Thoughts on the Construction of Corporate Governance Structure in Public Colleges and Universities

Hai-Long ZHANG* and Wei WANG
Changchun University of Technology, Changchun, Jilin, China
zhanghailong@ccut.edu.cn

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Abstract. Public colleges and universities are one of the most important talent training bases for China's talent-strengthening strategy. The development of colleges is fast and slow, good and bad, and it is related to the progress of social development and the development of science and technology. At the same time, colleges and universities are the legal person of the institution, and its governance structure can meet the needs of the healthy and sustainable development of colleges and universities. It is also related to the quality and development prospects of higher education in China. Therefore, it is of great significance to improve the corporate governance structure of colleges and universities. How to construct an efficient, reasonable and scientific corporate governance structure will affect the development speed of China's higher education. Based on the analysis of the status quo and problems of corporate governance structure in public universities, this paper proposes to construct a corporate governance structure from both inside and outside. In order to achieve full autonomy of colleges and universities, the university will move toward a more benign development track.

Introduction

President Xi Jinping stated in the report of the 19th National Congress of the Communist Party of China: "Promoting the modernization of the national governance system and governance capacity." As a typical stakeholder organization, public universities should improve the corporate governance structure. The corporate governance structure of public universities in China is still not perfect, and it is difficult to achieve internal and external stakeholder governance. Therefore, on the basis of adhering to the unified leadership of the school party committee, we should continuously build and improve the corporate governance structure of public universities.

Current Status of Corporate Governance Structure in Public Universities in China

After the founding of New China, China's public universities borrowed from the Soviet experience to form a highly centralized Soviet-style education model. The Higher Education Law, implemented in 1999, established the principal responsibility system under the leadership of the party committee, but this system still emphasizes management rather than governance. With the vigorous cooperation between universities and industry, enterprises, and the sharing of resources between universities, research institutes and social groups, the government has begun to attach importance to social participation in public university governance. In 2010, the National Medium-and Long-Term Education Reform and Development Plan (2010-2020) officially proposed to improve the corporate governance of schools and explore the establishment of higher education councils or boards of directors. In 2014, the Ministry of Education issued the “Regulations of the Council of Ordinary Colleges and Universities (Trial)”, and the national public colleges and universities set up a comprehensive council. So far, China's public universities have formed a corporate governance structure consisting of school party committees, principals, and councils.

The school party committee has the power to make leadership and decision-making on major
issues. The leadership responsibilities of the school party committees stipulated in Article 39 of the Higher Education Law include both leadership responsibilities and “deliberation to determine the establishment of the internal organization of the school and the candidates of the internal organization, and discuss and decide the reform and development of the school. The decision-making power of major issues related to major issues such as the basic management system. In addition, according to the “Opinions of the Ministry of Education on Further Promoting the Implementation of the “Three Majors and One Big Decision-Making System” in the Directly-owned Colleges and Universities in 2011, the subordinate colleges and universities have “major decisions, important personnel appointments and dismissals, major project arrangements and large-scale capital operations (hereinafter referred to as ' The "three majors and one big" must be decided by the collective leadership of the leadership team." Therefore, the "three majors and one big" issues of the subordinate colleges and universities should be discussed and decided by the school party committee.

The president has administrative power and decision-making power. Article 41 of the Higher Education Law stipulates that “the principal of a higher education institution is fully responsible for the teaching, scientific research and other administrative work of the school” and has given the principal six functions. Among these six powers, there are both administrative and decision-making powers. The principal's administrative power includes the executive development right, the development and implementation of the rules and regulations, the annual work plan formulation and implementation rights, the responsibility of the internal organization's responsible person, the faculty and staff appointment, the teaching and research and ideological and moral education organization rights, the student's student status management and The right to award and punishment, the right to execute the budget, the management of school production, and the management rights stipulated in the charter. The principal's decision-making power is not the decision-making power, but the decision-making body's decision-making, including the development planning right, the internal organization setting plan, the annual budget plan drafting, the vice president's recommendation, and other supporting decision-making powers as stipulated in the charter. The board of directors has the power to supervise decision-making and the use of funds. According to the provisions of Article 2 of the Regulations of the Council of Colleges and Universities (Trial) of the Ministry of Education in 2014, the public colleges and universities councils are only “inquiries, consultations, deliberations and supervision institutions supporting the development of schools”, as stipulated in Article 9 The seven responsibilities are also only involved in the consultation, negotiation and deliberation of university decision-making, and are responsible for supervising the use of funds raised. The Regulations of the Council of Ordinary Colleges and Universities (Trial) does not impose mandatory rules on the sources of directors and directors. Therefore, colleges and universities have greater discretion in the composition of the council.

The Problems Existing in the Corporate Governance Structure of Public Universities in China

The Corporate Governance Structure of Colleges and Universities is Imperfect

The contradictions and conflicts brought about by the current principal responsibility system under the leadership of the party committee. For the first time, the contradiction between the leadership of the party committee and the independence and responsibility. As the decision-making level of the school, the party committee is bound to the principal, and the principal is responsible for the implementation of the decision. However, in reality, the principal sometimes sets the decision of the party committee to disregard or adapt, and the party committee lacks restrictive measures. Second, the contradiction between equality and difference. The party committee secretary and the principal have the same administrative level. However, the actual work secretary is the party leader and the principal is the administrative leader. The two also show differences. This kind of "equality and difference" is prone to personal conflicts when specific work differences occur. Thus,
the gang system emerged, causing the team to be un-united and ultimately affecting the efficiency of school operations. Again, the contradiction between leadership and leadership. According to the structure of the system of power checks and balances, the decision-making leadership is in the party committee, and the principal is responsible for carrying out administrative work independently and responsibly. The decision of the party committee sometimes does not necessarily fully accept the leadership of the party committee.

Unbalanced Allocation of Academic Power and Administrative Power

Academic freedom is the fundamental embodiment of the university spirit. In the contemporary Chinese institutions of higher learning, the administrative power of the "official standard" and the bureaucratic administrative management method are the autonomy of academic research, and the fundamental mission of the study and inheritance of colleges and universities. It has caused many serious adverse effects: for example, administrative power often replaces academic power, and administrative affairs are used to manage academic affairs, so that academic affairs can be arranged. Reasonably constructing the corporate governance structure of public universities, from the internal point of view, separating administrative power from academic power and giving certain autonomy to academic work is an important part of realizing university autonomy. Unlike other institutions, institutions of higher learning have the characteristics of academic organizations, and academic power plays an important role in higher education. In the Western college governance thinking, academic power is as important as administrative power, and it is in charge of different fields. Only when the two develop together can the overall level of the school be improved. In the corporate governance of higher education institutions in China, there is a serious tendency of weakening, marginalizing and administrative power of academic power. China's "Higher Education Law" stipulates academic organizations and their corresponding responsibilities, but the provisions are still not specific enough, involving academic committees, "academic committees", "teaching committees", "professional associations" and other organizational procedures, in schools The status of the office and its relationship with the relevant administrative authority are not clearly defined; in fact, in most academic institutions, the administrative decision-makers and executive power executives of the school exist in large numbers, which makes academic power and administrative power happen. Convergence, its supervision of administrative power cannot be realized, let alone "university autonomy" and "professor's study."

Conflicts between University Autonomy and Government Functions

The principal responsibility system under the leadership of the Party Committee is a form commonly adopted by public universities in China. The appointment and dismissal of the principal is decided by the government, and the education policy is also formulated by the government. The ownership and management rights cannot be truly separated. The principal is essentially responsible for uploading and releasing - directly responsible to the government and implementing the internal management of the university. From this perspective, the public colleges do not have a principal-agent mechanism in a complete sense. In China's college governance model, the legal personality of colleges and universities is not complete. The government still manages colleges and universities by administrative means. From the following aspects, we can see the following aspects: First, the president and vice president of the university are directly appointed by the government; The leading cadres of colleges and universities are managed by the party and the state. In the preparation, the leaders of public universities are leading cadres at or above the deputy department level; once again, the school has little autonomy in enrollment, professional setting, and discipline construction, and often needs to be approved before it can be approved. In the end, the government and the university have no stable financial relationship. The government's financial support for colleges and universities often adopts the form of "engineering", but the project lacks strict legal norms. Therefore, the lack of stable income has become a constraint for the development of Chinese universities.
In the United States, a board of directors consisting of “outsiders” manages colleges and universities. “The board of directors “is not directly affiliated with any government or any political party. Therefore, the university can be protected from party politics.” Therefore, the board of directors of American universities plays the role of buffer between government and school. When the government intervenes in university autonomy, the board of directors can buffer and block. The party committee and principal of public universities in China are appointed and removed by the party and government departments, and the government can use party and government. The power interferes with the exercise of the power of the party committee and the principal of the school, and then interferes with the autonomy of running a university. However, the council of public universities in China does not have the power to make decisions. Even if the council decides to prevent the government from interfering with the autonomy of colleges and universities, it will lack the power of decision-making. The above problems are caused by the lack of a decision-making council and a board of supervisors in the current corporate governance structure of public universities in China.

The Reconstruction of Corporate Governance Structure in Colleges and Universities

Reconstruction of Internal Governance Structure

Power Allocation and Checks and Balances. The author believes that it is necessary and necessary to divide the corporate governance structure of colleges and universities into three parts. The government is the owner and organizer of the university; the school establishes the corresponding institution to conduct business management, which is the manager; in addition, it forms a supervision organization widely composed of stakeholders to supervise. First, set up a decision-making body, which is similar to the board of directors in the company, and implements the decision-making power of school management. It consists of party committees, teacher representatives, funders and outsiders, in order to ensure the core role of party committees in school political leadership. The party secretary of the school serves as the chairman of the board of directors. The principal is elected by the board of directors and implements the resolutions made by the board of directors. Second, the establishment of a governance system with the principal responsibility system, the internal stakeholders of the university, including school teachers, administrative staff, students, parents of students, etc. share the governance, the so-called shared governance (Shared Governance) refers to the university's principal and other senior managers, Faculty and students are involved in the decision-making of important university affairs. Third, establish a monitoring organization with broad participation of stakeholders. It may be considered to establish a combination of internal and external supervision: externally, the government agencies will send personnel to form a board of supervisors. For example, the State Council, the Ministry of Education, or the local government will send corresponding personnel to form a supervisory board to supervise the financial status of the university and the main direction of running the university. The evaluation of the performance of the main leaders of higher education institutions is used as the basis for the appointment and dismissal of cadres, and does not involve other matters that the higher education institutions are self-sponsored according to law; and the internal supervision of higher education institutions includes: “The relatively independent discipline inspection agencies from the party committees, It represents the monitoring of the governance of colleges and universities by party committees or higher-level party committees; the supervisory institutions from the administrations represent the monitoring of the governance of higher education by higher-level administrators: the trade unions, workers' congresses or teachers' representatives from internal employees of higher education institutions represent the employees. The masses are supervised by stakeholders; the professors from the teacher groups represent the academic supervision of the teachers' group on the operation of higher education institutions."
Separation of Executive Power and Academic Power. Universities should be academically oriented and advocate academic freedom. Excessive administrative intervention in academics will inhibit academic freedom and even lead to academic development in an unhealthy direction. However, because academic evaluation institutions (typically academic committees) are not easy to recognize the authority and fairness of academic evaluation, the normal state in colleges and universities is that in the evaluation of professor titles and even the evaluation of certain administrative positions, the number of articles published Become a reference indicator. It is true that the number of articles published can affirm the academic achievements of scholars in this field to a certain extent, but nowadays the phenomenon of academic anomic, the quality of academic journal articles is not high, the economic cost of publishing papers is getting higher and higher, and our evaluation standard. It doesn't matter. To achieve the complete separation of administrative and academic rights, we can consider starting from the following two aspects: First, separate the school administrators from the academic staff, the school leaders and administrative administrators must not concurrently serve as members of the academic committee of the college, that is, from the adjustment of the academic committee. Separation of personnel structure. Second, change the evaluation of the work of administrative staff and the evaluation of titles by indicators such as the number of academic works, but the premise is how to guarantee the authority and fairness of academic evaluation institutions. Third, improve relevant laws and regulations, further clarify the respective functional areas of administrative power and academic power, and ensure that administrative power does not require unnecessary intervention in academic rights. In addition, the changes in the internal governance structure of the school, the mutual checks and balances of decision-making, management, and supervision, and the improvement of the role of teachers in these three institutions can gradually change the situation of academic administration.

Reconstruction of External Governance Structure

In the reform of corporate governance in colleges and universities, it is necessary to properly handle the relationship between universities and the government. Compared with the traditional model, the role of government in modern university governance has undergone tremendous changes. The essential difference between the modern school system in China and the traditional school system is that the former gives the school a true legal person status, while the latter regards the school as a department or subsidiary of the government. Modern colleges and universities require more autonomy and require the government to "decentralize." “If you lose your autonomy, higher education will lose its essence.” The university is an institution that studies advanced knowledge. “Since advanced knowledge needs to go beyond general, complex and even mysterious knowledge, then only scholars can profoundly understand its complexity. Therefore, on the issue of knowledge, experts should be allowed to solve problems in this field alone. They should be an autonomous group.” Therefore, the government needs to give the university a certain degree of autonomy, and the government as a university funder is out of college. The consideration of the purpose of public welfare cannot completely withdraw from the governance of colleges and universities, nor can it monopolize the power of university governance. It must be freed from the previous role of "both helm and boating", not directly involved in the management of specific affairs of colleges and universities, but rather the role of guidance and supervision.

Conclusion

Introducing the corporate governance structure into university governance is an innovation and an important trend in the development of global higher education. In "Education Modernization 2035", it is emphasized that "the modernization of the education governance system and governance capacity should be promoted, and a new mechanism for collaborative governance of multiple participation should be established." Establish a university governance structure that conforms to China's basic national conditions, including party committees, principals, academic committees,
faculty and workers' congresses, etc., and design a set of modern corporate governance systems with internal powers that balance each other and fully realize the characteristics of education.

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