

On the Effectiveness of Internal Regulations in Colleges and Universities

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Abstract—The internal rules and regulations of colleges and universities are the institutionalized means to maintain the normal order of education and teaching in Colleges and universities. In recent years, the emergence of legal disputes in Colleges and universities has made the legitimacy and validity of internal rules and regulations in Colleges and universities doubtful. Therefore, it is of great practical significance to review the effectiveness of the internal rules and regulations of colleges and universities in China, and to put forward suggestions, in order to safeguard the legitimate rights and interests of teachers and students.

Key words—universities, internal regulations, legitimacy, effectiveness

I. INTRODUCTION

In recent years, with the general improvement of people's legal consciousness, the cases of legal disputes between college students and colleges are on the rise. This phenomenon not only brings many troubles to students and their families, but also has a great impact on the normal teaching order and management of schools. One of the most important reasons why there are so many conflicts of laws between students and schools is that the legitimacy of internal regulations in Colleges and universities has been widely questioned by students and society. This has also led to the "vacillation" of the validity of internal rules and regulations in Colleges and universities, and then spread to the "territory" of autonomy and school-running autonomy of colleges and universities, so as to restrict the healthy and harmonious development of colleges and universities. Therefore, in the current context, it is particularly necessary and urgent to re-examine the legitimacy of the internal rules and regulations of Chinese universities, which have lasted for decades, and to review the validity of the internal rules and regulations of Chinese universities.

II. THE LEGITIMACY BASIS OF THE EFFECTIVE INTERNAL REGULATIONS IN COLLEGES AND UNIVERSITIES

The internal rules of colleges and universities are the general name of the normative documents, such as regulations, regulations and measures, which are universally binding in the scope of colleges and universities in order to organize and manage various administrative work and in accordance with certain procedures. From this definition, it is not difficult to see that the internal rules and regulations of colleges and universities are a kind of normative documents within colleges and universities, a link between the laws and regulations of education management and the practice of school management, a concretization of laws and regulations, and a institutionalization of school management. The main body of formulating internal rules and regulations in Colleges and universities is the organizations that can represent the schools at all levels; the scope of their effectiveness extends to the teachers and students and staff within the scope of the whole university; its forms include university statutes, rules of procedure, rewards and punishments, implementation rules, decisions, orders, instructions, notices, announcements and so on; its purpose is to implement laws, maintain the normal order of education and teaching in schools, and guarantee teachers. The legitimate rights and interests of student employees. Therefore, no matter from the content and form of the internal rules and regulations of colleges and universities, or from the general binding force of the internal rules and regulations of colleges and universities within the scope of the whole school, the internal rules of colleges and universities have given some important characteristics of the law. Among them, standardization and validity are the prominent characteristics of the legality of internal regulations in Colleges and universities. the validity of university internal rules is based on its legitimacy, which is the precondition for the validity of university internal rules. Then, what is the legitimacy basis of the validity of the internal regulations in universities? Firstly, the main body of making internal rules in Colleges and universities should be legitimate, which is the main element of effective internal rules in Colleges and universities. Secondly, the content of internal rules in universities should be legitimate, which is the essential element of effective internal rules in universities. Thirdly, the formulation procedure of internal rules in Colleges and universities should be legitimate, which is a formal requirement for effective internal rules in Colleges and universities.

III. EFFECTIVENESS OF INTERNAL REGULATIONS IN COLLEGES AND UNIVERSITIES

The internal rules of colleges and universities belong to the internal rules of colleges and universities, and do not belong to the scope of law. However, from the point of view of the reality and necessity of law, "although the rules and regulations in the process of university education management are not equal to the narrow law, they are not essentially different in terms of substantive value, formal value and even the characteristics of norms. Their characteristics are all aimed at guiding and regulating people's behavior and resolving disputes through a complete set of substantive and procedural rules." Therefore, the

validity and effectiveness of internal regulations in universities should also have the characteristics of validity and effectiveness of legal norms. Because "the purpose of declaring a rule of law effective is to ensure that the rule of law can be effectively observed and implemented."

The validity of university internal rules should have three meanings in a broad sense: first, the validity system of university internal rules. The internal regulations of colleges and universities shall not conflict with the formal sources of laws, regulations and departmental rules, otherwise they will be invalid. The validity of internal regulations in universities is limited to all staff and students within the jurisdiction of universities and has universal binding force on them. What we should pay attention to here is that the internal rules of colleges and universities as normative documents in Colleges and universities do not have judicial effect, that is, the internal rules of colleges and universities can not be used as the basis for the application of law. The second is the operability of internal rules and regulations in Colleges and universities. Whether the internal rules and regulations of colleges and universities can be operated directly decides whether they can be effective or not. The cost of internal regulations in Colleges and universities is to embody the will of law and to make laws and regulations specific and operable. Thirdly, the effectiveness of the internal rules and regulations in Colleges and universities. To what extent effective internal rules of universities actually produce binding force is the effectiveness of internal rules of universities. The ineffective internal regulations of colleges and universities essentially mean the lack of their validity.

Of course, we should also see that because the internal regulations of universities are not the formal source of illegality, in order to make them have the validity and effectiveness of similar laws, we need to find a criterion to determine whether they are effective or not. "The purpose of the confirmation rules is to enhance the certainty and clarity of the law in order to provide standards for the validity of the law"; If the internal rules of universities are to be legitimate and effective, the certainty and clarity of the laws and regulations authorizing the universities to formulate the internal rules should also be strengthened. About the understanding of Effectiveness of Internal Regulations in Colleges and Universities, the author conducted a survey of 100 college teachers and analyzed the data as follows:

TABLE 1 COLLEGE TEACHERS COGNITION OF EFFECTIVENESS OF INTERNAL REGULATIONS IN COLLEGES AND UNIVERSITIES

option	Number of respondents	proportion
knowing deeply	7	7%
knowing a little	90	90%
no knowing	3	3%

the main body of formulating internal rules and regulations in Colleges and universities should be representative institutions or organizations such as staff congresses, school affairs committees, and professors'committees, which can exercise the "legislative power" of colleges and universities in the name of schools. As the main body of universities, college teachers should be the real "protagonists" in the formulation of internal rules and regulations in universities. Their recognition of internal rules and regulations in universities will directly affect the effectiveness of internal rules and regulations in universities. Therefore, the legal quality of college teachers needs to be improved urgently.

IV. SUGGESTIONS ON STRENGTHENING THE EFFECTIVENESS OF INTERNAL REGULATIONS IN COLLEGES AND UNIVERSITIES

As a corporative legal person with the nature of human cooperation, the special legal person status of colleges and universities determines the nature of their internal rules and regulations, which have the dual attributes of both administrative and civil nature. In order to make the internal rules of colleges and universities have similar attributes with the legal nature, and then have legitimacy and effectiveness, it is necessary to strengthen the various links in the formulation and implementation of the internal rules of colleges and universities.

Demonstrating the Charter Status of the Constitution of Universities and Colleges.The Charter of modern university is generally the general program of running a university according to law, which is formulated by the university authority on the basis of the Charter obtained when the University was established and the educational policies and regulations of the state or local government. Generally, it consists of a general regulation and some implementing rules. It is a transit station connecting the national laws and educational regulations and the specific rules and regulations of university. It is the "constitution" of the university.

Strengthening the Clearance of Internal Regulations in Colleges and Universities.Due to the long-term influence of the administrative-led educational management mode in Chinese universities, the internal rules of universities have branded the administrative rules under the planned system. Therefore, in order to meet the requirements of the development of the times, it is necessary to clean up the internal rules of colleges and universities which are out of date.

Legal Reservations Applicable to the Internal Regulations of Colleges and Universities. In order to ensure the legality and validity of internal rules and regulations in universities and embody the spirit of the rule of law, colleges and universities must be cautious and targeted when formulating internal rules and regulations on matters of great interest to teachers and students, such as the appointment and dismissal of teachers, the dismissal of students, and the withdrawal of students from school. The internal regulations of colleges and universities should not stipulate these important matters beyond the scope of their upper normative documents. The legislature with power should also make timely legal reservations on these important matters so that colleges and universities can "follow the law" and "follow the rules" when formulating internal rules.

Procedures for Improving the Internal Regulations of Colleges and Universities. The formulation and implementation of internal regulations in Colleges and universities should follow the principle of due process. Although "when consideration of due process or consideration of requesting protection of personal dignity is included in the determination process, the convenience of distinguishing effective rules from invalid or unconstitutional rules in law will reach the lowest point". While attaching great importance to the procedures for formulating internal rules in universities, we should constantly improve the procedures for implementing internal rules in universities, introduce hearing procedures in time, and establish and improve the system of appeal and reconsideration so as to ensure the legality and effectiveness of internal rules in universities to the greatest extent.

Strengthening the Supervision of Internal Regulations in Colleges and Universities. The purpose of supervision of internal rules and regulations in Colleges and universities is to ensure the legality and effectiveness of internal rules and regulations in Colleges and universities. At present, the judicial review of the internal regulations of colleges and universities should be carried out by incidental review, that is, when the court examines the legality of the acts done by schools and examines the validity of the internal rules of schools on which it is based, and the internal rules of schools that violate laws and regulations can be declared invalid.

V. CONCLUSIONS

In a word, through various forms of supervision of internal rules and regulations in Colleges and universities, to reexamine the legitimacy basis of the internal rules and regulations of colleges and universities, to review the validity and effectiveness of the internal rules and regulations of colleges and universities in China, we can constantly improve the quality of internal rules and regulations in Colleges and universities and make them more standardized, legitimate and effective. It is believed that one day the internal rules of universities in our country can be regarded as the "Bible" of managing schools just like those of Harvard and Yale universities.

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