

Research on Social Value of Managing University by Law

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Abstract--Managing university by law and creating a well-regulated school is a concrete manifestation of rule of law in the field of higher education, not only a school governance strategy chosen by the new era, but also the imperative request to deepen the reform of higher education and promote the development of higher education. Managing university by law has a beneficial effect on the improvement of the overall national strength, the realization of modern doctrine of rule of law and the construction of harmonious campus, which is of very considerable significance to ensure scientific and order management of higher education in China.

Keywords--*managing university by law; harmonious university; social value*

I. OVERVIEW OF MANAGING UNIVERSITY BY LAW

Managing university by law refers to a situation that all educational and teaching activities of universities shall be within the scope of statutory responsibilities and authorities, such as putting the teaching management and school activities into the orbit of the rule of law, taking into account rights claims and protection of rights and interests of various school subjects in the legal framework. "Law" refers to legislation of school management and "managing" refers to school governance; in short managing university by law is to build a unification of educating people by law, management by law and services by law. Managing university by law is the embodiment of the principle of rule of law stipulated by the Constitution Law in the field of school education and management activities. Several Opinions on Strengthening the Work of Managing University by Law promulgated by Ministry of Education in 2003 points out that, managing school by law means keeping in strict accordance with the principles and provisions of the educational laws, carrying out educational and teaching activities, respecting students' dignity and safeguarding their legitimate rights and interests, to create an educational environment that meets the request of rule of law, to improve the law quality of school administrators and teachers continuously and to increase the capacity of school to deal with all kinds of relations by law.

Managing university by law is the embodiment of strategy of rule of law in the field of education. As the most basic educational entity, university is burdened with the important task of teaching and educating high quality cultured students. The modern universities are of open and independent natures, with complex internal and external relations. It relies on the reasonable definition and regulation of the law and

policy to coordinate the right and obligation relations between educational administrative departments and schools, between schools and teachers and between a student and another. The key of managing university by law is to impose procedural and substantive restrictions on educational and teaching activities in accordance with the administrative laws to achieve the requirements of rationalization of such activities. In recent years, People's Republic of China has promulgated a series of laws and regulations, such as Education Law of the People's Republic of China, Higher Education Law of the People's Republic of China, Regulations of the People's Republic of China on Academic Degrees and Provisions on the Administration of Students in Regular Institutions of Higher Education and promoted the activity of one university one charter in the whole country, sparing no effort to form the fundamental basis for managing university by law.

II. VALUE OF IMPROVING THE COMPREHENSIVE NATIONAL POWER

Higher Education is the main way of national education. Scientific and legal level in school management has a direct impact on the quality of university education, which has an effect on the quality of the overall people and a country's comprehensive national power. Take Japan for an example. While developing education and increasing investment in education, Japan made the complete School Education Law. By the way of rule of law to manage school and develop school education, regarding school education as the main channel to improve the science, technology and culture quality of people, thus as a consequence, contributing to the rapid development of social productivity and to increasing Japan's comprehensive national power. From the year 1950 to 1972, the contribution rate of science education in national economic development rose up to 52%. Then take the United States for an example. In 1862, Morrill Act was promulgated, which benefited the development of agriculture and engineering education in American higher education and stimulated the development of comprehensive university; then, in 1958, National Defense Education Act came into effect which strengthened science education and teacher training in US university and meanwhile developed science and technology, postgraduate education and research institution.

Law has become a kind of management strength to promote the healthy development of higher education. Recently, many universities in China are busy expanding their school size, establishing University City and teaching bases and exploring subsidiary management system, like colleges or

centers, and other new management models. During the innovation and reform, it is particularly urgent to strengthen the construction of university rules and regulations to manage university by law. Otherwise it will inevitably have an adverse effect on the smooth transition which further has an impact on enhancement of overall higher education quality. University should organize educational activities in the framework of laws and regulations, clarify relationships between the university and the government, regard the country's development strategic approach as their own goals and should be contributed to bringing up students developed in comprehensive aspects as moral, intellect, physical fitness, etc., which could satisfy the social requirements in modern China.

III. VALUE OF CONFORMING TO MODERN DOCTRINE OF RULE OF LAW

The right to education is a fundamental constitutional right of citizens. With the knowledge economy coming, the right to education becomes a basis for citizens to enjoy other rights. Lack of the right to education will give rise to restriction and deprivation of the right to labor and furthermore will affect the achievement of other property rights of citizens. Lack of education will affect people's use of modern technologies to communicate, leading to the incomplete implementation of citizens' right to free expression. The defect of the right to education will reduce the social evaluation of the educated, resulting in a negative impact on citizens' right to reputation and right to honor. Therefore, it is obvious that, for the citizens, the right to education is that a slight move in one part may affect the whole situation. The education of university has a life-long and far-reaching influence on the right to education of citizens. Hence, it is the proper meaning of modern doctrine of rule of law to abandon the traditional theory of special power for immunity and include the management of higher education into the scope of ruling by law. Theory of special power for immunity is the main embodiment of the idea that the special power relationship is not under the regulation of the law. When specified in the field of university management, it refers to the unrestricted discretion power, exercised by universities to students, which is in a condition that it is totally exempted from judicial review, no matter whether or not the procedure is fair or the consequence is just.

For a long time, there are plenty of contradictions between Chinese traditional education ideas and contemporary thoughts of rule of law. On one hand, the reason why the legal rights and interests of the educated fail to get effective judicial protection is that the educated basically would not like to bring a lawsuit to the court concerning unreasonable management of university, due to the restriction of traditional ideas. On the other hand, because of the lack of relevant legislative provisions, lots of judges who are not expert on education actively enter into the field of higher education and thus it poses a serious challenge to the right to self-management of university in China. In order to resolve these contradictions, this paper holds the view that, from the perspective of school administrators, they should take the initiative to meet the requirements of modern doctrine of rule of law and follow said principles and ideas to carry out various educational management activities, and to prevent abuse of discretion in

educational and teaching activities.

IV. VALUE OF PROTECTING THE HARMONIOUS UNIVERSITY

With the development of the socialist market economy and joining into the WTO, the idea of rule of law continues to deepen. Especially, the young generation's thought pattern has also undergone fundamental change. As the pace of rule of law accelerated in China, parents' and students' consciousness and knowledge of law have rapidly risen. Therefore, university management faces quantities of challenges than before, such as rigid administrative management, pressure of employment rate, tense relationship between students and teachers, and so on. As the saying goes, channels for knowledge to transfer are widening while doors for emotional communication are narrowing. These phenomena lead to discordant affairs that have happened in the campus of university.

In view of this paper, the core to solve these problems is by the way of making school chapters and regulations in the university education and teaching activities, in order to improve the internal and external relations in the university administration and establish an effective mechanism for balancing measures. Implementation of managing university by law means the change of ideas, through multi-channels and multi-forms to carry out publicity activities regarding rule of law, arming the mind of staff and students with good awareness of law, so as to make it a conscious behavior and habit to comply with the law, pay respect for the law and perform actions in accordance with the law. Managing university by law refers to full implementation of policies concerning education strategy of the nation, strict accordance with the principles and provisions of educational legislation, organizing educational activities, showing respect for personalities of teachers and students and safeguarding the legitimate rights and interests of all parties so that school's capacity to deal with all kinds of relations by law could be increased. Implementation of managing university by law is to constantly improve the democratic management of school system and realize the management and operation of school provisions, standards and procedures, to form the pattern that the educational administrative authorities perform the administrative power according to the law and meanwhile, the university manages its own business independently by law and shall be under supervision.

In summary, there is a long way to go to manage university by law. To achieve the ultimate goal, we shall be in compliance with law provisions seriously and govern school affairs strictly in accordance with its regulations, in order to ensure the correct direction of higher education to its very foundations and make higher education policy to be fully implemented. Managing school by law aims to create a teaching and learning situation that is orderly and harmonious, by the way of preventing disputes and incidents by the power of laws, school chapters and regulations, resolving contradictions and conflicts constantly, integrating campus resources, maintaining campus order and eliminating uncertain factors on campus in civilized and rational manners.

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