

Chinese Colleges Information Disclosure Reality and Future

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Keywords: Colleges and universities, Information disclosure, Autonomy

Abstract. Information disclosure has spread from government to the field of higher education and attracted more and more public attention in China. Universities which engage in comprehensive education, researches, and awards of academic degrees, have a special characteristic different from government agency, that is the autonomy in internal management requiring the universities to establish a different disclosure system.

Introduction

Colleges and universities have always been regarded as public organizations for inquiring into knowledge and inheriting civilization. Universities and their staffs have been given full academic freedom. Through independent management, colleges and universities can firmly defend the independence of knowledge authority, and can effectively combat the improper intervention of government, society or individual to academic research. The legislation should have made clearer legal provisions on the autonomy of university management, which affirms the particularity of the public information disclosure to the government information disclosure.

Putting forward the Issue—the Boundary between the Autonomy of Higher Learning Institutions and the Obligation of Disclosure

From the view of world side, information disclosure has been more than 200 years' history, and the information disclosure of colleges and universities has a long history, too. It is less than ten years since the implementation of the "Measures for the Information Disclosure of Institutions of Higher Learning" (hereinafter referred to as the "measures") which has marked important significance of the disclosure of information in colleges and universities in China. Information disclosure and university autonomy are not the absolute contradiction, but have mutual promotion relationship, which is the basic prerequisite to further improve the system of information disclosure under the autonomy of China's University.

As a carrier of various interest conflicts and cooperation, colleges and universities must face and weigh the requirements of different stakeholders. And stakeholders' participation in governance depends on supervision and restriction, and the fundamental exercise of supervision power is to build a smooth channel of information circulation. The excessive disclosure of university information easily causes infringement on academic freedom and restraining scholars' enthusiasm for academic research. When defining the scope of information disclosure in Colleges and universities, the existing legislation generally does not consider the impact of information disclosure on university autonomy and academic freedom. The information of universities includes both the information produced in the process of exercising administrative responsibilities and the information produced in the process of academic re-

search. The disclosure of the former is conducive to the realization of the public supervision of the public, and promotes the continuous improvement of the management mode. But the disclosure of the latter is may infringe the privacy of scholars, restrict their freedom of academic research, and inhibit their enthusiasm for academic research, which is not conducive to the development of academic research. However, at present, the legislation on the information disclosure of colleges and universities does not discriminate the nature of the university information. For example, the seventh article of the “measures” stipulates that institutions of higher education should disclose the information on the selection of teaching and scientific research results which is likely to involve academic information such as academic opinions, suggestions and discussions. It is very likely that the improper disclosure will result in the infringement of academic information and academic freedom and inhibit the enthusiasm of experts and scholars to communicate frankly.

The Legal and Policy Basis for Information Disclosure in Institutions of Higher Learning in China

The implementation of the “Regulation of the People's Republic of China on the Disclosure of Government Information” in May 2008 is of great significance to promoting the construction of democratic legal system, supervising the exercise of power, and guaranteeing the right to know and participate in the citizens' right to know. The thirty-seventh article of the regulations includes the incorporation of public enterprises and institutions of higher learning into the scope of government information disclosure. It is the legal basis for information disclosure in public colleges and universities.

In April 2010, the Ministry of Education promulgated the “Measures for the Information Disclosure of Institutions of Higher Learning”, which stipulates that “The information formed, produced or obtained and recorded or kept in certain forms by the institutions of higher learning in the process of running the institutions and providing social public services shall be disclosed in accordance with the relevant laws, regulations and the provisions of these Measures.” The system of the contents, ways, requirements, supervision and guarantee of information disclosure in colleges and universities provides further legal guarantee for improving the mechanism of information disclosure in colleges and universities to be legal, open and transparent.

In 2014, the Ministry of Education issued a “list of information disclosure items in Higher Schools”, combing the regulations of law, regulations and regulations concerning the disclosure of information in Colleges and universities, making clear the scope and standards of public information in the form of a list, especially the introduction of the related work of the third party to the colleges and universities directly under the Ministry of education. Implementation of the assessment, timely organization and supervision, and the assessment and supervision of the situation to the public.

On December 27, 2015, when the “Higher Education Law of the People’s Republic of China” was amended, the forty-fourth article “The level of running of and quality of teaching in higher education institutions shall be subject to supervision of administrative departments for education and to evaluation organized by them.” is revised as follows: “Institutions of higher learning shall establish rules for evaluating their respective school running capabilities and educational quality, *disclose* the relevant information in a timely manner, and accept social supervision. The education administrative department shall be responsible for organizing

the evaluation of the school running capabilities and results and the educational quality of institutions of higher learning by experts or authorized third-party professional organizations. The evaluation results shall be disclosed to the public.”

In November 2015, the State Council issued the announcement of the overall plan for the overall development of the world's first-class universities and first-class disciplines, and proposed the strategic deployment of the world's first class universities and first-class disciplines. Promoting the construction of information publicity in Chinese higher education institutions is the proper meaning of this strategic deployment. The construction of information disclosure in colleges and universities will promote the standardization and openness of the construction of rules and regulations in China's colleges and universities, so as to improve their comprehensive management level. Moreover, the improvement of higher school transparency will also promote the integration of Chinese universities and international first-class universities, which will undoubtedly promote the goal of building the world's first-class universities and first-class disciplines.

The Current Situation of Information Disclosure in Chinese Colleges and Universities

The Exercise of University Autonomy and the Limited Scope of Information Disclosure

In the implementation of information disclosure, institutions of higher education have the tendency of avoiding the important and dwelling on the trivial. The content of information disclosure is apparent, and cannot meet the needs of the staffs, students and the public. In the case of information of “fiscal, assets and financial management system, fund sources of the institution, annual plan on fund budgets and final accounts, public finance funds, the use and management of donated property, the purchase of the materials and equipment including instruments and equipment, books, medicines, etc., as well as the bidding and tendering of major infrastructural projects”, the survey shows that the proportion of schools that voluntarily disclose the above information is relatively low, and the number of information disclosure is relatively small.

The tenth article of the “measures” stipulates that “An institution of higher learning shall not disclose the following information: ...IV. other information prohibited from disclosure by any law, regulation, rule or provision of the institution.” This provision actually determine the authority of a non-disclosure of information to colleges and universities, and colleges and universities can independently determine the scope of information that is not open, which breaks through the scope of non-public information stipulated in the regulations, limits the scope of information disclosure, and violates the provisions of the higher level law. As the “measures” does not impose any restrictions on the exercise of the autonomy of the University, it is too broad for the discretion of universities. Once colleges and universities can decide what information is open or not according to their own determination, then the significance of information disclosure will be discounted.

The improper use of the autonomy of colleges and universities especially in the information of autonomous enrollment, degree awarding, and the evaluation of teachers' titles have a certain comprehensive nature, which belongs to the administrative power granted by laws and regulations, and also belongs to the category of the autonomy of colleges and universities. For a long time, the issue of information disclosure in the autonomy of colleges and universities has been in the border area of legal regulation, which can easily lead to the public's right

to know and the right to participate without foundations, which affects the development of the system of information disclosure in colleges and universities in China.

The Attention Paid to the Application Mode is not enough

Compared with active publicity, it is also an important way of publicity to reply the applications open. It should be said that the application of public information is an outstanding difficult point in the information disclosure of colleges and universities. Many institutions pay not enough attention to the application and cannot reply in the limit time.

The Timeliness of Information Disclosure Needs to be Strengthened

The “measures” stipulate that “For the information that shall be disclosed on the initiative of an institution of higher learning, the institution shall disclose it within 20 working days after the date of completing the production of such information or the date of obtaining it. Where there is any modification of the disclosed information, the institution shall update it within 20 working days after the modification.”. Some colleges and universities have not enough information in time, some school websites have failed to establish regular maintenance mechanism. Information releasing and updating slowly directly weaken the effect of information disclosure, and also have a negative impact on the image of the school. At present, colleges and universities are not fully in accordance to the time limit, the phenomenon of delayed publicity and “pile up” of centralized publicity is more common.

The Future of Information Disclosure of Chinese Colleges and Universities

It is Necessary to Clearly Define the Boundaries between University Information Disclosure and University Autonomy

We should set up the concept of guaranteeing academic freedom and regard it as an insurmountable bottom line for information disclosure. The core of the “measures” is to ensure that colleges and universities have the power to decide whether the information is open or not, the core of which is to ensure that colleges and universities enjoy full autonomy, and to ensure that colleges and teachers can carry out academic research without hindrance. Legislation should establish a clearer border. On the basis of the current list, it will make clear to the public what information must be open and which information within the category of autonomy in colleges and universities. Clear standards can greatly reduce the possibility of abuse of discretion in Colleges and universities, and guarantee the public's expectation of the results of information disclosure. The public can more clearly exercise the right to apply for information, and will not infringe on the autonomy and academic freedom of universities.[1]

In practice, the conflict between the disclosure of university information and the autonomy of university is prominently manifested in two aspects: the information of independent enrollment of university students and the information of evaluation of teachers' professional titles. There are many disputes about how to supervise the exercise of the right of independent enrollment in colleges and universities and whether all kinds of information produced in the process of enrollment should be made public. In practice, most colleges and universities only disclose the final result information after the end of the enrollment, and do not disclose the process information. The concealment of the procedure is very vulnerable to the corruption and abuse of power. It is a challenge for legislators and administrators to make information public adequately on the premise of guaranteeing university autonomy and academic freedom.

The more reasonable approach is to expose the information part of the expert evaluation, and the rest will be fully disclosed. Under the premise of not infringing upon the autonomy of universities, we should fully guarantee the disclosure of information in the field of higher education.

The Need to be More Prudent to Disclose Information with Privacy

A part of information disclosed in universities information involves the personal privacy of the staff and the students. As for the information involving any personal privacy, where the right holder consents to the disclosure of or the institution of higher learning considers that the public interests may be materially affected by the nondisclosure of the information, such information involving privacy may be disclosed. But it is necessary to do a good job of the necessary technology dealment for the information of privacy when it is open.

The Need to Strengthen the Construction of Carriers and Improve the Channels for Information Disclosure

Colleges and universities should give full play to the advantages of fast web portal and build it into the first platform for information disclosure. In addition, they can make use of the newspaper newspapers, campus broadcasts, yearbooks and other forms, such as archives, library and other places, with the help of outside media, to open the information in time. Data access rooms and bulletin boards can also be set up to facilitate citizens, legal persons and other organizations to inquire and make use of information.[2] In the information age, the channels and ways of information disclosure should be diversified, and the full use of new media should be strengthened.

Conclusion

While pursuing the maximization of information disclosure, universities must take the autonomy of universities as the boundary. The autonomy of university in China mainly includes two aspects: firstly, as an independent social public organization, the university enjoys the right to manage the teachers and students independently without the improper intervention of the outside world. For example, colleges and universities have the right of personnel management and the right to set up the specialty. Secondly, the experts and scholars of colleges and universities enjoy the full freedom of academic and research. Only by clarifying the boundaries of autonomy right and information disclosure, properly regulating the excising range and procedure for the rights of self-decision of the universities themselves, can we protect the academic freedom and the public's right to know and to participate at the same time.

Acknowledgement

This research was financially supported by the Jilin Province Social Science Planning Fund.

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