safety and Sanitation, stipulate that: The employing unit must establish and perfect the system for occupational safety and sanitation, strictly implement the rules and standards of the State on occupational safety and sanitation, educate labourers on occupational safety and sanitation, prevent accidents in the process of work, and reduce occupational hazards; The employing unit must provide labourers with occupational safety and health conditions conforming to the provisions of the State and necessary Articles of labour protection, and provide regular health examination for labourers engaged in work with occupational hazards; Labourers to be engaged in specialized operations must receive specialized training and acquire qualifications for such special operations; Labourers must strictly abide by rules of safe operation in the process of their work, and labourers shall have the right to criticize, report or file charges if the management personnel of the employing unit command the operation in violation of rules and regulations or force labourers to run risks in operation.

College Students Must Learn to Safeguard Their Legitimate Rights and Interests

Citizens need to know rights of their own, cultivate the sense of conscious use of law to safeguard the legitimate rights and interests of their own and others from violation, and only by this way the operation of control mechanism and the role of supervision could be strengthened, the legitimate exercise of power could be safeguarded and personal freedom could be guaranteed. The rights and interests of college students do not refer to the common rights and interests as citizens, but refers to special rights and interests as a special group, which are enjoyed by college students in the process higher education.

Rights Enjoyed by College Students

Regulations on Ordinary Colleges and Universities Student Management of Ministry of Education stipulates that students enjoy the following rights in

school in accordance with the law: to participate in all kinds of activities in school teaching schedule, to use educational resources provided by the school, to participate in community service, work-study, school organizations, student groups, entertainment, sports and other recreational activities, to apply for scholarships, grants and student loans, to receive a fair evaluation of his or her academic performance and moral character, and receive an education certificate or academic degree certificate, as appropriate, upon completion of the required programs, to lodge a complaint with the competent department if he or she refuses to accept punishment imposed by the school, and to lodge a complaint or bring a lawsuit, in accordance with law, against an infringement upon his or her right of the person or property or other lawful rights and interests by the school authorities or teachers, and other rights as stipulated by law or regulations. To sum up, they can be divided into the following categories.

1. Right to use teaching facilities

Article 42 of *Education Law of the People's Republic of China* (*Education Law* below for short) stipulates that the educated enjoy the right to participate in various activities arranged according to educational or teaching programs and use educational or teaching facilities, equipment, books and materials. This right refers to fully rational use of the school's teaching facilities, laboratory equipment, library books and other materials, and it is the premise and foundation to protect the right of college students to enjoy a good education.

2. Right to know

Article 29 of *Education Law* stipulates that, schools and other educational institutions should provide convenience in appropriate ways for educatees and their guardians to have access to the educatees' academic performance and other relevant information. It is that college students have the right to fully know a variety of rules and regulations of the school, the development of the school, the professional prospects of their own profession, the level of teachers, curriculum and financial input of one's profession.

3. Right to choose schoolwork

College students have the right to choose a profession, courses, classrooms and teachers freely. With the reform of universities charging

system and the full implementation of the new credit system, as a principal part of study, college students have the right to choose a profession, courses, and can demand to recuse certain teachers with bad teaching attitude, low education level, poor teaching effect through certain procedures.

4. Right of supervision

Article 64 of *Higher Education Law of the People's Republic of China* (*Higher Education Law* below for short) stipulates that: the tuition fees collected by higher education institutions should be administered and used pursuant to relevant state provisions, any other organizations or individuals must not use them for other purposes. Article 65 stipulates: Financial activities of higher education institutions should be subject to supervision in accordance with law. This gives college students the right to supervise teachers' teaching level, teaching attitudes and classroom quality, education fund and so on.

5. Right to be awarded and subsidized

Procedures for the People's Bank of China Student Loan Management stipulates that the students whose families are financially difficult, studying hard, in accordance with state laws and school discipline are entitled to apply for a loan. Moreover, Article 54 of *Higher Education Law* stipulates that Students whose families are financially difficult may apply for subsidy or reduction and exemption of the tuition fee. These are rights all college students should enjoy. College students have the right to obtain scholarships, loans or subsidies to pay the tuition and living expenses during the period in school in accordance with the relevant regulations of the state.

6. Career development right

Article 59 of *Higher Education Law* clearly stipulates: "higher education Institutions should provide employment guidance and services for graduates and students who have completed the courses." Students who qualify in ideology and moral character, complete the prescribed courses within the prescribed length of schooling, and pass the examinations or get all the credits required are permitted to graduate and shall enjoy the right to take up an occupation. Universities should open up channels for graduates by providing employment information in time, and actively carrying out career planning and entrepreneurial support, as well as doing a good job in providing

employment guidance and services for graduates.

7. Right of appeal

Students' Appealing System refers to a system that students appeal to competent administrative organ to request handling or handling again when the legitimate rights and interests of students are violated in accordance with the regulations of *Education Law* and other laws. Article 42 of *Education Law* stipulates that student has the right to lodge a complaint with the competent department if he or she refuses to accept punishment imposed by the school, and to lodge a complaint or bring a lawsuit, in accordance with law, against an infringement upon his or her right of the person or property or other lawful rights and interests by the school authorities or teachers. This established a system of non-lawsuit legal remedies to safeguard the legitimate rights and interests of students, and it is also a democratic right that *Education Law* gives students to safeguard their legitimate rights and interests.

8. Right of privacy

Protection of citizens' right of privacy is the common consensus of men of law. As a college student, citizen of society, their rights of privacy, personal information, reputation are protected by law.

Related Rights Stipulated by Procedural Law

1. Criminal Procedure Law of the People's Republic of China

Criminal Procedure Law of the People's Republic of China (*Criminal Procedure Law* below for short) is a law on legislation and judicial practice of criminal proceedings. It stipulates the basic principles of criminal proceedings, specialized agencies of criminal proceedings and participants in criminal proceedings, defence and the representation, criminal evidence system, compulsory measures and the five stages of incidental civil and criminal proceedings (namely, filing, investigation, prosecution, trial and execution)

In accordance with the current laws of China, criminal proceedings include five stages: filing, investigation, prosecution, trial and execution.

- ◆ filing refers to a litigious activity that public security organs, People's Procuratorate, People's Court examine the materials provided by a reporter, complainant, informant and the confession of an offender who has voluntarily surrendered, ascertain whether there are facts of a

crime and criminal responsibility should be investigated, and decide whether to investigate or try as criminal cases in accordance with law.

- ◆ investigation refers to that a particular judicial office take special investigations and related compulsory measures for collecting, ascertaining, confirming the crime and seizing criminal in accordance with law.
- ◆ prosecution includes public prosecution and private prosecution.
- ◆ trial refers to a litigious activity that the People's Court tries and judges criminal cases submitted in accordance with law complying with legally prescribed scope of authority and procedure under the circumstance of participation of the prosecuting party, defence party and other participants in the proceedings.
- ◆ execution refers to the activities criminal enforcement organs carrying out in order to implement a legally effective judgment or judge determined content. in China, the main criminal enforcement organs are the People's Court, the public security organ and prison.

2. The Related Regulations of *Civil Procedure Law of the People's Republic of China* and *General Principles of Civil Law of People's Republic of China*

Civil Procedure Law of the People's Republic of China (*Civil Procedure Law* below for short) is formulated on the basis of the *Constitution* and in the light of the experience and actual conditions of our country in the trial of civil cases. *The Civil Procedure Law* aims to protect the exercise of the litigation rights of the parties and ensure the ascertaining of facts by the People's Courts, distinguish right from wrong, apply the law correctly, try civil cases promptly, affirm civil rights and obligations, impose sanctions for civil wrongs, protect the lawful rights and interests of the parties, educate citizens to voluntarily abide by the law, maintain the social and economic order, and guarantee the smooth progress of the socialist construction. *Civil Procedure Law* was adopted at the 4th Session of the Seventh National People's Congress on April 9, 1991, and on October 28, 2007. *Decision about Amending Civil Procedure Law of the People's Republic of China* was adopted in 30th Session of the Standing Committee of the 10th National People's Congress.

General Principles of Civil Law stipulates Limitation of Action. It states:

“Except as otherwise stipulated by law, the limitation of action regarding applications to a People’s Court for protection of civil rights shall be two years.” And it states that the limitation of action shall be one year in cases concerning the following:

- ◆ claims for compensation for bodily injuries;
- ◆ sales of substandard goods without proper notice to that effect;
- ◆ delays in paying rent or refusal to pay rent;
- ◆ loss of or damage to property left in the care of another person.

A limitation of action shall begin when the entitled person knows or should know that his rights have been infringed upon. However, the People’s Court shall not protect his rights if 20 years have passed since the infringement. Under special circumstances, the People’s Court may extend the limitation of action. If a party chooses to fulfill obligations voluntarily after the limitation of action has expired, he shall not be subject to the limitation. A limitation of action shall be suspended during the last six months of the limitation if the plaintiff cannot exercise his right of claim because of force majeure or other obstacles. The limitation shall resume on the day when the grounds for the suspension are eliminated. A limitation of action shall be discontinued if suit is brought or if one party makes a claim for or agrees to fulfillment of obligations. A new limitation shall be counted from the time of the discontinuance.

Students Must Correctly Safeguard Rights

Because of ignorance of legal consciousness and weak legal sense, some college students would resolve disputes by privately consulting and negotiating to arrange a settlement rather than have the aid of national judicial systems. Some college students think that even a criminal act could be settled privately as long as both parties are willing. In fact, this is not only a misunderstanding of the law, but also an indulgence for criminals may think they are lucky because they do not get legal sanctions and continue to do evil things, which is clearly harmful to society.

According to law, only civil or minor criminal dispute with others allow reconciliation between the parties, such as contract disputes, minor injuries,

traffic accidents, etc. However, if a criminal act happens, such as a party involving fraud, intentional injury and rape, it was not allowed to compound between the criminal suspect and the party and the victim. Even already compounded, the perpetrator still subject to legal action, and bear the corresponding liability. Therefore, college students should know that “Compounding” must comply with the law, a criminal act can not be blind to settle privately.

Justifiable Defense

Paragraph 1 of Article 20 of *China's Criminal Law* states, an act that a person commits to stop an unlawful infringement in order to prevent the interests of the State and the public, or his own or other person's rights of the person, property or other rights from being infringed upon by the on-going infringement, thus harming the perpetrator, is justifiable defence, and he shall not bear criminal responsibility.

1. Carrying out justifiable defence must meet four conditions

- ◆ only when the interests of the state or the public, or his own or other person's rights are infringed;
- ◆ when the infringement is on-going;
- ◆ only defense against the perpetrator, not against a third party unrelated to the act;
- ◆ justifiable defence can not exceed the limits of necessity and cause unnecessary damage.

2. Matters needing attention after carrying out justifiable defence of college students

Justifiable defence is a sacred right of citizens by law, college students should keep in mind the right and make good use of it. When facing robbery, theft, rape, murder, arson and other criminal acts, college students would be good at using justifiable defence to safeguard the legitimate rights. After the implementation of justifiable defence, college students shall report promptly to the public security organs, and actively cooperate with public security law enforcement officers to crack down crime.

Introduction to College Student Management Document

In order to maintain the normal teaching order and life order of regular institutions of higher education, safeguard the health of students, promote student's all-round development of moral, intellectual and fitness as well as appreciation of aesthetics, according to the Education Law, Higher Education Law and other relevant laws and regulations, the Ministry of Education has formulated a series of document. Each college and university also formulates regulations suiting for the actual situation of the school according to the documents from competent departments to maintain teaching and management order.

Related Documents Formulated by Competent Departments Such as The Ministry of Education

The Ministry of Education and other competent departments have formulated and revised a number of rules and regulations on guiding colleges' and universities' management and safety education to provide teaching and management activities. It is necessary for college students to understand these rules and regulations, and carefully observe them in daily life.

1. Regulations on Ordinary Colleges and Universities Student Management

The regulations clearly stipulates of the tasks and obligations of the university and the students.

Colleges and universities should concentrate on cultivating talented person, comply with national educational policies, follow educational rules and unceasingly improve the quality of education; also govern school in accordance with law with strictly management, establish and perfect its management system, standardize management behaviors; combine management with strengthening education, and constantly improve the management level, and strive to cultivate qualified builders and reliable successors of socialism. Students of colleges and universities should strive to study Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory and important thoughts of "Three Represents" to establish a common ideal and firm faith to take the socialist road with Chinese characteristics under the leadership of the

Communist Party of China and to bring about the great rejuvenation of the Chinese Nation; they should establish a patriotic ideas with unity, peace-loving, industrious and brave and unyielding spirit; they also should abide by the Constitution, laws, regulations in compliance with civic ethics, *College Student Code of Conduct* and the school management system, possessing good moral character and habits; Moreover, they should work hard to learn, be brave to explore and actively practice, trying to master the modern scientific and cultural knowledge and professional skills; and actively exercise to have a healthy body.

Students should fulfill the following obligations at school: comply with the Constitution, laws and regulations; abide by the school management system; study hard and complete the required courses work; pay tuition and related expenses as required to fulfill the corresponding obligation to obtain student loans and subsidies; abide student code of conduct, respect teachers, develop good moral character and habits and fulfill other obligations as stipulated in laws and regulations.

2. Several regulations on colleges and universities campus order management

Persons entering the school must hold a student card, employee's card, class permit or other badge and certificates issued by school to enter the school. No badges and certificates holders in the preceding paragraph to enter school shall register with the guard before entering school.

Students generally can not accommodate other persons in a student dormitory. In exceptional circumstances, they shall submit to the relevant institutions to permit, do stay-registration, and do deregistration when they leave school. But don't accommodate the opposite sex in the dormitories.

Staff and students should strictly carry out teaching, research, live and other activities in accordance with the school's arrangements. No person could destroy the teaching, research and life order of school and shall not prevent others from teaching, researching, living and taking part in other activities according to the school's schedule.

To hold assemblies, lectures and other public events on campus, organizers must apply to school-related organizations seventy-two hours before, and the application shall state the purpose of the activity, the number,

time, location and name of the person in charge. Related school agencies should notice organizer no later than four hours before the activity whether permit or not. Overdue notice is deemed permission. Assemblies, lectures and other activities should be in line with China's education policy and the corresponding rules and regulations, shall not oppose the basic system of the *Constitution*, must not interfere with the school's teaching, research and life order, and shall not prejudice state property and the rights of other citizens.

Staff and students who organize social groups should handle them according to the *Regulations on Social Organization Registration Management*. The establishment of a non-social organizations in school should be reported to the school before the establishment by the organizers to the relevant authorities for approval, and no organizations should be established and no activities should be carried out without the approval. Non-social organizations newspapers in school must abide by the laws, regulations, rules, and implement educational policy and be in compliance with school system, and accept the school's administration, and shall not carry out activities beyond its purpose. Announcement, circulars, notices, advertisements and so on shall be attached to the designated or licensed locations. Distributing promotional materials and prints shall be agreed by the relevant agencies.

3. Interim Provisions on Ordinary Colleges and Universities Student Safety Education and Management

Students must strictly abide by state laws and regulations and the rules and regulations of the school, pay attention to their personal and property safety to prevent the occurrence of various accidents.

Students in their daily teaching and various activities shall comply with the relevant regulations and disciplines, follow the guidance and subject to management; in public places, students should comply with social ethics, enhance safety awareness and improve self-protection ability.

Organizing collective extracurricular activities of students shall subject to consent of the school, and be conducted according to the school rules. Schools are required to carry out a safety review and shall not approve when the conditions are not met.

Student should strictly comply with the regulations of dormitory management, consciously safeguard the safety and health of dormitory and

improve self-management ability.

Finding criminal, public order cases or traffic accidents, disasters, students should protect the site, and promptly report the school or public security departments and assist to deal them. Within school, the school should take prompt measures to control the situation and reduce the damage and loss.

For students who leave school without approval and do not return and have accidents, the school is not liable. For the students, who leave school unauthorizedly and disappear, the school should look for them and report to the local public security department and notify their parents. For the students who do not return in half a month and do not explain why, the school can post the notice of removal of automatic withdrawal.

For the students having an accident during holidays and after handling leave school procedures, the school is not liable.

4. Notice on Enhancing the Colleges and Universities Students Accommodation Management of Ministry of Education

Colleges and universities should actively create conditions for students to solve the accommodation problem, and do not allow students to rent a house to live on their own outside the school in practice. For the students who have rented a house outside the school, the school should require them to move back to school; for a small number of students who insist to live outside the school, the school should patiently explain the consequences that may arise and the personal responsibilities to be borne, and do registration one by one, create reports and commitments system to ask students to write down the reasons for renting, full address of the houses, contact details and promise to strengthen self-protection of personal and property safety, which should be signed by both parties of the school and parents for record.

Management Documents Stipulated by Colleges and Universities

In order to ensure normal school teaching, management order and in accordance with national laws, regulations and spirit of the documents of the Ministry of Education, each college and university has developed a series of rules and regulations. These regulations include the following aspects:

1) Code of conduct, such as student management regulations, conventions of civilization, examination management regulations, safety

education regulations, disciplinary sanctions regulations, leave regulations, time and attendance system, etc.

2) School roll and academic degree, such as school roll management regulations, enlisted regulations, public sending students management, the interim provisions of rehabilitation, etc.

3) Public order, such as the construction of campus culture, library, teacher management requirements, accommodation management regulations, etc.

4) Rights and interests safeguarding, such as appeals and handling approaches, etc.

5) Subsidizing students from poor family, such as scholarships, grants management methods, work-study requirements, tuition collection methods, the green channel admission requirements, loans, etc.

6) Security management, such as fire safety requirements, safety accident plans, associations and activities for approval, guard management regulations, confidentiality regulations, safe electricity, water system, etc.

7) Employment and social practices, such as career planning system, student records management methods, business support measures, social practice system.

8) Ideological guidance , such as mental health education.

Processing Programs of Violation of School Rules

The Relevant Regulations of Regulations on Ordinary Colleges and Universities Student Management in Disciplinary Action of College Students

1) Disciplinary action is divided into: warning, serious warning, demerit, probation, and expulsion.

2) The situations in which Schools can give expulsion include: violation of the Constitution, opposition of the four cardinal principles, undermining stability and unity, disturbing social order; violation of state law which constitutes a criminal act; violation of security regulations which is given punishment and nature is harsh; examination replaced by others, taking the

exam for others, organizing cheating, cheating with communication devices and other serious cheating; plagiarizing other's research results in serious cases; violation of school rules which seriously affect the school teaching order, life order and public spaces management order against other individuals, organizations legitimate rights and interests, causing serious consequences; repeated violations of school rules which subject to disciplinary action and do not correct after education.

3) Procedures and requirements of disciplinary act are as follow:

Punishment of School to students shall be done with appropriate procedures, sufficient evidence, clear basis, accurate qualification and appropriate sanctions.

Before school make punishment decisions to students, school should listen to statements and arguments made by the students or their agents.

Decisions on expulsion for students of school should be discussed and decided by the Conference of Presidents.

The punishment made by school to students shall be a written decision and be delivered to the student. Written expulsion decision should report to local provincial education administrative departments for record.

Written punishment decision that school given to students shall include sanctions and penalties facts, reasons and basis, and inform the student of his right of appeal and the appeal period.

School should set up Student Appeals Committee to accept to students' complaints for cancellation of admission, withdrawal treatment and punishment for violations and disciplinary actions. Student Appeals Committee shall be consist of the school persons in charge, functional departments persons in charge, teachers, and students representatives.

If students disagree with the punishment decisions, they can submit a written complaint to the school Student Appeals Committee within five working days from the date of receiving the written decision. Student Appeals Committee would review complaints raised by the students, and make review conclusions and inform the complainant within 15 working days from the date of receipt of the written complaints. If there is need to change the original punishment decision, it would submitted by the Student Appeals Committee

to re-examine by school.

If students object to the review decision, they could submit a written complaint to the provincial education administrative departments located in the same place of the school within 15 working days from the date of receipt of the written decision of the review. Provincial education administrative departments shall deal with and answer the complaint raised by complainants within 30 working days from the date of receipt of a written complaint of the student. From the date of sending out the sanction decision or review of a decision, if the students did not appeal in the appeal period, school or provincial education administrative departments will no longer accept complaints.

Students who were expelled from school would be issued proof of learning by school. Students shall leave school by school deadlines, and files, accounts will be returned to its home domicile.

Common Regulations on School Punishment and Appealing Procedures

Firstly, the student's college and department will survey clearly to master conclusive evidence and material, and then provide preliminary treatment advice in accordance with the corresponding regulations of the respective student violating disciplines, notify the student at the same time and tell the students that they can state their grievance and appeal. In general, warning, serious warning, demerit, probation are countersigned by colleges and related departments which organized by students department, then the students department put forward opinions and report to the school committee for review. In addition to the above procedures, withdrawal treatment, expulsion shall report to school president office meeting to approve, and then issue a written decision on punishment which would be delivered to students.

If students disagree with the punishment decision, students can submit a written complaint to the Student Appeals Committee within five working days from the date of receiving a written decision. If a student appeal, the Student Appeals Committee review complaints raised by the students, and make review conclusions and inform the complainant within 15 working days from the date of the receipt of a written complaint. If there is need to change the

original punishment decision, the Student Appeals Committee shall submit to school to re-examine. If students object to the review decision, they can submit a written complaint to the education department of the province within 15 working days from the date of receipt of review written decision.

Exercise

I. True or False (If it is true, put “√” into the bracket, if it is false, make “×” instead.)

1. According to *Criminal Law*, punishments are divided into principal punishments and supplementary punishments. ()
2. Theft, fraud, seizing a small amount of property and extortion are infringements of the rights of others' property. ()
3. *Production Safety Law of the People's Republic of China* came into force on December 1, 2014. ()
4. *Regulation on Work-Related Injury Insurance* came into force on January 1, 2011. ()
5. *Labour Law of the People's Republic of China* stipulates that there is no more than 44 hours a week on the average. ()
6. Within working hours and workplace, injuries such as injury by violence due to job duties can be counted as work-related injury. ()
7. China's current law stipulates that criminal proceedings include five stages: filing, investigation, prosecution, trial and execution. ()
8. Disciplinary action is divided into: warning, serious warning, demerit, probation, and expelled. ()

II. Single Choice (Put the letter in front of the right answer into blank.)

1. Which one of the following is an infringement of the rights of others' property? ()
- A. Theft. B. Buying stolen goods.
- C. Storage of Hazardous Chemicals.

2. When is the implementation time of *Regulations on the Safety Management of Hazardous Chemicals*? ()
A. December 1, 2014.
B. December 1, 2011.
C. February 16, 2011.
3. Which one of the following workers' injuries can be counted as work-related injury? ()
A. Occupational diseases.
B. Get hurt when ride a vehicle during resting time.
C. Get accidental injury by violence after work.

III. Briefly Answer the following Questions

1. What kind of acts can be regarded as endangering national security of the People's Republic of China?
2. What rights do college students enjoy?
3. What conditions should justifiable defense meet?
4. What are the regulations once violated by students may cause expulsion?