

Research on the Paths to Improve the Ability of Governing University by Law in All Respects

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Abstract: Governing university by law is the specific embodiment in higher education of the basic strategy of comprehensive law-based governance. At present, there are certain problems in the perspectives of institution, implementation and organization in governing university by law, which are caused by the weak consciousness of law-based governance of university, the shortage of professionals, insufficient publicity and education of the rule of law, and imperfect supervision mechanisms. Therefore, to improve the ability of governing university by law in all respects, it is necessary to enhance awareness, deeply understand the significance of governing university by law, reinforce the institutional system, build up an efficient implementation system, and strengthen support mechanism.

Keywords: governing university by law; Existing problems; Reasons; Paths

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Today, law-based governance on all fronts is the theme and key of rule of law in China. Since the 19th National Congress of the Communist Party of China was held, the Central Committee of the CPC has established "the basic strategy of law-based governance on all fronts", highlighting the importance of the rule of law in the Five-sphere Integrated Plan and the Four-pronged Comprehensive Strategy, enhancing the fundamental, supportive, and leading role of it in promoting the modernization of national governance and building China into a great modern socialist country, and also fully reflecting the belief of the whole Party and the people of the country in making country greater through laws. In the context of comprehensive law-based governance, as an important institution for cultivating high-level specialized talents and developing cutting edge scientific research, universities needs to be in accordance with laws and regulations in the development. Only with governing university by law can we deepen the internal reform of the institutions, improve the modernization of their governance, meet the needs of socialist development, and foster a new generation of young people to shoulder the important historical mission of realizing national rejuvenation.

1.Problems Existing in governing university by law

Nowadays, governing university by law has been a part of universities' governance system and has become a realistic requirement and specific embodiment of the basic strategy of law-based governance in the development of universities. It is also one of the basic principles of university governance. Implementation Outline for Comprehensively Promoting Law-Based Governance of Schools, issued by the Ministry of Education, states that "promoting governing education institutions by law is an objective need for them to adapt to the requirements of speeding up building a socialist country under the rule of law, give play to the important role of the rule of law in their administration, and make the governance more law-based and scientific." However, there are still many problems in the perspectives of institution, implementation and organization in the governing university by law, which seriously affect the advancement and implementation of it. Therefore, further promoting governing university by law remains an indispensable task.

1.1 Institution Level

Being too many and confusing. Many universities governing by law through various increasingly rules and regulations, ranging from the management of classrooms to important decision-making. Taking Hainan Normal University as an example, there are as many as 437 regulations issued. Most of the rules and regulations are formulated separately by different administrative departments, lacking of overall management. The different regulations from different departments

and from same offices are difficult to coordinate with each other, so there often exist problems such as logical ambiguity or self-contradiction.

Being out-of-date and rigid. Many universities adopt a once-and-for-all attitude when formulating rules and regulations. They think that they only need regulations in place, and they do not consider whether regulations are good or bad, whether they conform to the constantly changing situation and policies, and whether they adapt to the development strategies of the country or provinces and cities. Many universities handle various affairs at the present stage with outdated norms and regulations. At the same time, many regulations are not guided by core values, without adhering to the principle of people-oriented and morality education. Thus, it is difficult to achieve the justice of equality, fairness, and justice through those regulations.

Being empty and lacking of operability. Some rules and regulations are not filled with a rigorous structure, a reasonable logic, and a specific definition between power and responsibility, and between right and obligation. Meanwhile, ways of implementation are not clear enough, and the risk points related to laws and regulations cannot be effectively predicted. Therefore, problems, including "blank notes", emptiness and abstraction, and lacking of operability and enforceability, often occur.

1.2 Implementation Level

"Laws without enforcement are equivalent to no laws": The implementation of regulations is a key point of governing university by law. In reality, the implementation of rules and regulations in universities are still not satisfactory, and there are a large number of bad situations, such as "Rules are not followed, enforcement is not rigorous, and violations are not called to account".

Rules are not followed. Some university leaders still put their personal will above the regulations. They randomly add conditions, set obstacles, or change results during the implementation of regulations, ultimately leading those files to "a piece of waste paper".

Enforcement is not rigorous. Some regulations are implemented while others are not. Similar affairs come to different results, which cannot convince the public. In terms of the supervision of enforcement, there are weak and ineffective supervision and unclear responsibility boundary between different departments. The administrative departments and general teachers, students and staff are unwilling to supervise, dare not supervise, do not know how to supervise, and do not want to supervise.

Violations are not called to account. All kinds of violations and affairs are left unchecked and incorrect; major problems reported by teachers, staff, and students are not answered; and the administrative departments do not take the initiative and blindly wait for instructions from their superiors. These situations are common.

1.3 Organization Level

As for the departments, there's not a unified leading department in terms of governing university by law. Each department formulates rules and regulations separately and carries them out on its own, resulting in difficulty to form a joint force. Moreover, in the daily work of each department, there is a lack of strong supervision and restraint to perform as the rules and regulations state, which is extremely likely to cause situations such as misbehavior, inaction, slow action, and phony action. At the same time, governing university by law is only performed by administrative management departments, compared with teaching management departments from top to bottom brushing aside. In other words, the enthusiasm of teaching management departments is not fully motivated, and there's no atmosphere of law-based governance carried out by all departments in the university.

As for the staff, some administrative staff have a weak legal consciousness. They usually do not pay much attention to the study of laws, rules and regulations related to their work, and sometimes deal with business disregarding of laws and regulations. Meanwhile, there are only a small number of legal professionals in universities as well as working in different departments, and there is no strong mechanism to fully initiate the positivity of legal professionals. In particular, the full-time teachers in the law school and the law students is difficult to participate in the process of governing university by law.

2.Reasons for the Problems in governing university by law

The various problems reflected in the institution, implementation, and organization aspects of governing university by law are fundamentally caused by the weak consciousness of law-based governance in university, insufficient intellectual support, inadequate publicity and education of the rule of law, and imperfect supervision mechanisms.

2.1 Weak Consciousness of Law-Based Governance

In recent years, the concept of governing university by law has initially formed. This type of governance has existed in most fields, such as teaching, scientific research, student management, personnel management, financial management, and security in universities. However, with the long-term non-centralization management of administrative departments in the universities, the weak legal awareness, and the failure to completely get rid of the "rule of man" mindset, it is difficult to deeply promote governing university by law, as the awareness of the governance and respect to rules and regulations are too weak to carry them out in daily work.

2.2 Insufficient Intellectual Support

The teachers, students and staff in the universities generally lack a systematic legal way of thinking. Especially the education and teaching staff without a legal professional education background are short of legal knowledge and legal thinking. They are neither good at formulating various rules and regulations from the perspective of the rule of law, nor are they good at solving problems and protecting their legitimate rights and interests with legal means. As a result, the rules and regulations are put aside and cannot be implemented.

2.3 Inadequate Publicity and Education of the Rule of Law

The methods of publicity and education of the rule of law in universities are not diverse and in-depth. For some laws, rules and regulations that are closely related to the vital interests of teachers, students and staff, only the simple content of the clauses is usually publicized, and there is no in-depth interpretation of the legal provisions and regulations. Moreover, there is a few activities with limited scale and audience about the publicity and education of the rule of law in universities. And those activities are just set for the task of that year, which cannot be integrated into the daily work and teaching practices of the teachers and staff, as well as students. Thus, many rules and regulations in universities are unknown, not understood, and unclear to teachers, students, and staff, let alone to execute and supervise.

2.4 Imperfect Supervision Mechanism

Most universities lack a complete and sound internal supervision mechanism, and the rights of administrative staff has not been effectively supervised by all aspects such as the Party, auditing, society, and public opinion. Some universities do not have an improved information disclosure system, and the disclosure channels and methods are not unified and standardized. Some legal advisers hired by the universities don't play a full role in consulting and solving legal-related problems.

3.Paths to Improve Governing University by Law

3.1 Enhance Awareness and Deeply Understand the Significance of Governing University by Law

Governing university by law is the only way for the development of universities in the new era, and a powerful guarantee for deepening the reform of universities and enhancing the vitality, creativity, and unity of them. Only by straightening out their own institutional mechanisms can universities think about and answer the questions of "what kind of people to cultivate, how to cultivate them, and for whom to cultivate them" raised by the Party and the country. If universities themselves cannot discard the "rule of man" mindset and management model, they will surely be eliminated by this era. Therefore, the higher education institutions must enhance awareness and deeply understand the significance of governing university by law. The leading cadres, teachers and students at all levels of universities should respect the rule of law and the systems from the bottom of their hearts, abandon the ideas of "rule of man" and "privilege", manage universities in accordance with laws and regulations, and ensure that law-based governance in university is put into

practice, so as to promote the vigorous development of universities.

3.2 Establish a Complete Institutional System

Establishing a complete institutional system is the first essence of governing university by law. The management concepts, methods, expected goals, and final values of universities are all accomplished through institutions. It can be said that the institutions directly affects the administrative efficiency and governance level of universities. A complete institutional system means there is a rigorous internal structure, reasonable correlations between different institutions, a comprehensive and coordinated adjustment for the administration and a scientific definition of powers and responsibilities, rights and obligations, which conforms to the current superior laws, regulations, and policy documents. It should not only reach the appropriate scale in quantity, be comprehensive, systematic, coordinated and orderly, but also meet the value concept of moral education in universities in quality. Therefore, when it comes to formulate institutions, the related departments should always be guided by the core values of the times, adhere to fairness, justice, and openness, and truly achieve substantive justice; have unified leadership, be orderly from the top to bottom and be logically rigorous to avoid "institutional contradictions"; give a specific and clear definition to powers and rights, obligations and responsibilities; regularly sort them out and update in a timely manner. The institutions that do not conform to laws, regulations, and policy documents are supposed to be revised or abolished in time, and the appropriate ones should be added, in case of the emergence of "zombie systems", so as to increase the vitality of the institutions.

3.3 Establish an Efficient Implementation System

An efficient implementation system is the practical requirement for comprehensively promoting law-based governance. To avoid the phenomena of "not following regulations, being lax in enforcement, and violations without investigation", universities have to make great efforts to improve the implementation system. One of the most important thing is to widely mobilize teachers, students and staff to form a joint force. First, the publicity and education of the rule of law should be strengthened. The publicity and education of the rule of law should strike root in the hearts of the people, instead of without getting more details or being regarded as a task. Universities should diversify the publicity of the rule of law, innovate the content and expand the objects of it, so that every teacher, student and staff can realize that governing university by law is closely related to their own work and life and that they are an indispensable part of the work of this law-based governance. Second, it is crucial to get more information disclosed, focus on information construction and adhere to transparency, so as to make teachers, students and staff obtain fairness and justice through the implementation of the institutions. Finally, supervision and restraint should be strengthened. It would be better for the implementation of the system, if a scientific and effective power operation supervision system is established. The supervision grid would be formed through making full use of different channels, such as legal advisers, internal auditing, third-party auditing, inspection and rectification, the principal's mailbox, and the "12345" government service hotline. The situation where teachers and students are unwilling to supervise, dare not supervise, do not know how to supervise, and do not want to supervise will be changed by opening up public opinion channels and listening to the voices of teachers, students and staff.

3.4 Establish a Strong Guarantee System

The formation and effective operation of the governing university by law requires a strong guarantee system. If the guarantee system is rigorous, powerful, and appropriate, the implementation of the rule of law will be sound, orderly, and effective. The guarantee system mainly includes political, ideological, organization, and capacity guarantee. As for the law-based governance, universities must insist on the leadership of the Communist Party of China and the socialist road, which are the fundamental political guarantee; the various laws, regulations, rules, and policy documents of the Party Central Committee, the State Council and provincial and municipal governments are the ideological guarantee; the organization guarantee is establishing a unified leadership organization and strengthening the governing university by law; and the capacity guarantee is improving the mindset of the rule of law and law-abiding ability to deal with work of leading cadres, teachers and students, and building a high-quality management team. These all lay a solid foundation for comprehensively governing universities according to the law.

In short, there is still far away from promoting the in-depth work of governing university by law. However, as long as universities adhere to the law-based governance, gradually form a complete institutional system, an efficient implementation system and a strong guarantee system, the modernization of university governance can be increasingly improved and broad space for the construction and development of universities will be provided.

References

- [1]Chen Chuanlin. Three Major Relationships in governing university by law under the Background of Governing the Country According to Law in All Aspects[J]. Journal of Nanjing University of Traditional Chinese Medicine (Social Science Edition), 2020, (04): 286 – 290.
- [2]Duan Binbin. From Formal Rule of Law to Substantive Rule of Law: The Strategic Choice of governing university by law[J]. Journal of Higher Education Research, 2021, (06): 38 – 46.
- [3]Yang Shaobo, Liu Hongyan. The Connotation and Implementation Path of governing university by law under the New Situation[J]. Journal of Xinjiang Radio and Television University, 2020, (04): 55 – 58.
- [4]Zhang Wenxian, et al. Nomology[M]. Beijing: Higher Education Press, Peking University Press, 2018.