

南方科技大学文件

南科大〔2019〕165号

关于印发《南方科技大学教职工处分办法 (暂行)》的通知

全校各单位：

经学校研究决定，即日起发布实施《南方科技大学教职工处分办法（暂行）》，现予以印发，请各单位遵照执行。

特此通知。



南方科技大学教职工处分办法（暂行）

第一章 总则

第一条 为严肃纪律，规范学校教职工行为，保护教职工合法权益，保证学校和教职工依法履行职责，维护学校正常工作秩序，根据《中华人民共和国教育法》《中华人民共和国高等教育法》《中华人民共和国教师法》《公职人员政务处分暂行规定》《事业单位工作人员处分暂行规定》等国家有关法律、法规和相关规定及《南方科技大学章程》，结合我校实际，制定本办法。

第二条 本办法所述教职工是指与学校建立人事关系或劳动关系的人员。

第三条 给予教职工处分，应当坚持三个原则：一是坚持公正、公平，教育与惩处相结合；二是应当与其违法违纪行为的性质、情节、危害程度相适应；三是应当事实清楚、证据确凿、定性准确、处理恰当、程序合法、手续完备。

第四条 教职工违法违纪，应当承担纪律责任的，依照本办法给予处分；触犯法律法规、上级部门规章制度的，依照有关规定处置；涉嫌犯罪的，移送司法机关依法处理。

第二章 处分的种类和适用

第五条 处分的种类为：

（一）警告；

- (二) 记过;
- (三) 降低岗位等级;
- (四) 开除。

第六条 受处分的期间为:

- (一) 警告, 6 个月;
- (二) 记过, 12 个月;
- (三) 降低岗位等级, 24 个月。

第七条 教职工受到警告处分的, 在受处分期间, 不得晋升岗位等级。

教职工受到记过处分的, 在受处分期间, 不得晋升岗位等级, 年度考核结果不高于基本称职等次, 取消年终岗位绩效奖励。

教职工受到降低岗位等级处分的, 自处分决定生效之日起降低一至三个岗位等级聘用; 在受处分期间, 不得晋升岗位等级, 年度考核结果不高于基本称职等次, 取消年终岗位绩效奖励。

教职工受到处分的, 处分期内不得调高年薪额度; 受到降低岗位等级处分的, 处分期内按照处分后的岗位等级调整年薪额度。

教职工受到开除处分的, 自处分决定生效之日起, 终止其与学校的人事聘用关系。

第八条 教职工受到记过以上处分的, 在受处分期间不得获任本专业(技术、技能)领域专业技术职务任职资格。应当取消专业技术职务任职资格或者职业资格的, 按照有关规定办理。

第九条 教职工同时有两种以上需要给予处分的行为的, 应当分别确定其处分。应当给予的处分种类不同的, 执行其中最重的处分; 应当给予开除以外多个相同种类处分的, 执行该处分,

但处分期应当按照一个处分期以上、多个处分期之和以下确定。

教职工在受处分期间受到新的处分的，其处分期为原处分期尚未执行的期限与新处分期限之和，但是最长不得超过 48 个月。

第十条 教职工两人以上共同违法违纪，需要给予处分的，按照各自应当承担的责任，分别给予相应的处分。

第十一条 有下列情形之一的，应当从重处分：

- （一）在两人以上的共同违法违纪行为中起主要作用的；
- （二）隐匿、伪造、销毁证据的；
- （三）串供或者阻止他人揭发检举、提供证据材料的；
- （四）包庇同案人员的；
- （五）打击报复、陷害检举人、控告人、投诉人、证人及其他相关人员的；
- （六）法律、法规、规章规定的其他从重情节。

第十二条 有下列情形之一的，可以从轻处分：

- （一）主动交代违法违纪行为的；
- （二）主动采取措施，有效避免或者挽回损失的；
- （三）检举他人重大违法违纪行为，情况属实的。

第十三条 教职工主动交代违法违纪行为，并主动采取措施有效避免或者挽回损失的，可以减轻处分或者免予处分。

教职工违法违纪行为情节轻微，经过批评教育后改正的，可以免予处分。

第十四条 教职工有本办法第十一条、第十二条规定情形之一的，应当在本办法第三章规定的处分幅度以内从重或者从轻给予处分。

教职工有本办法第十三条规定情形的，应当在本办法第三章规定的处分幅度以外，减轻一个处分的档次给予处分。应当给予警告处分，又有减轻处分的情形的，免予处分。

第十五条 单位有违法违纪行为，应当追究纪律责任的，依照本办法对负有责任的领导人员和直接责任人员给予处分。

第三章 违法违纪行为及其适用的处分

第十六条 有下列违反政治纪律行为之一的，给予记过处分；情节较重的，给予降低岗位等级处分；情节严重的，给予开除处分：

（一）散布损害国家声誉的言论，违反意识形态工作相关规定，破坏党的集中统一，组织或者参加旨在损害国家利益的集会、游行、示威等活动的；

（二）组织或者参加非法组织的；

（三）接受境外资助从事损害国家利益或者危害国家安全活动的；

（四）接受损害国家荣誉和利益的境外邀请、奖励，经批评教育拒不改正的；

（五）组织、利用宗教活动或宗族势力反对党的路线、方针、政策和决议，破坏民族团结的，或违反国家民族宗教法规和政策，造成不良后果的；

（六）非法出境、未经批准获取境外永久居留资格或者取得外国国籍的；

（七）携带含有依法禁止内容的书刊、音像制品、电子读物

进入国（境）内的；

（八）其他违反政治纪律的行为。

有前款第（一）项至第（三）项规定的行为，但属于不明真相被裹挟参加、经批评教育后确有悔改表现的，可以减轻或者免予处分。

第十七条 有下列违反工作纪律行为之一的，给予警告或者记过处分；情节较重的，给予降低岗位等级处分；情节严重的，给予开除处分：

（一）在执行国家重要任务、应对公共突发事件中，不服从指挥、调遣或者消极对抗的；

（二）破坏正常工作秩序，违章指挥、工作失当，给国家、学校、师生或者公共利益造成损失的；

（三）在考试、录取、推优、保研、就业等工作中，存在徇私舞弊、弄虚作假等违反有关规定行为的；

（四）发生重大事故、灾害、事件，擅离职守或者不按规定报告、不采取措施处置或者处置不力的；

（五）在职称评定、项目评估评审、产品认证、设备检测检验等工作中徇私舞弊，或者违反规定造成不良影响的；

（六）违反教学规定，造成重大教学责任事故的；

（七）违反安全规定，未妥善保存枪支、弹药或者易燃、易爆、有毒、有放射性、有传染性等危险品的，或擅自将其带出规定保管场所，造成严重后果的；

（八）未经批准，擅自代表学校或校内单位签订合同、协议等，或者违反国家和学校印章使用管理相关规定，造成不良后果的；

（九）不守诚信，违反合同、协议等，给国家、学校的利益或声誉造成损失的；

（十）对违纪行为处理不力或隐瞒包庇违纪行为的；

（十一）在公开招聘、职务晋升、绩效考核、岗位聘用、评优评奖等人事管理工作中有违反组织人事纪律行为的；或者未经学校批准擅自在校外兼职或任职并领取报酬的；

（十二）违反考勤纪律，造成不良影响的；

（十三）泄露国家秘密的；

（十四）泄露因工作掌握的内幕信息，造成不良后果的；

（十五）其他违反工作纪律失职渎职的行为。

有前款第（十三）项规定行为的，给予记过以上处分。

第十八条 有下列违反廉洁从业纪律行为之一的，给予警告或者记过处分；情节较重的，给予降低岗位等级处分；情节严重的，给予开除处分：

（一）贪污、索贿、受贿、行贿、介绍贿赂、挪用公款的；

（二）利用工作之便为本人或者他人谋取不正当利益的；

（三）在工作中接受礼金、各种有价证券、支付凭证的；

（四）利用知悉或者掌握的内幕信息谋取利益的；

（五）用公款旅游或者变相用公款旅游的；

（六）违反国家及学校规定，从事、参与营利性活动的；

（七）其他违反廉洁从业纪律的行为。

有前款第（一）项规定行为的，给予记过以上处分。在扶贫领域有上述行为的，从重或者加重处分。

第十九条 有下列违反财经纪律或侵犯财产权利行为之一

的，给予警告或者记过处分；情节较重的，给予降低岗位等级处分；情节严重的，给予开除处分：

（一）违反国家财政收入上缴有关规定的；

（二）违反规定使用、骗取财政资金或者社会保险基金的；

（三）擅自设定收费项目或者擅自改变收费项目的范围、标准和对象的；

（四）挥霍、浪费国家资财或者造成国有资产流失的；

（五）违反国有资产管理规定，擅自占有、使用、处置国有资产的；

（六）在招标投标和物资采购工作中违反有关规定，造成不良影响或者损失的；

（七）将职务发明专利据为己有或擅自转让的；

（八）以不正当方式使用学校名称、商标及其他标志等无形资产为自己或他人获取利益的；

（九）以偷窃、冒领或故意隐匿、毁弃、破坏等形式侵占公有财产的；

（十）故意损毁、破坏校园公共建筑、公有房屋或公共设施的；

（十一）未经学校批准，在校内私自搭建房屋或安装设备设施的，对校园公共建筑、公有房屋或公共设施私自进行改造、装修的；

（十二）其他违反财经纪律和侵犯财产权利的行为。

第二十条 有下列违反职业道德或与职业利益冲突行为之一的，给予警告或者记过处分；情节较重的，给予降低岗位等级处

分；情节严重的，给予开除处分：

- （一）利用专业技术或者技能实施违法违规行为的；
- （二）伪造个人学术经历、履历的；
- （三）有抄袭、剽窃、侵吞他人学术成果，伪造、篡改数据文献，或者捏造事实等学术不端行为的；
- （四）违反学术伦理、学术规范或职业道德规范，造成不良影响或严重后果的；
- （五）利用职业身份进行利诱、威胁或者误导，损害他人合法权益，或造成不良影响的；
- （六）利用权威、地位或者掌控的资源，压制不同观点，限制学术自由，造成重大损失或者不良影响的；
- （七）在申报岗位、项目、荣誉等过程中弄虚作假的；
- （八）对学生实施性骚扰并造成不良影响或严重后果，或与学生发生不正当关系的；
- （九）工作态度恶劣，造成不良社会影响的；
- （十）其他严重违反职业道德、师德师风的行为以及与职业利益冲突的行为。

前款第（一）项规定行为的，给予记过以上处分。

第二十一条 有下列侵权行为之一的，给予警告或者记过处分；情节较重的，给予降低岗位等级处分；情节严重的，给予开除处分：

- （一）寻衅滋事、打架斗殴或为打架斗殴提供器械或凶器的；
- （二）品行不端，谩骂、侮辱、诽谤他人或者侵犯他人隐私，造成不良影响的；

(三) 恐吓、威胁他人安全，干扰他人正常生活的；

(四) 在浴室、卫生间、宿舍等场所偷窥、猥亵等不当行为的；

(五) 通过语言、文字、图片、行为等方式对他人进行性骚扰的；

(六) 故意隐匿、毁弃、非法占有或非法处理他人的通知单、信函或者电子邮件等，造成不良后果的；

(七) 体罚学生，经教育不改的；

(八) 其他侵犯他人人身权利的行为。

第二十二条 有下列违反公共秩序、社会公德行为之一的，给予警告或者记过处分；情节较重的，给予降低岗位等级处分；情节严重的，给予开除处分：

(一) 扰乱学校公共场所管理秩序不听劝阻的；

(二) 煽动、组织聚众闹事，破坏学校管理秩序的；

(三) 捏造消息，散布谣言，造成不良影响或后果的；

(四) 制造、传播违法违禁物品及信息的；

(五) 违反有关计算机、网络管理等规定，扰乱计算机网络安全与秩序的；

(六) 组织、参与卖淫、嫖娼等色情活动的；

(七) 吸食毒品或者组织、参与赌博活动的；

(八) 违反国家计划生育有关政策的；

(九) 包养情人的；

(十) 虐待、遗弃家庭成员，或者拒不承担赡养、抚养、扶养义务等的；

(十一) 被法院列为失信人员，造成不良影响的；

(十二) 其他严重违反公共秩序、社会公德的行为。

有前款第(五)项、第(六)项、第(七)项、第(八)项规定行为的，给予降低岗位等级以上处分。

第二十三条 教职工被依法判处刑罚的，给予降低岗位等级以上处分。其中，被依法判处有期徒刑以上刑罚的，给予开除处分。

第二十四条 本办法未规定的违规违纪行为所应给予的处分，参照国家相关规定，由学校根据情节轻重和后果给予相应的处分。

第四章 处分的权限和程序

第二十五条 给予教职工处分，按照学校干部人事管理权限，分别由纪检监察室或人力资源部负责。学校中层副职以上领导干部或重大敏感领域问题的违法违纪问题由纪检监察室提出处分建议，其他教职工的违法违纪问题由人力资源部提出处分建议，分别提交校党委常委会或校长办公会批准。重大、复杂事项由人力资源部与纪检监察室协同开展工作，其他单位应予支持配合。

第二十六条 对教职工的处分，按照以下程序办理：

(一) 受理。教职工有涉嫌违法违纪行为的，由其所在单位或者相关业务管理部门负责初查和提出立案建议，按照第二十五条归口权限将初查情况及立案建议报送纪检监察室或人力资源部。纪检监察室或人力资源部接受关于教职工涉嫌违法违纪行为的举报，不得泄露举报人信息；

（二）立案。纪检监察室或人力资源部根据初步调查结果，认为需要立案调查的，应当报主管校领导批准后立案；

（三）调查。立案后，纪检监察室或人力资源部对被调查的教职工的违法违纪行为作进一步调查，形成书面调查报告；

（四）复核。纪检监察室或人力资源部将调查认定的事实及拟给予处分的依据告知被调查的教职工，听取其陈述和申辩，并对其所提出的事实、理由和证据进行复核，记录在案。被调查的教职工提出的事实、理由和证据成立的，应予采信；

（五）处分。纪检监察室或人力资源部经调查、复核后，提出处分意见，报校党委常委会或校长办公会；经会议审议批准后，学校作出对该教职工给予处分、免予处分或者撤销案件的决定；

（六）告知。将处分决定以书面形式通知受处分教职工本人和有关单位，并在一定范围内宣布；

（七）存档。将处分决定存入受处分教职工的档案。

处分决定自作出之日起生效。

第二十七条 教职工涉嫌违法违纪，已经被立案调查，不宜继续履行职责的，可以按照干部人事管理权限，暂停其职责。被调查的教职工在违法违纪案件立案调查期间，不得解除聘用合同、出国（境）或者办理退休手续。

第二十八条 对教职工违法违纪案件进行调查，应当由两名或两名以上办案人员进行；接受调查的单位和个人应当如实提供情况。

以暴力、威胁、引诱、欺骗等非法方式收集的证据不得作为定案的根据。

第二十九条 参与教职工违法违纪案件调查、处理的人员有下列情形之一的，应当提出回避申请；被调查的教职工以及与案件有利害关系的公民、法人或者其他组织有权要求其回避：

（一）与被调查的教职工有夫妻关系、直系血亲、三代以内旁系血亲关系或者近姻亲关系的；

（二）与被调查的案件有利害关系的；

（三）与被调查的教职工有其他关系，可能影响案件公正处理的。

第三十条 参与违法违纪案件调查、处理的人员的回避，由纪检监察室或人力资源部负责人决定，纪检监察室或人力资源部负责人的回避由主管领导决定。

第三十一条 给予教职工处分，应当自批准立案之日起 6 个月内作出决定；案情复杂或者遇有其他特殊情形的可以延长，但是办案期限最长不得超过 12 个月。

第三十二条 处分决定应当包括以下内容：

（一）受处分教职工的姓名、工作单位、原聘岗位名称与职务等基本情况；

（二）经查证的违法违纪事实；

（三）处分的种类、受处分的期间和依据；

（四）不服处分决定的申诉途径和期限；

（五）处分决定机关的名称、印章和作出决定的日期。

第三十三条 教职工受到开除处分后，人力资源部门应当及时办理档案和社会保险关系转移手续，具体办法按照有关规定执行。

第五章 处分的解除

第三十四条 教职工受开除以外的处分，在受处分期间有悔改表现，并且没有再出现违法违纪情形的，处分期满，经批准后解除处分。

教职工在受处分期间终止或解除聘用合同的，处分期满后，自然解除处分。受处分教职工要求学校提供解除处分相关证明的，应当提供。

第三十五条 教职工在受处分期间有重大立功表现，按照有关规定给予个人记功以上奖励的，可以提前解除处分。

第三十六条 教职工处分的解除或者提前解除，按照以下程序办理：

（一）受处分教职工在处分期满前一个月内向所在单位提出解除处分的书面申请或根据有关规定提出提前解除处分的书面申请；

（二）所在单位应对受处分教职工在受处分期间的表现情况进行全面了解，并形成书面报告，按照干部人事管理权限，报纪检监察室或人力资源部；

（三）纪检监察室或人力资源部将相关情况提交校党委常委会或校长办公会，会议审议作出解除或者提前解除处分的决定；

（四）将解除或者提前解除处分的决定以书面形式通知本人并在原宣布处分的范围内宣布；

（五）将解除或者提前解除处分的决定存入教职工本人档案。解除处分决定自作出之日起生效。

第三十七条 教职工处分的解除或者提前解除按照本办法第二十九条、第三十条的规定执行回避。

第三十八条 解除或者提前解除处分的决定应当包括原处分的种类和解除或者提前解除处分的依据，以及该教职工在受处分期间的表现情况等内容。

第三十九条 处分解除后，考核、竞聘上岗和晋升工资按照国家有关规定执行，不再受原处分的影响。但是，受到降低岗位等级处分的，不视为恢复受处分前的岗位等级和工资待遇。

第四十条 解除处分的决定应当在处分期满后一个月内作出。

第六章 复核和申诉

第四十一条 受到处分的教职工对处分决定不服的，可以自知道或者应当知道该处分决定之日起 30 日内向学校申请复核。学校应当自接到复核申请后的 30 日内作出复核决定。

复核期间不停止处分的执行。

教职工不因提出复核而被加重处分。

第四十二条 有下列情形之一的，学校应当撤销处分决定，重新作出决定：

- （一）处分所依据的事实不清、证据不足的；
- （二）违反规定程序，影响案件公正处理的；
- （三）超越职权或者滥用职权作出处分决定的。

第四十三条 有下列情形之一的，学校应当变更处分决定：

- （一）适用法律、法规、规章错误的；
- （二）对违法违纪行为的情节认定有误的；
- （三）处分不当的。

第四十四条 受处分的教职工对复核结果不服的，可以自接到复核决定之日起 30 日内向广东省教育厅提出申诉，具体办法

按《事业单位工作人员申诉规定》执行。

第四十五条 教职工的处分决定被变更，需要调整该教职工的岗位等级或者工资待遇的，应当按照规定予以调整；教职工的处分决定被撤销的，应当恢复该教职工的岗位等级、工资待遇，按照原岗位等级安排相应的岗位，并在适当范围内为其恢复名誉。

被撤销处分或者被减轻处分的教职工工资待遇受到损失的，应当予以补偿。

第七章 附则

第四十六条 已经退休的教职工有违法违纪行为应当受到处分的，不再作出处分决定。但是，应当给予降低岗位等级以上处分的，相应降低或者取消其享受的待遇。

第四十七条 外籍教职工违法违纪的，参照《中华人民共和国外国人出入境管理条例》等法律法规并结合本办法执行。

第四十八条 学校相关单位可依据本办法制定相关细则，经纪检监察室和人力资源部会签后报学校批准。各单位劳务派遣人员及学校下属单位、附属单位等工作人员参照本办法执行。

第四十九条 本办法中所述“以上”、“以下”皆包含本级或者本数。

第五十条 本办法由纪检监察室、人力资源部负责解释。

第五十一条 本办法自公布之日起施行。

Measures for Disciplinary Sanctions against Faculty Members of Southern University of Science and Technology (Interim)

Chapter I General Provisions

Article 1 In order to exercise strict discipline, regulate the activities of the faculty members of Southern University of Science and Technology (hereinafter referred to as the "University"), protect their legitimate rights and interests, ensure that the University and its faculty members perform their duties in accordance with the law and maintain the normal working order of the University, the Interim Provisions on Disciplinary Sanctions against Faculty Members of Southern University of Science and Technology (hereinafter referred to as "these Provisions") are formulated based on the actual situation of the University and in accordance with the *Education Law of the People's Republic of China*, the *Higher Education Law of the People's Republic of China*, the *Teachers Law of the People's Republic of China*, the *Interim Provisions on Administrative Disciplinary Sanctions against Civil Servants*, the *Interim Provisions on Disciplinary Actions against Staff Members of Public Institutions* and other relevant laws , regulations and related provisions of the State, as well as the *Statutes of Southern University of Science and Technology*.

Article 2 The faculty members mentioned in these Provisions refer to those who have established personnel or labor relations with the University.

Article 3 To give disciplinary sanctions to the faculty members, three principles shall be followed: Firstly, the principle of maintaining justice and fairness and combining education with disciplinary sanctions; secondly, the principle of giving sanctions that are commensurate with the nature, circumstances and severity of harm of the violations; and thirdly, the principle of having clear facts, conclusive evidence, accurate identification of the nature of the acts, proper handling, lawful procedures and complete formalities.

Article 4 Faculty members who violate the laws and discipline and who must bear disciplinary liability shall be given disciplinary sanctions in accordance with these Provisions; those who violate laws, regulations and rules of higher authorities shall be dealt with in accordance with relevant provisions; those suspected of having committed crimes shall be transferred to judicial organs for handling in accordance with the law.

Chapter II Types and Application of Disciplinary Sanctions

Article 5 The types of sanctions are as follows:

- (1) Warning;
- (2) Putting demerit on the record;
- (3) Post downgrade;
- (4) Dismissal.

Article 6 The period of a disciplinary sanction shall be:

- (1) Warning: 6 months;
- (2) Putting demerit on the record: 12 months;
- (3) Post downgrade: 24 months.

Article 7 A faculty member who has received a warning shall not be promoted during the period of the disciplinary sanction.

If a faculty member has been recorded with a demerit, during the period of the disciplinary sanction, he/she shall not be promoted, and his/her annual performance assessment result shall not be higher than the basic grade of competence, and his/her year-end position-related performance bonus shall be cancelled.

If a faculty member is subject to a post downgrade, he/she shall be downgraded by one to three levels from the effective date of the disciplinary sanction decision; during the period of the disciplinary sanction, he/she shall not be promoted, and his/her annual performance assessment result shall not be higher than the basic grade of competence, and his/her year-end position-related performance bonus shall be cancelled.

If a faculty member is given a disciplinary sanction, during the period of the sanction, his/her annual salary shall not be raised; if a faculty member is given a disciplinary sanction with a post downgrade, during the period of the disciplinary sanction, his/her annual salary shall be adjusted according to the downgraded post after the disciplinary sanction.

If a faculty member is dismissed, his/her employment relationship with the University shall be terminated as of the effective date of the disciplinary sanction decision.

Article 8 If a faculty member is given a disciplinary sanction of putting demerit on the record or a heavier penalty, he/she shall not be eligible for assuming a professional and technical post in the field of his/her own specialty (technology or skill) during the period of the disciplinary sanction. If the qualification for professional and technical post or professional qualification shall be abolished, the case shall be handled in accordance with the relevant provisions.

Article 9 If there are more than two kinds of acts that need to be given disciplinary sanctions at the same time, the disciplinary sanctions shall be determined separately. If different types of disciplinary sanctions are to be given, the heaviest one shall be imposed; if more than one disciplinary sanction of the same type except for dismissal is to be given, the disciplinary sanction in question shall be imposed, and the period of the disciplinary sanction shall be longer than one instance of violation but shorter than the sum of the sanctioning period for several instances of violations.

If a faculty member receives a new disciplinary sanction during the period of the disciplinary sanction, the actual period of the disciplinary sanction shall be the sum of the remainder of the original period of the disciplinary sanction and the period of the newly imposed disciplinary sanction, but the maximum period shall not exceed 48 months.

Article 10 If two or more faculty members violate laws and discipline jointly and need to be given disciplinary sanctions, they shall be given the appropriate disciplinary sanctions in accordance with their respective liabilities.

Article 11 Under any of the following circumstances, a heavier disciplinary sanction shall be imposed:

(1) Playing a major role in joint violations of laws and discipline involving more than two persons;

(2) Concealing, forging or destroying evidence;

(3) Acting in collusion to make each other's confessions tally or preventing others from exposing a violation or providing evidence;

(4) Shielding persons involved in the same case;

(5) Retaliating and/or framing whistleblowers, accusers, complainants, witnesses and other relevant personnel;

(6) Other applicable circumstances stipulated by laws, regulations and rules.

Article 12 Under any of the following circumstances, a lighter disciplinary sanction may be imposed:

(1) Voluntarily confessing and giving a full account of violations of laws and discipline;

(2) Taking effective measures to avoid or recover losses;

(3) Reporting other people's major violations of laws and discipline, which prove to be true.

Article 13 A faculty member who voluntarily confesses and gives a full account of violations of laws and discipline and takes effective measures to avoid or recover losses may be given a lighter disciplinary sanction or exempted from a disciplinary sanction.

If the violation on the part of a faculty member is minor, and he/she has corrected his/her behavior after being criticized and educated, he/she may be exempted from a disciplinary sanction.

Article 14 If a faculty member falls under any of the circumstances stipulated in Articles 11 and 12 of these Provisions, he/she shall be given a heavier or lighter disciplinary sanction within the range of disciplinary sanctions prescribed in Chapter III of these Provisions.

If a faculty member falls under the circumstances prescribed in Article 13 of these Provisions, he/she shall be given a disciplinary sanction of a lower level within the range of disciplinary sanctions prescribed in Chapter III of these Provisions. If a disciplinary sanction of a warning shall be given, and at the same time, the circumstances for a lighter disciplinary sanction exist, he/she shall be exempted from a disciplinary sanction.

Article 15 If an organization commits violations of laws and discipline, it shall be investigated for disciplinary liability, and the leaders and persons who are directly liable shall be given a disciplinary sanction in accordance with these Provisions.

Chapter III Violations of Laws and Discipline and Their Applicable Disciplinary Sanctions

Article 16 Whoever commits one of the following violations of political discipline shall be given a disciplinary sanction of putting demerit on the record; those involved in cases with fairly serious circumstances shall be given a disciplinary sanction of a post downgrade; and those involved in cases with serious circumstances shall be dismissed:

(1) Making statements damaging the reputation of the State, violating relevant provisions on ideological work, undermining the centralization and unity of the Party, and organizing or participating in rallies, processions and demonstrations aimed at damaging the interests of the State;

(2) Organizing or joining illegal organizations;

(3) Receiving overseas financial assistance to engage in activities harmful to national interests or national security;

(4) Accepting invitations and awards abroad that damage the honor and interests of the State and refusing to correct his/her behavior after being criticized and educated;

(5) Organizing or utilizing religious activities or clan forces to oppose the Party's lines, principles, policies and resolutions, undermining national unity, or violating national laws, regulations and policies on ethnic and religious affairs, with adverse consequences;

(6) Illegally leaving the country, obtaining permanent residence in a foreign country or acquiring foreign nationality without official approval;

(7) Bringing books, magazines, audio-visual products and electronic books containing content prohibited by law into the country (territory);

(8) Other violations of political discipline.

Where an act prescribed in Items (1) to (3) of the preceding paragraph is of such a nature that the person involved has been coerced into participation without knowledge of what was happening, and he/she later shows repentance and is willing to correct his/her behavior after being criticized and educated, he/she may be given a lighter disciplinary sanction or exempted from a disciplinary sanction.

Article 17 Whoever commits one of the following violations of work discipline shall be given a disciplinary sanction of a warning or putting demerit on the record; those involved in cases with fairly serious circumstances shall be given a disciplinary sanction of a post downgrade; and those involved in cases with serious circumstances shall be dismissed:

(1) Failing to obey command or not accepting an assignment or just resisting passively when carrying out important tasks of the State or responding to public emergencies;

(2) Hampering the normal working order, commanding in violation of regulations and being negligent in work, and causing losses to the State, the University, teachers and students or public interests;

(3) In the work concerning examination, admissions, recommendation of outstanding students, selection of undergraduates who go on to a graduate program without the need of taking examinations, and employment, there are acts of favoritism, fraud and other violations of relevant provisions;

(4) When a major accident, disaster or incident occurs, he/she leaves his/her post without permission or fails to report in accordance with the provisions, or fails to take measures to deal with it or fails to deal with it effectively;

(5) Where there are fraudulent practices for personal gains in professional title evaluation, project evaluation, product certification, equipment testing and inspection, or the violation of provisions has caused adverse effects;

(6) Where the violation of teaching provisions has caused major accidents involving teaching liability;

(7) Where those who, in violation of safety provisions, fail to properly store firearms, ammunition or dangerous materials such as inflammable, explosive, poisonous, radioactive or contagious materials, or take them out of the prescribed places of storage without authorization, causing serious consequences;

(8) Unauthorized signing of contracts or agreements on behalf of the University or any organization in the University, or violation of relevant provisions of the State or the University on the use and management of seals, resulting in adverse consequences;

(9) Breach of good faith, and violation of contracts and agreements, etc., causing losses to the interests or reputation of the State or the University;

(10) Failing to handle violations of discipline effectively or help to conceal such violations;

(11) Violating organizational or personnel discipline in personnel management such as public recruitment, post promotion, performance appraisal, employment, merit appraisal and award evaluation; or working on a part-time basis outside the University without the approval of the University and receiving remuneration;

(12) Violating attendance discipline, causing adverse effects;

(13) Divulging State secrets;

(14) Divulging the inside information obtained during work, resulting in adverse consequences;

(15) Other acts that constitute dereliction of duty or malfeasance in violation of work discipline.

Whoever commits the acts prescribed in Item (13) of the preceding paragraph shall be given a disciplinary sanction of putting demerit on the record or a heavier disciplinary sanction.

Article 18 Whoever commits one of the following violations of the discipline of honest practice shall be given a disciplinary sanction of a warning or putting demerit on the record; those involved in cases with fairly serious circumstances shall be given a disciplinary sanction of a post downgrade; and those involved in cases with serious circumstances shall be dismissed:

(1) Corruption, solicitation of bribes, acceptance of bribes, bribery, introduction of bribes and embezzlement of public funds;

(2) Seeking unjust interests for oneself or others by taking advantage of one's work;

(3) Accepting gifts, various negotiable securities and payment vouchers in one's work;

(4) Making use of inside information that is known to or obtained by him/her to seek personal profits;

(5) Travelling with public funds or traveling with public funds in disguised form;

(6) Engaging in or participating in for-profit activities in violation of the State's and the University's provisions;

(7) Other acts that violate the discipline of honest practice.

If any of the violations prescribed in Item (1) of the preceding paragraph is committed, a disciplinary sanction of putting demerit on the record or a heavier disciplinary sanction shall be given. Those who commit such violations in the field of poverty alleviation shall be subject to a heavier disciplinary sanction.

Article 19 Whoever commits one of the following violations of financial and economic discipline or acts infringing upon intellectual property rights shall be given a warning or a disciplinary sanction of putting demerit on the record; those involved in cases with fairly serious circumstances shall be given a disciplinary sanction of a post downgrade; those involved in cases with serious circumstances shall be dismissed:

(1) Violating the relevant provisions on the surrender of State' financial revenue;

(2) Using or defauding financial funds or social insurance funds in violation of provisions;

(3) Setting up items to charge fees without authorization or changing the scope, standards and objects of fee-charging items without authorization;

(4) Squandering or wasting state assets/wealth or causing the loss of state-owned assets;

(5) Possessing, using and disposing of state-owned assets without authorization in violation of the provisions governing the management of state-owned assets;

(6) Violating relevant provisions in tendering and bidding and material procurement, causing adverse effects or losses;

(7) Appropriating a duty-related patent for invention as one's own or transferring the said patent without authorization;

(8) Using intangible assets such as the University's name, trademarks and other symbols in an improper way to gain profits for oneself or others;

(9) Embezzling public property by means of theft, fraudulent claims or deliberate concealment, damage or destruction;

(10) Willfully damaging or destroying public buildings, public houses or public facilities on campus;

(11) Building houses or installing equipment and facilities on campus without the approval of the University, or transforming or renovating public buildings, public houses or public facilities on campus without authorization;

(12) Other violations of financial discipline and property rights.

Article 20 Whoever commits any of the following acts that violate professional ethics or constitute a conflict of professional interests shall be given a disciplinary sanction of a warning or putting demerit on the record; those involved in cases with fairly serious circumstances shall be given a disciplinary sanction of a post downgrade; those involved in cases with serious circumstances shall be dismissed:

(1) Using professional technology or skills to commit acts that are against State laws or University discipline;

(2) Fabricating one's own academic experiences or autobiography;

(3) Having academic misconduct such as plagiarizing or embezzling other people's academic achievements, forging or tampering with data and documents, or making up a story in academic research;

(4) Violating academic ethics, academic norms or professional ethics, causing adverse effects or serious consequences;

(5) Using professional status to induce, threaten or mislead others to harm others' legitimate rights and interests, or causing adverse effects;

(6) Making use of authority, status or controlled resources to suppress different opinions and restrict academic freedom, resulting in significant losses or adverse effects;

(7) Practicing fraud when applying for posts, projects and/or honors;

(8) Sexually harassing students, which causes adverse effects or serious consequences, or having any improper relations with students;

(9) Having a poor working attitude, which causes adverse social impacts;

(10) Other behaviors in serious violation of professional ethics and teachers' moral standards and behaviors in conflict with professional interests.

If an act prescribed in Item (1) of the preceding paragraph is committed, a disciplinary sanction heavier than putting demerit on the record shall be given.

Article 21 Whoever commits one of the following acts of infringement shall be given a disciplinary sanction of a warning or putting demerit on the record; those involved in cases with fairly serious circumstances shall be given a disciplinary sanction of a post downgrade; those involved in cases with serious circumstances shall be dismissed:

(1) Making trouble by provocation, fighting or providing instruments or lethal weapons for fighting;

(2) Having bad conduct, abusing, insulting, slandering other people or infringing upon their privacy, causing adverse effects;

(3) Intimidating or threatening other people and interfering with other people's normal life;

(4) Voyeurism, indecency or other improper acts in bathrooms, toilets, dormitories and/or other places;

(5) Sexually harassing others by means of spoken language, writing, pictures and behaviors;

(6) Deliberately concealing, destroying, illegally possessing or illegally handling other people's notification documents, letters, e-mails, etc., causing adverse consequences;

(7) Punishing students physically and not correcting their behaviors after being educated;

(8) Other violations of the personal rights of others.

Article 22 Whoever commits one of the following acts that disrupt public order or run counter to social morality shall be given a disciplinary sanction of a warning or putting demerit on the record; those involved in cases with fairly serious circumstances shall be given a disciplinary sanction of a post downgrade; those involved in cases with serious circumstances shall be dismissed:

(1) Disrupting the management order of public places in the University and disregarding exhortations;

(2) Instigating or organizing mass disturbances to disrupt the University's management order;

(3) Fabricating news and spreading rumors, causing adverse effects or consequences;

(4) Manufacturing and distributing illegal and prohibited articles and information;

(5) Undermining the security and disrupting the order of computer networks in violation of relevant provisions on computers and network management;

(6) Organizing or participating in pornographic activities such as prostitution and whoring;

(7) Taking drugs or organizing or participating in gambling;

(8) Violating relevant State policies on family planning;

(9) Having an extramarital affair;

(10) Maltreating or abandoning family members, or refusing to assume the obligations to support the elderly, kids or other family members as required by law;

(11) Being blacklisted as a person of dishonesty by a court, causing adverse effects;

(12) Other serious violations of public order and social morality.

Those who have acts prescribed in Items (5), (6), (7) and (8) of the preceding paragraph shall be given a disciplinary sanction of a post downgrade or a heavier disciplinary sanction.

Article 23 If a faculty member receives a criminal punishment in accordance with the law, he/she shall be given a disciplinary sanction of a post downgrade or a heavier

disciplinary sanction. If he/she receives a fixed-term imprisonment sentence from a court, then he/she shall be dismissed.

Article 24 The disciplinary sanctions for violations of regulations and discipline not stipulated in these Provisions shall be given by the University in light of the seriousness of the circumstances and consequences by reference to the relevant provisions of the State.

Chapter IV Authority and Procedures of Disciplinary Sanctions

Article 25 The Discipline Inspection and Supervision Office or the Human Resources Department shall be responsible for the disciplinary sanctions imposed on faculty members in accordance with the authority over personnel management of the University's officials. The Discipline Inspection and Supervision Office shall suggest what disciplinary sanctions to take against violations of laws and discipline involving middle-level officials holding deputy posts or above, or violations occurring in major, sensitive areas. The Human Resources Department shall suggest what disciplinary sanctions to take against violations of laws and discipline by other faculty members, and these suggestions on disciplinary sanctions shall be submitted respectively to the Standing Committee of the Party Committee and the Principal's Office for approval. Major and complex matters shall be handled jointly by the Human Resources Department and the Discipline Inspection and Supervision Office, and other organizations shall provide support and cooperation.

Article 26 The disciplinary sanctions against faculty members shall be handled according to the following procedures:

(1) Acceptance. If a faculty member is suspected of violating the laws and discipline, the organization where he/she works or the relevant management department shall be responsible for the preliminary investigation and making suggestions for filing a case. The result of the preliminary investigation along with the suggestions for filing a case shall be submitted to the Discipline Inspection and Supervision Office or the Human Resources Department in accordance with the appropriate authority in Article 25. The Discipline Inspection and Supervision Office or the Human Resources Department shall accept reports of suspected violations of laws and discipline by faculty members, and shall not disclose the information of the informants.

(2) Filing a case. Given the results of the preliminary investigation, if the Discipline Inspection and Supervision Office or the Human Resources Department deems it necessary to file a case for further investigation, it shall report the situation to the competent leader of the University for approval before filing the case.

(3) Investigation. After filing the case, the Discipline Inspection and Supervision Office or the Human Resources Department shall make further investigation into the acts of violation of laws and discipline on the part of the faculty member in question and complete an investigation report in writing.

(4) Review. The Discipline Inspection and Supervision Office or the Human Resources Department shall inform the faculty member under investigation of the facts identified and the basis for the proposed disciplinary sanction, listen to his/her statements and arguments, review the facts, reasons and evidence put forward by the faculty member under investigation, and put them on the record. If the facts, reasons and evidence put forward by the faculty member under investigation are tenable, they shall be adopted.

(5) Disciplinary sanction. After investigation and review, the Discipline Inspection and Supervision Office or the Human Resources Department shall submit their opinions on a disciplinary sanction to the Standing Committee of the Party Committee or the Principal's Office. After deliberation and approval at the meeting, the University shall make a decision on what disciplinary sanction will be imposed on the faculty member, whether he/she is exempted from a disciplinary sanction or whether the case is to be withdrawn.

(6) Notification. Notify in writing the faculty member involved and relevant organization of the disciplinary sanction decision, and announce the decision within a certain range;

(7) Treatment. Put the disciplinary sanction decision in the personal file of the faculty member subject to the disciplinary sanction.

The disciplinary sanction decision shall take effect from the date the decision was made.

Article 27 If a faculty member is suspected of violating laws and discipline, and the case has been filed for investigation, he/she is considered to be unsuitable to

continue to perform his/her duties; therefore, he/she may be required to suspend his/her duties in accordance with the authority over personnel management. While the investigation of the case is going on, the employment contract of the faculty member under investigation shall not be dissolved, and such faculty member shall not go abroad or go through retirement formalities.

Article 28 The investigation of cases of violation of laws and discipline by faculty members shall be conducted by two or more persons; the organizations and individuals under investigation shall provide truthful information.

Evidence collected by illegal means such as violence, threats, seduction and deception shall not be used as the basis for deciding on a verdict.

Article 29 If any of the following circumstances applies to any person engaged in the investigation or handling of a case of violation of laws and discipline by a faculty member, the person should file an application for withdrawal; the faculty member under investigation and any citizen, legal person or other organization having an interest in the case is entitled to request the person concerned to withdraw:

(1) Having husband-wife relationship, lineal blood relationship, collateral blood relationship within three generations or close in-marriage relationship with the faculty member under investigation;

(2) Having an interest in the case under investigation;

(3) Having other relationships with the faculty member under investigation, which may affect the fair handling of the case.

Article 30 The decision that anyone engaged in the investigation and handling of a case of violation of laws and discipline should withdraw from the case shall be made by the person in charge of the Discipline Inspection and Supervision Office or the Human Resources Department, and the decision that the person in charge of the Discipline Inspection and Supervision Office or the Human Resources Department should withdraw from the case shall be made by its competent superior.

Article 31 The decision on giving a faculty member a disciplinary sanction shall be made within six months from the date of approval of the case filing; the period may be

extended if the case is very complicated or if there are other special circumstances, but the maximum time limit for handling the case shall not exceed 12 months.

Article 32 A disciplinary sanction decision shall include the following elements:

(1) Basic information including the name of the faculty member subject to the disciplinary sanction, the organization where he/she works, his/her original post and job title;

(2) Verified facts constituting violation of laws and discipline;

(3) Type of the disciplinary sanction, and period of and basis for the disciplinary sanction;

(4) The means and time limit for appealing against the disciplinary sanction decision;

(5) The name and seal of the decision-making organ of the disciplinary sanction and date of the decision.

Article 33 When a faculty member is dismissed, the Human Resources Department shall promptly go through the formalities for the transfer of archives and social insurance relations, and the specific measures shall be implemented in accordance with the relevant provisions.

Chapter V Lifting of Disciplinary Sanctions

Article 34 If a faculty member is subject to a disciplinary sanction other than dismissal and shows repentance during the period of the disciplinary sanction, and no new violation of laws and discipline is found, the disciplinary sanction shall be lifted after the period has expired.

If the employment contract of a faculty member is terminated or dissolved during the period of a disciplinary sanction, the disciplinary sanction shall be naturally lifted after the period has expired. If the faculty member given the disciplinary sanction requests the University to provide relevant documents on the lifting of the disciplinary sanction, the University shall provide such documents.

Article 35 If a faculty member does a deed of great merit during the period of a disciplinary sanction, then the disciplinary sanction may be lifted in advance.

Article 36 The lifting or early lifting of a disciplinary sanction imposed on a faculty member shall be handled according to the following procedures:

(1) Within one month before the expiration of the period of the disciplinary sanction, the faculty member concerned shall submit a written application to the organization where he/she works for the lifting of the disciplinary sanction or a written application for the early lifting of the disciplinary sanction in accordance with the relevant provisions;

(2) The organization shall have a comprehensive understanding of the performance of the faculty member subject to the disciplinary sanction during the period of the disciplinary sanction, and prepare a written report, which shall be submitted to the Discipline Inspection and Supervision Office or the Human Resources Department in accordance with the authority over the personnel management;

(3) The Discipline Inspection and Supervision Office or the Human Resources Department shall submit the relevant information to the Standing Committee of the Party Committee or the Principal's Office, and they shall convene a meeting to discuss the matter and make a decision on the lifting or early lifting of the disciplinary sanction;

(4) Notify in writing the faculty member subject to the disciplinary sanction of the decision on the lifting or early lifting of the disciplinary sanction and announce it within the scope of the original announcement of the disciplinary sanction;

(5) Put the decision on the lifting or early lifting of the disciplinary sanction in the personal file of the faculty member concerned.

The decision on the lifting of the disciplinary sanction shall come into force on the date the decision is made.

Article 37 As far as the lifting or early lifting of disciplinary sanctions imposed on faculty members is concerned, Articles 28 and 29 hereof on withdrawal shall apply.

Article 38 The decision on the lifting or early lifting of a disciplinary sanction shall include the type of the original disciplinary sanction, the basis on which the decision on the lifting or early lifting of the disciplinary sanction is made, and the performance of the faculty member during the period of the disciplinary sanction.

Article 39 After the lifting of the disciplinary sanction, performance assessment, competition for employment, and pay rise shall be carried out in accordance with the relevant provisions of the State and shall not be affected by the original disciplinary sanction. However, those who are given a disciplinary sanction of a post downgrade shall not be deemed to have resumed the post rank and salary standard prior to the post downgrade.

Article 40 The decision on the lifting of a disciplinary sanction shall be made within one month after the expiration of the period of the disciplinary sanction.

Chapter VI Review and Complaint

Article 41 If a faculty member who has been given a disciplinary sanction disagrees with the disciplinary sanction decision, he/she may apply to the University for review within 30 days from the date on which he/she is notified of the decision. The University shall make a review decision within 30 days after receiving the application for review.

The execution of the disciplinary sanction shall not be suspended during the period of review.

No faculty member shall be subject to a heavier disciplinary sanction because he/she has applied for a review.

Article 42 Under any of the following circumstances, the University shall revoke its disciplinary sanction decision and make a new decision:

- (1) The facts on which the disciplinary sanction is based are unclear and the evidence is insufficient;
- (2) Due procedures are not followed, affecting the fair handling of cases;
- (3) Making the disciplinary sanction decision beyond the limit of one's power or through abuse of power.

Article 43 Under any of the following circumstances, the University shall change its disciplinary sanction decision:

- (1) Wrong application of laws, regulations and rules;

(2) There is a mistake in the determination of the circumstances surrounding the violation of laws and discipline;

(3) An inappropriate disciplinary sanction has been given.

Article 44 If the faculty member given a disciplinary sanction refuses to accept the results of the review, he/she may lodge an appeal to the Department of Education of Guangdong Province within 30 days upon receipt of the review decision. The specific measures shall be implemented in accordance with the *Provisions on Appeals by Staff in Public Institutions*.

Article 45 If a disciplinary sanction decision given to a faculty member is changed and the level of his/her post or his/her salary needs to be adjusted accordingly, it shall be adjusted in accordance with the provisions; if the disciplinary sanction decision given to a faculty member is revoked, the level of his/her post and his/her salary shall be restored, and he/she shall be placed in a post of the same level as his/her post before the disciplinary sanction is given, and an announcement on his/her rehabilitation shall be made within appropriate range.

If a faculty member whose disciplinary sanction has been revoked or mitigated has suffered losses in salary, he/she shall be compensated.

Chapter VII Supplementary Provisions

Article 46 If a retired faculty member is found to have violated laws and discipline, which subjects him/her to a disciplinary sanction, no disciplinary sanction decision shall be made. However, if the violation is serious enough for a disciplinary sanction of a post downgrade or a heavier disciplinary sanction, his/her remuneration shall be reduced or cancelled accordingly.

Article 47 Cases involving the University's foreign faculty members whose acts violate laws and discipline shall be handled in accordance with the *Regulations of the People's Republic of China on Administration of the Entry and Exit of Foreigners* and other laws and regulations and in combination with these Provisions.

Article 48 Relevant organizations of the University may formulate relevant rules in accordance with these Provisions, which shall be signed by the Discipline Inspection

and Supervision Office and the Human Resources Department before being submitted to the University for approval. These Provisions may apply mutatis mutandis to disciplinary sanctions regarding the labor dispatch personnel of each organization and the staff of subordinate organizations and affiliated organizations of the University.

Article 49 The “above” and “below” mentioned in these measures all contain the same level or number.

Article 50 The Discipline Inspection and Supervision Office and the Human Resources Department shall be responsible for the interpretation of these Provisions.

Article 51 These Provisions shall come into force as of the date of promulgation.

