

The Characteristics, Dilemma and Reconstruction of Internal Governance Structure of Private Colleges and Universities in China*

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Abstract—The newly revised "Private Education Promotion Law of the People's Republic of China" clearly states that private colleges and universities should implement classified management, and are in urgent need of carrying out internal governance structure reform. Currently, the internal governance structure of private colleges and universities in China has unclear power boundaries, incomplete management functions and imperfect internal supervision. Exploring a scientific, rational and efficient internal governance structure of "separated three powers (academic power, administrative power and capital power)" can play an active role in the modernized governance of private colleges and universities.

Keywords—internal governance structure; administrative power; academic power; capital power; private colleges and universities

I. INTRODUCTION

In recent decades, the rapid development of private education has become an important growth point for the development of China's educational undertakings, promoted the increase of the gross enrollment rate of higher education institutes, met the growing diversified educational needs of people, and also promoted the diverse development of China's higher education. The promulgation and implementation of the "Private Education Promotion Law of the People's Republic of China" revised in September 2017 provides an important guarantee for supporting and normalizing the development of private education, and brings a historical opportunity for the classified development of private colleges and universities. To achieve healthy and sustainable development, private colleges and universities must deepen the reform of the management system, complete the internal governance structure, and establish a scientific, perfect, and efficient modernization system and mechanism for internal governance of private colleges and universities.

II. BASIC CHARACTERISTICS OF INTERNAL GOVERNANCE STRUCTURE OF PRIVATE COLLEGES AND UNIVERSITIES IN CHINA

The newly revised "Private Education Promotion Law"

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clearly states that private colleges and universities should implement classified management, and are in urgent need of carrying out internal governance structure reform. With the gradual improvement of private education policies and regulations, the status of legal persons of private colleges and universities has been clarified, and private colleges and universities began to run school independently toward the society and market, forming a pattern of interests in which the government, private colleges, society, students and other different stakeholders coexist and the various stakeholders compete with each other. [1] Administrative power and academic power are the forms of power existing in traditional public universities, and capital power is the unique power element of private colleges and universities. Since the investors of private colleges and universities are private enterprises, according to the "Private Education Promotion Law" and related laws and regulations, private enterprises should participate in the school-running and decision-making process in form of the board of directors. The board of directors is the highest decision-making body of private colleges and universities, and its core members are from investors or their agents. Therefore in the internal governance structure of private colleges and universities, a power element representing the private enterprise of investor is formed. This new power element is different from the administrative power and academic power in traditional public universities. It is called "capital power" according to its source and characteristics of power. Capital power is a concept in field of economics. The "Private Education Promotion Law" clearly stipulates that private schools should implement the "principal responsibility system under the leading of the board of directors", which provides a legal basis for private capital power to intervene in the governance of private colleges and universities. Chinese and foreign scholars have conducted in-depth researches on the meaning, source and attributes of power from different disciplines such as philosophy, sociology and political science, and formed a relatively representative academic viewpoint. American sociologist David Popenoe believes that "power is the ability of an individuals or a group to control or influence the behavior of others." [2] Thomas R. Dye said that "Power is the mark of a position in a social system. When people occupy a powerful and dominant position in a social organization, they have power." [3] Chinese scholar Zhang

Dexiang believes that "Power is the ability and power to influence and control (dominate) the behavior of others, and compulsory nature is the natural attribute of power". [4]

As a social organization, colleges and universities have power phenomenon and power relations. The administrative power and academic power constitute the power structure for internal governance and are reflected in the power relation between administrative functional division and academic organizations. [5] In addition to the administrative power and academic power in traditional public universities, the power system of the internal governance structure of private colleges and universities also has the third power unique to private universities, namely capital power; the three powers all have the general attributes and characteristics of power and form a relatively independent and coordinated power structure system of "separated three powers", but capital power plays a key role in making decision, as shown in "Fig. 1". Administrative power refers to the form of power to make decision and conduct management in accordance with national laws and regulations, school rules and regulations, and so on, and the power of president, secretaries, and directors of the school to perform duties on behalf of administrative functional divisions at all levels within the school; academic power refers to the power of experts, professors and scholars centered academic organizations of all levels to conduct management on academic affairs; capital power refers to the power element that the national laws and regulations grants to investors of private colleges and universities; private capitals constitute the form of the board of directors, form a capital power system of "principal responsibility system under the leading of the board of directors" The connotation essences of the three power systems have their respective characteristics. The administrative power system is characterized in that it is to guarantee putting into practice the education policy, school-running ideas and basic functions of the university on the basis of administration organization. The academic power system is an academic organization composed of academic authority personnel to guarantee the normal operation of academic, disciplinary and professional development. The capital power system is the right granted by national laws and regulations to investors of private colleges and universities. Private capitals constitute the form of the board of directors, form a system of "principal responsibility system under the leading of the board of directors", and provide capital investment and material guarantee for the construction and development of the university.

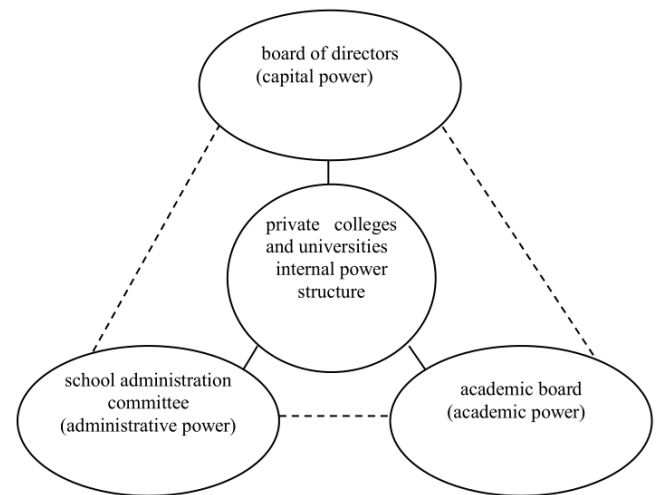


Fig. 1. "Separated three powers" diagram of the internal power structure of private colleges and universities.

Experts and scholars in China and foreign countries focus more on the study of the modes of administrative power and academic power. For example, American scholars have made researches on diversified universities and proposed a power structure model dominated by administrative power; scholars from Germany, France, Italy and other countries proposed a power structure model centered on academic power; British scholars are prone to select an administrative power and academic power balanced power structure model. Most of the researches made by Chinese college scholars focus on the balance between administrative power and academic power and the like issues. In addition to the characteristics of the basic power structure of public universities, private colleges and universities also have the intervention of capital power, which provides the premise and guarantee for the establishment and development of the school, and also has a certain degree of restraint and influence on academic power and administrative power. The capital power represented by the board of directors affects the operational decision-making and value orientation of the administrative power represented by the university president and the academic power represented by the academic committee. It guarantees and motivates the operation of administrative power and academic power, and also forms a check-and-balance relationship among the three powers. Therefore, private colleges and universities appear the process of balancing, co-governance and development between administrative power, academic power and capital power, showing the multi-level and diversified characteristics of the relation between powers. The three powers mutually restrict and influence each other and form a diversified pattern of relation between powers. At present, there is a lack of research on the diversified operation mechanism of private colleges and universities, no systematic and targeted research results, and thus further exploration and practice are needed.

III. PRACTICAL DILEMMA IN INTERNAL GOVERNANCE OF PRIVATE COLLEGES AND UNIVERSITIES IN CHINA

The continuous enlarging of school running scale and blind expansion of enrollment in private education institute

has brought many practical problems. From the perspective of school itself, many private colleges and universities generally pay attention to scale benefits and neglect the connotation development. The internal governance structure has unclear power boundaries, incomplete management functions and imperfect internal supervision mechanism, which hinders the long-term healthy and sustainable development of the school to certain extent.

A. Uncoordinated Relation Between Powers

Administrative power, academic power and capital power are three different types of power elements in the internal governance structure of private colleges and universities, and jointly serve the construction and development goals of school. Due to the dependence on the internal governance path of traditional universities, there is still an internal governance structure model dominated by administrative power in the internal governance of private universities. This phenomenon is mainly reflected in the unclear division of labor, unclear responsibility definition and mutual redundant intervene between administrative power and academic power, serious "bureaucracy nature" and "Administration" trends, often paying more attention to administrative power and less to academic power, even replacing academic power with administrative power, and the unbalanced state of the internal governance structure. In the internal governance structure of private colleges and universities, administrative power is over generalized, academic orientation is lightened, academic authority is placed under administrative agency (affiliated to a scientific research department), the authority of academic committee members is often weakened, the academic committee is difficult to become an independent and pure academic evaluation agency, and academic power is also difficult to play a substantive role.

B. Incomplete Management Functions

Due to the school running cost, many private colleges and universities have inadequate internal management body settings and excessively compressed staffing. Most of staffs are specific for their jobs; the management functions are generally imperfect, unscientific, unreasonable, the division of duties is not clear enough, and the management rights and duties of the school, college and department levels are not clearly defined, so that the operation mechanism is not smooth. In school running, there are often asymmetric information between school and society, leader and teachers, school and students; there is insufficient democratic participation of teachers and lack of democratic participation of students. Modern university system is increasingly emphasizing service-oriented management. Private colleges and universities should draw useful experience from foreign university management, improve their management systems and functions, and embody the concept of "people-oriented, morality-based talent cultivation", further improve the faculty and trade union congress and student congress system and encourage teachers to participate in democratic management and democratic decision-making of the school.

C. Imperfect Supervision Mechanism

The supervision on operation of power refers to the supervision or restriction imposed by supervisor on the

supervised object. At present, the democratic supervision of private colleges and universities is just in form. The democratic supervision of the faculty and trade union congress and labor union are nominal. There is no systematic and powerful law and regulations that integrate the multi-supervisory systems such as democratic supervision, democratic party supervision, mass supervision, and public opinion supervision together; supervision agencies and departments are lack of coordination. Some of the established systems are too simple, pays more attention to entities and less to procedures, and has poor operability. Even some rules and regulations are only a copy of relevant regulations of the superior level, and the effectiveness of the system is relatively lagging behind. The internal supervision mechanism is not open and opaque, the power exercise is not standardized, and the constraints are not in place; and the faculty, students, and the public lack the right to know about major events and important systems of the school, resulting in "depreciation" and "deviation" in the implementation of relevant decree and management system.

IV. SCIENTIFIC RECONSTRUCTION OF INTERNAL GOVERNANCE STRUCTURE OF PRIVATE COLLEGES AND UNIVERSITIES IN CHINA

According to the "Private Education Promotion Law" and related laws and regulations, private colleges and universities should adhere to the principal responsibility system under the leading of the board of directors, improve the school leadership system and decision-making mechanism, ensure the academic committee's independent exercise of academic power, improve the on-campus democratic management and supervision, and supervise the school running behavior. The internal governance structure of private universities in the new era is as shown in "Fig. 2":

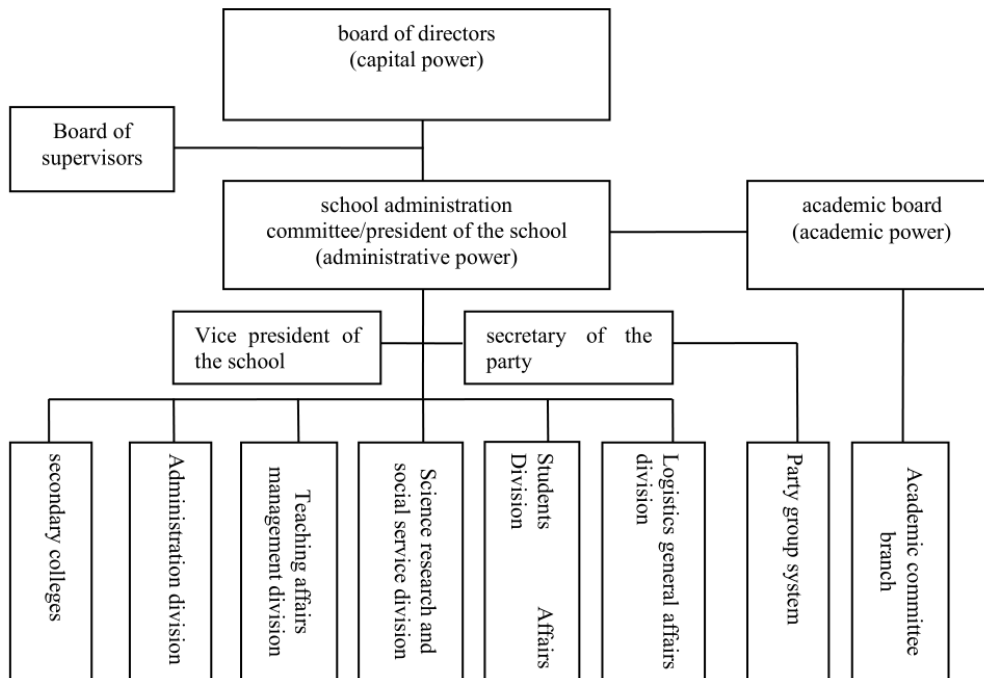


Fig. 2. Chart of internal governance structure of private colleges and universities.

A. Improving the School Leadership System and Decision-making Mechanism

According to the "Private Education Promotion Law" and related laws and regulations, it is needed to learn from the experience of China and foreign countries in setting up advanced college organizational structure, and improve the reform of the leadership system and decision-making mechanism in the principle of "clear rights and responsibilities, rational division of labor, being streamlined and efficient". The board of directors as the highest decision-making body of such school is responsible for support the school president's work in aspects of major decision-making, development strategy, school running capital investment. The principal responsibility system under the leading of the board of directors should be adhered to; the school president should be responsible for the school's education and teaching, administrative management and so on; hence, the "Rules for Discussion on the School President's Office Meeting". Important matters should be decided by the school president's office meeting. The school party committee should guarantee the socialist school-running orientation and strengthen the ideological and political education on teachers, students and staffs. It is needed to sort out the two-level management system of school and college, further release power to colleges and departments, mobilize the enthusiasm of grassroots organizations, and gradually form an administrative structure centered on teaching management and service, scientific research promotion and support, and teacher and student's learning and work, and taking teaching and research, administrative office, and student affairs, personnel organization, financial assets, logistics infrastructure, and so on as the subject. School should insist on taking the cultivation of talents as the center, strengthen the administrative functional divisions' awareness to serve

teaching and research work and serve teachers and students, improve the service capacity and level, and enhance the operational efficiency. Furthermore, school should further strengthen the extent of support and construction of teaching auxiliary institutions such as library and experimental training center, and enhance the multi-support and service capabilities for its talent cultivation, scientific research, social services and cultural heritage innovation. The new development trend of the information age should be grasped to create a multi-terminal, cross-platform information resource sharing carrier, to improve the all-round informatization of education, build a one-stop learning service information port, and improve the awareness, ability and level of teaching auxiliary institutions to serve the front line of teaching and research, and serve the development of teachers, students and staffs.

B. Ensuring the Academic Organization to Independently Exercise Its Power

Scientific research is one of the three major functions of university and is the key factor affecting school running and development. Academic power is an essential factor in academic organization. Respecting academic power is to respect the school running law of university. The famous American scholar Burton R. Clark pointed out that the academic power model of American universities is a combination of governance by professors and administration by the board of directors and school; it well embodies the organic unity of administrative power and academic power. The academic power operation mechanism of modern universities guarantees the effective operation of academic power and has many functions such as guidance, decision-making, guarantee, and feedback. [5] Academic power is exercised through academic committee, professor committee,

teaching steering committee, and professional title evaluation committee and other academic organizations to achieve management on various academic affairs such as scientific research, teaching activities, disciplinary development, professional title evaluation, and academic degree awarding. According to the Rules for Academic Committees at Institutions of Higher Education promulgated by the Ministry of Education, it is necessary to respect the value attributes of academic organizations, improve the academic organization structure at all levels centered on the academic committee, coordinate the exercise of such powers as decision-making, deliberation, assessment and consultation of academic affairs, and provide decision-making consulting services in aspect of school running. It is also necessary to improve the management system of academic organizations, give full play to the important role of discipline construction, professional title evaluation, academic evaluation and study style construction, improve procedures and methods for identifying violations of academic norms and academic misconduct, and maintain a good academic atmosphere.

C. Improving the On-campus Democratic Management and Supervision Mechanism

Democratic management is an important duty and power given to the school running and management of colleges and universities by laws and regulations. In China, the Higher Education Law stipulates that higher education institutions shall guarantee the faculty and staff's participation in democratic management and supervision according to law, and safeguard the legitimate rights and interests of faculty and staff. The Trade Union Law stipulates that trade union shall organize employees to participate in the democratic decision-making, democratic management and democratic supervision of their units according to law. Therefore, private colleges and universities should further improve the on-campus democratic management and supervision mechanism, broaden the channels for teachers and students to participate in democratic management, and ensure that faculty and workers can exercise the right to participate in democratic management and democratic supervision according to law. School should conscientiously put into practice the school's faculty and trade union congress and student congress system, and solicit opinions on major issues such as school reform and development, professional title evaluation methods, income distribution plans, welfare benefits, and faculty rights and interests based on the principles and procedures for handling major issues to make students and teachers fully exercise their democratic rights. It is also needed to perfect the communication and liaison system with the trade union, the Communist Youth League and other group organizations and improve the communication and liaison mechanism with the democratic party and non-party faculty and staff to let the faculty and staff participate in the supervision and management of the school work, as well as to complete various information disclosure systems such as the "Public Affairs Disclosure and Democratic Supervision System", clarify the principles, contents, channels and other issues of the disclosure of school affairs, increase the extent of information disclosure in aspects of enrollment examination, financial charges, teaching quality, study style construction, foreign exchanges and cooperation, improve

the social participation feedback mechanism, strengthen social cooperation, strive to get school-running resources, accept social supervision and so on.

V. CONCLUSION

According to the newly revised "Private Education Promotion Law" and other relevant laws and regulations, private colleges and universities should follow the law of educational development, break the institutional dilemma of internal governance, construct an internal governance structure composed of academic power, administrative power and capital power, improve school leadership system and decision-making mechanism, ensure the academic organizations' independently exercise of their powers, and improve the on-campus democratic management and supervision mechanism, to play a positive role in the modernized governance of private colleges and universities.

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