Study of Rule-of-Law Theories Applied in University Management

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Keywords: Rule-of-law-based management, University management, Innovative analysis, Globalization perspective.

Abstract. The study explores the problem of university management, under the perspective of Rule-of-Law-Based Management. Its core purpose is, in the perspective of globalization, by means of optimizing management system, to implementation the innovation of education management system, and to provide the good support to the environment strategy optimization of university management.

As a response to the increasing international competitions for talents generally, the nation has poured a considerable sum of fund into education, which enables higher education to enter a phase of rapid development. On the other hand, at current phase of university operation, management by rule of law is taking form. Universities and faculty and students, however, has not built basic awareness of managing university by law; normalized managerial patterns and well-accepted and recognized management awareness have not been formed. Besides, people in the process of university management lack of questions in terms of traditional management. Therefore, traditional management concept should be changed. It requires a full integration of rule-of-law and institutional systems to optimize the development of education management system and in an environment subject to law, to realize effective development of university’s education administrative mechanism.

Introduction and Significance Analysis of Rule-of-Law-Based Management by University

Introduction of Rule-of-Law-Based Management

In an environment where management institutional system of modern university establishes, the content of rule-of-law-based management can be divided into two basic types. One is the direct impacts to both sides regarding to rights and obligations, which can be regarded as passive management. It normally includes academic arrangement of faculty, scientific research rewards, professional title evaluation, study management of students, etc.; the other is the non-direct one, viz. positive management. This management environment mainly includes management policies, program and guidance. In regard to rights and obligations of both sides, it categorizes those that can bring forth influence above behavior management; otherwise, it cannot make teachers and students to take obligations, and meanwhile, cannot limit and deprive of rights of teachers and students. Therefore, under the circumstance of managing university by law, regulations of its management system cannot contradict the Constitution and relevant aspects of law, and should ensure the rationality during the establishment of institutional system.

Significance Analysis of Rule-of-Law-Based Management

Fully Improve Internal Management System of University’s Management of Students. At the current phase of establishing university’s management institutional system, acting in accordance with law is the institutional basis of promoting rule-of-law-based management of university students. By means of establishing a goal of rule-of-law-based management, it defines basic behavior of teachers and students and realizes reasonable fulfillment of rights and obligations of stakeholders. Therefore, under the circumstance of establishing university’s management institutional system, through the improvement of law and rules and procedures, it can guarantee steady implementation of relevant duties in legal system and environment, and thereby realizes healthy development of management system. Besides, in the environment of establishing a concept.
of managing university by law, through strengthening internal system, it can show some advantages and disadvantages. First, in the environment of establishing rules and procedures of university, the Constitution and legal spirit of the country must not be violated. And it is necessary to effectively promote the standard of relevant law and regulation-making, and guarantee the steady and effective implementation of system. Second, universities in the process of making rules and procedures should not go beyond the restrictions in the environment authorized by law but fully exhibit the basic items of educational autonomy of university. Third, rules and procedures made by university should fully conform to the relevant rules of management of students and ensure an effective reward and punishment mechanism fully played.

Realize Rule-of-Law-Based Operation of Management Behavior of University Students. At the current phase of establishing university’s management institutional system should take “acting in accordance with law” as the focus of management of university students. With the requirement of “managing university by law” develops orderly the management projects of students. Non-compliance to relevant regulations during management is not allowed. Also, based on the optimization of education system, meet the demand of education innovation under the circumstance of educational management; integrate steadily the management of university students with the context of rule of law. As far as the educational activity of “managing university by law”, alongside the establishment of management behavior of university students, if want to run a comprehensive analysis of management system through the knowledge of relevant law and regulations, it requires the maintenance of rule-of-law based means to ensure the stable operation of university’s management. And based on that, through “managing university by law”, guarantee and maintain basic rights and interests of university students.

Problems Existing against the Backdrop of Rule-of-Law-Based Management System Conflicts with Higher-Level Law

Management System Conflicts with Higher-Level Law

Firstly, the management system fails to reach a balance between clauses about rights and clauses about obligations. As for the construction of the existing university management system, specifications are mainly prohibitive provisions against student’s behaviors, and there are a large number of authorized specifications. When students violate such specifications, the university (mainly refers to the management department) would be authorized to punish them and clarify obligations of the students. The reason of such phenomenon is that universities set up their own rules and regulations and the voice of the students is seldom heard. Secondly, school discipline conflicts with currently applicable laws and regulations (higher-level law). According to rules on constructing the Chinese legal system, lower-level laws cannot conflict with higher-level laws, nor could it exceed the authorizing range of higher-level law. In this context, requirements of school disciplines of universities constitute an important part of lower-level law of our education law system. According to the result of analysis on relevant legal conflicts, when establishing management system, universities should try to avoid conflicts between school disciplines and higher-level laws, and try to reduce management problems when implementing such specifications. Studies show that some universities in our country specify that students not passing CET-4 exam would not get the certificate of Bachelor’s degree. What’s more, some even stipulate that students violate relevant regulations would not get the graduation certificate. However, according to Article 2 and Article 4 of Regulations of the People’s Republic of China on Academic Degrees, bachelor’s degree shall be issued by the State Council and universities. Undergraduate students meeting the requirements of the teaching program should have the right to graduate. The two clauses do not set “having cheated in exams or not”, “having committing disciplinary offence or not” or “passing English or Computer exams or not” as the preconditions of graduation. Therefore, in this case, lower-level laws conflicts with higher-level laws and the appropriateness of university management system is questioned.
Obscure Clarification of Rights and Obligations in Education Law System

Firstly, the system is inconsistent internally. When constructing university student management systems, different systems fail to clarify their differences and relevant rights and obligations. Besides, in addition to overlapping management contents and lack of specified management projects, different departments have their own regulations for management projects, which greatly hinder the improvement of management efficiency of universities and severely limited students’ rights. Secondly, certain system contents lay more importance on liability accounting than regulation implementation. When constructing university management system, relevant parties pay little attention to rights, restricting the right of universities to independent management and severely infringing the basic rights of students. Moreover, when a system is under construction, implementation of certain established management projects would suspend, which greatly influence the justice of the system. According to the survey, we can also find that when punishing teachers and students committing disciplinary offence, universities have no uniform standard, which substantially influence the consistency between and procedures of university management system and legal system. Thirdly, the education system is not mature enough. Construction of certain education system lacks the support of mating systems and project implementation lacks the regulations of specific requirements, which lead to difficulties and delay in carrying forward such management system.

Innovative Analysis of Rule-of-Law-Based University’s Management

Concept Innovation

Establishing Service-based Innovative Ideas. With the optimization and development of university’s education system, during the management of students in many universities, it has been influenced by the Chinese policy of enlarging recruiting quota that has realized the developing tendency of generalizing cultivation of students. Besides, against the background of rapid development of market economy, make higher education show a mass-oriented consumption demand and realize recognition of management system from students. Therefore, in this context, students have rights to accept services of higher-level. On the other hand, university should also realize the change of direction from administration to market in terms of its management. As far as contemporary management of students is concerned, high quality service is necessary. Also, it should guide students to live and study in a stable environment, and based on that, provide suggestions to students for their career planning and guidance in job-hunting to fully ensure the effectiveness of university’s management construction. At the same time, through an analysis of different statuses of students to confirm the content of management and thereby to provide steady support to the optimization of project of university’s management.

Establishing a Globalization Perspective. As Nollkaemper Andrés comments, “The rule of law remains as much a problem and an ambition as it has been in the past centuries. But the parameters and signposts have changed.” As a rapid growth of international communication between universities emerges, global exchange becomes more convenient and necessary. University management has a lot in common among different countries, for example, students’ affairs, organization structuring and how to apply the rules to the current situations; developing countries should seize the chance to learn from the old universities in developed countries through International conferences and international communication activities.

Means Innovation

Ideological and Political Education Innovation. In the process of its construction, university should ensure the creativeness of the idea of education. Through the construction of ideological and political education system, it ought to build science-based innovative talents for society, reasonably guide students to explore into the idea of scientific development and build corresponding awareness. Also, it should actively guide students, based on the promotion of their development, to solve problems being encountered with in social work, and timely help them to solve problems from
study and life to make sure that they are under good management in a healthy environment. Under the circumstance of innovation of ideological and political management system, it should build and improve the corresponding operation system to the management of students, manage students by means of stable work standard to comprehensively promote science of the construction of management of students and work efficiency [5].

Management Department Innovation. First, build vocational counsel center for university students to provide reasonable planning for their careers. University should build a well-structured guidance providing system for students, hire professionals to program their career prospects and thereby provide steady support to the optimization of vocational counsel for students. Second, build psychological counseling center for students to promote comprehensive development of students’ physical and mental health. University’s managers should keep improving the psychological education system of the school against the situation, like build psychological counseling center, equip it with a team of professionals, and promote education of mental health on campus. At the same time, it should build student profiles of their mental health. Through active guidance to their psychological problems, university should help students to solve problems and thereby provide good support to the development of their physical and mental health. Third, building legal issue department is necessary. The legal issue department is the professional group to deal with the university and its students’ daily legal management affairs, such as the agreement of management and training procedure, identification of the personal injury responsibility and remedy right of all kinds of punishment.

Conclusion

To sum up, in the process of building the present management system of universities and establishing the systemic lawful management engineering, it should be under the background of Rule-of-Law Based and using the legal logic, deduction and the relevant system (show in Fig. 1). In terms of educational procedure, the management work is a very important part of university daily running. The university administrators should work out in the following way: First, actively promoting the related lawful concept; realizing the necessity of constructing the university management work and urgency, and the Rule-of-Law Based in a comprehensive, multi-channel propaganda work design, improving the managers’ democratic consciousness. Second, should implement people-oriented management concept, introduce scientific, democratic and standardization of the management mechanism. Finally, should actively promote functional transformation of the management in colleges and universities. Through science, democratic and standardized management system, it will positively promote the education and management awareness; improve managerial level, and give stable support of university innovation of management system.

![Figure 1. Construction of rule-of-law theories applied in university management.](image)

References


