Study on the Construction Mechanism of the Framework System of University Articles of Association

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Abstract. The formulation of university regulations will be the urgent task for many colleges and universities to establish and improve the modern university system and optimize the internal governance structure of the University. This article through to the 14 universities of Jilin University, China University of Political Science and Law, University of Hong Kong, University of Oxford, University of Tokyo, Humboldt University Berlin and other articles of the draft articles of association or text as the object of comparison, the main contents of the existing university statutes structure and external relations, the articles of association of the legal status and nature, content structure and external relations are summarized and analyzed, in order to optimize the formulation of model reference framework, the Charter of the University Charter of the university to build a reasonable.

Introduction

In 2011, the outline of the national medium and long term educational reform and development plan (2010-2020) was promulgated. The Twelfth Five Year Plan of national education development has put forward "strengthening the constitution construction of colleges and universities, defining the basic location, service orientation, governance structure and basic management system of universities, ensuring the autonomous running of colleges and universities according to law.

Most colleges and universities in China have not run the "chapter" for many years. The reasons are as follows: first, most public universities were established before 1995, while education law and higher education law put forward that universities should formulate regulations in 1995 and 1998. The constitution is not a prerequisite for the establishment of a school if it is not traced to the past principles according to the law. Secondly, from the practical point of view, the status of the Constitution in the whole society is not obvious, and the schools have no desire and motivation to make the articles of association.

Problems Existing in the Process of University Constitution Making

The Ministry of education and the competent departments and relevant universities have been actively promoting the construction of the articles of association. Some universities have made many arduous explorations in the rules of university governance, and have gained many experience. But at present the college charter to formulate the following problems: one is the basic content of legal regulations, but there are many similar places form; two is to implement the leadership of the Party committee in a prominent position, but the Party committee and President of division of labor is not clear, the other statutory bodies or lack of norms of democratic decision-making mechanism; the three is the internal management system; the specific formulation is mainly on administrative management, and the mechanism of operation and supervision of academic power expression is not sufficient; four is the school and the sponsor, the staff's rights and obligations are involved, but the content is quite broad and the principle of responsibility, authority and autonomy of the university management is less the five is reflected from the articles of Association; the formulation and implementation effect, most of the university charter school has experienced the procedure of discussion, but the discussion is oriented by administration It is the form of closed door legislation,
and the participation degree of the organizers, teachers and students and school related parties is far from enough, and its functions are far from being limited. Even some school regulations are clearly designed to fulfill the requirements of the administrative organs. The six is how the schools actively promote the articles of association, and still lack the characteristics and operating procedures, which may lead to the unsmooth implementation of the articles of association.

The Main Content Structure of the University Constitution and the Comparison of the Internal and External Relations

The framework of the contents of the articles of association. Through analysis, we can see: first, in the length of articles of association, the statutes of British universities and regulations of University of Hong Kong are relatively long, while the articles of Chinese universities and University of Tokyo Charter are relatively short. Especially the "University of Oxford constitution" consists of 17 chapters and 334 articles, the specific terms of the Constitution provides a legal basis for the management of University of Oxford with reliable work, so as to achieve a real "rule-based". Secondly, in the text format of the articles of association, the arrangement of foreign university articles of association is more flexible. Charter schools have great differences in foreign countries, fixed format; "constitution" the content framework of Jilin University and other domestic universities in accordance with the "10 things" provisions of article twenty-eighth of the higher education arrangement, despite the flexible but generally have much similarity, its structure is the same. Thirdly, from the specific terms of the Charter, the regulations of foreign universities in the relationship between University and government and society are very detailed and effective in decision-making governance structure, professors' governance and academic institutions. It fundamentally safeguards the academic freedom and autonomy of the University.

The relationship between the University and the outside. From the perspective of the historical conditions of university regulations, statutes are the product of autonomous running by universities. Therefore, university statutes and related laws provide a yardstick for clarifying the relationship between universities and the government and society, so as to clarify the autonomy and autonomy of universities. First of all, in the relationship between universities and the government, the Charter of Humboldt University Berlin specially set the relationship between University and federal state as the first chapter, and put forward that "personnel management, economic management and so on belong to the national administrative affairs". The constitution of the university has also made some regulations on the autonomy of the University. Secondly, in the relationship between University and society, foreign universities and China's Hongkong, Macao and National Taiwan University attach great importance to the relationship between University and society, and transform the idea of wide connection between University and society into institutional regulations. In its university statutes, the quota, the way of production and the way and authority to participate in the school management are explicitly stipulated in the university statutes, and the right of alumni to participate in university affairs is determined. In contrast, the articles of association of the University in China are only related to the autonomy of the University. However, the specific institutions of the University and the government and social relations are relatively small. This makes our universities unable to clarify the responsibilities and responsibilities of the government on the one hand in dealing with affairs. On the other hand, there is also lack of supervision and feedback from outside the school.

The internal relations and the governance structure of the University. The statutes of the universities in each country have laid stress on the decision-making procedures of the decision-making bodies and major issues of the University. The constitution of the Cornell University stipulates that the board of directors is the highest leading institution in every college, academic unit, department and center of the University. Moreover, the constitution of the university has detailed regulations on the formation, scale and composition of the members of the board. At the University of Oxford, the Council as the decision-making mechanism of the University, to deal with the affairs of the university has the highest power, including the development planning and strategic direction to develop the University, to ensure the effective management and control of
property and finance, university organizational structure, staffing, or Council only user and monitoring of the University seal. The Charter of University of Tokyo is relatively simple for the decision-making institutions and procedures of universities, but still can see that Nihon University is concerned about the checks and balances of power and the decision-making of multiple stakeholders.

The Construction Mechanism of the Content Framework of the University Articles of Association

On the basis of summarizing the contents of university regulations at home and abroad, according to the higher education law of the People's Republic of China, the preface + general principles + the main body plus the supplementary provisions should be adopted in the framework of university regulations, which should include the following contents.

Preamble. It summarizes the history, tradition of running a school, spirit of University, purpose of running a school, and the purpose of making rules. It aims at clarifying the traditions and concepts of schools, highlighting the orientation and characteristics of schools. The Charter of the university is not only the basic law of the University, the university is also the history of comprehensive review to the university tradition, culture, spirit, target extraction and summarization based on carrying the university history, philosophy, spirit and value pursuit, concise University's unique "fine, gas, god". And based on comprehensive analysis on the school situation, according to the school's common development vision, the establishment of the school has a distinctive school of thought, planning for the future development strategy and the long-term goal of establishing university objective and development goals, the main task is the development of the school's major basic problems.

General rule. The rules of school registration name, abbreviation, English translation, school location, residence, school campus, school sponsor, legal nature and legal representative, the legal status, the basic matters of training target, the direction of running a school, school level, school discipline, main function and operating principle, the main form of Education.

The main body of the paper lays stress on the division and operation of power in schools. It embodies the modern university governance structure of "Party committee leadership, principals' responsibility, professors' scholarship and democratic management", which is the core part of the constitution.

The structure of the organization. This part is about the specific provisions of the school management system and operation mechanism. It stipulates the principal responsibility system, the legal representative, the organizational structure, the decision-making mechanism, the democratic management and supervision mechanism, the establishment of the internal organization under the leadership of the Party committee. Specifically: one is to the school Party committee (containing provisions relating to the Commission for Discipline Inspection), principals, school board, teaching steering committee, the staff congress and Party organizations (trade unions, the Communist Youth League) powers or functions, school function, principle and mechanism of public service institutions and affiliated units, jointly set the unit and its operation; two is to provisions of responsibility and authority of academic institutions. Professors' academic freedom and academic freedom are the internal needs of universities as "institutions of deep learning", and all kinds of academic organizations are important carriers and means for professors to learn.

Teachers and students and alumni. The main provisions of the rights and obligations of the students during the school or students shall enjoy the rights and obligations of the students, including students, student groups, students funding relief channels, student employment guidance system to protect the interests of students and students students reward system disciplinary system and other related rights and obligations and rights remedy protection; staff classification management, post duty right and related rights system, teacher evaluation system, teachers' rights and obligations, moral requirements, teachers' rights and interests protection mechanism, reward and punishment system of teachers and other relief protection.
Capital assets. Including the school funding and raise, use and manage system, accept the rules and regulations on donations, and school funding application principle, school budget system and financial supervision system, the school legal property rights, assets management system, industry group and logistics management policy;

Social services and external relations: from famous foreign university charter experience, to ensure the realization of university social service function, to ensure the formation of harmonious relations, benign and interactive between universities and external organizations, universities should pay attention to the articles of association of school social services and external relations of the specification, clear school carrying out social service modes and channels, actively for the development of social and community contribution. At the same time, we should actively take advantage of the advantages of external organizations to promote the development of schools, especially the regulations on the relationship between government and schools, so as to ensure that colleges and universities become entities that run independently in accordance with the law.

Badge, calibration, color calibration, banner, anthem, motto, school day (school identification system). These elements, which reflect the distinctive personality and characteristics of the school, can be inspiring and cohesive, and are also an important part of the campus culture.

Supplementary provisions. It mainly stipulates the passage, revision, supervision and interpretation of the articles of association. The Charter of the university should have greater stability, not because of the change of leadership not inconstant in policy, and change at any time. In order to maintain this stability, we should regulate its adoption, revision, supervision and interpretation procedures in the articles of association, which is also in line with the procedural justice principle in the legal sense.

Reference


