

University Charter as the Basis of Internal Governance in Chinese Universities

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Abstract: The development of the university charter is an important basic work for building a modern university system and promoting higher education in accordance with the law. The university charter is the link between social law and the university system and is an intermediary platform for the university to interact with the government and society. This article discusses the meaning and characteristics of the university charter, analyzes the relationship between the university charter and the internal management system in universities.

1. Introduction

The university charter is the full laws and regulations of the university, which governs work in the university in accordance with laws and regulations of the competent education authorities. It should clearly define the duties and powers of organizations and power structures, the rules for the appointment of personnel and the exercise of authority under the mission and purpose of the university[1]. The charter of the university should cover everything related to the management of the university.

2. The Process of Formulation of the Charters in the Universities

In 1995, the “Law of the PRC on Education” stated that universities have legal qualifications and the right to self-government in accordance with the charters. In 1998, the “Law of the PRC on Higher Education” stipulated that the charter on the establishment of the university should be sent to the approving authority.

In 2010, the “National Long-Term and Medium-Term Education Reform and Development Program (2010–2020)” was published, which suggested that all universities should develop charters in accordance with the law. The development of the university charter is the basis for the development of modern universities. One of the important functions of the university charter should be to facilitate the reform and improvement of the internal management system in the university.

In 2011, the Ministry of Education of China promulgated “Temporary measures to develop the charter of higher education institutions”[4], which provided specific guidelines for the development of the university charter. In 2013, a “Plan for the formulation of charters for universities under the ministries and departments of the central committee (2013–2015)” was introduced, which stated that the university from “Project 985” should complete the formulation of charter for the end of June 2014, the university from the “Project 211” - by the end of 2014.

In 2013, universities such as Renmin University of China, Tsinghua University, Peking University and Shandong University completed their charters and submitted them to the Ministry of Education for approval, which provided a model and experience for developing charters to other universities. By October 2014, the number of universities with charters approved by the Ministry of Education amounted to 32. In February 2017, the charters of 113 universities in China have been approved, including Tsinghua University, Peking University, Nankai University .

In order to implement government documents, Chinese scientists are constantly exploring the development of the university charter. From 2011 to 2012 the team of scientist Zhang Guoyou from Peking University organized a translation of the charters of well-known foreign universities, creating a book called “Charter of universities”, which contained 53 university statutes and

administrative regulations, which laid a positive foundation for research in the field of higher education management.

In the process of organizing the translation and formulating the charter of Peking University, Zhang Guoyou investigated the concepts, rules and issues of university management, believing that the university charter is a bridge between the principles of university regulation and its activities.

At the 19th CPC Congress in 2017, Xi Jinping's socialist thought with Chinese characteristics was established in the new era and a new path was opened for the development of the state. The role of higher education in the process of building socialist modernization and strengthening China is becoming increasingly visible. The formulation of the university charter and the improvement of the internal management system in modern universities have become inevitable requirements for promoting the healthy development of higher education.

3. The Characteristics of the University Charter

In our opinion, the university charter has such functions as regulatory guidance, the distribution of powers and responsibilities of entities and a clear confirmation of the rules in the structure of internal management in universities.

The charter of the university is the representation of consensus between the university and public organizations. The university through the charter shows its own responsibilities, which not only informs university teachers and students and the public, but also makes the university more clearly aware of the teaching, research, and job responsibilities that are keys to maintaining a professional academic organization.

Management of higher education requires the interaction of party, administrative and academic authorities. In addition, the charter confirms the rights and obligations and sets out the rules and procedures of internal management in universities.

By analyzing the functions of the charter, we can see that it has the following characteristics:

- Firstly, it shows the university's academic authority. For example, the charter of Tsinghua University stipulates that the academic board is the highest academic institution in the university and is responsible for making decisions, discussing, evaluating and advising on academic issues. The members are made up of representatives of professors, and the university president does not act as a member of the academic board. The academic board has one chairman and several vice-chairmen who are nominated at the meeting on academic work and are elected by all members.

- Secondly, it improves the participation of teachers and students in university management. For example, the charter of the Nankai University in Tianjin stipulates that students have the right to participate in the management of the university, the student council has the right to choose their representatives to participate in the university meeting, etc.

- Thirdly, it studies the diversification of forms of observation. For example, Supervisory Committee in the Peking University is mainly concerned with checking institutions and staff for compliance with the rules and regulations, and a hearing committee has been set up at Zhejiang University to listen to stakeholders before the university formulates and implements the relevant rules or makes decisions.

The relationship between the charter and internal governance is explored by many Chinese scholars. For example, Zhou Guangli[9] and Ma Luting[4] believe that the implementation of the university charter may be related to the responsibility, authority and interests of the university's internal stakeholders, and the relationship between the internal administrative and academic authorities can be clarified.

Professor Xiong Qingnian[7] studied the amendment to the statutes of the academic council of Tsinghua University and Peking University from a unique perspective. He believed that Tsinghua University's "abolition of administration" measures were more radical, while Peking University was more radical in terms of openness.

This is the first empirical study conducted by a Chinese scientist in recent years based on statutes. Zhan Zhongle[8] and Wang Hongqai[6] noted that the university's charter formulates the rules of internal and external authorities, coordinates relations between subjects of internal and external

authorities, and checks and balances the interests between these entities.

In our opinion, the charter of the university, as a “charter” for the leadership and standardization of the university’s work, is a normative prerequisite for managing the university in accordance with the law. The internal management of a university is the distribution and institutional organization of internal powers and responsibilities at a university. In the process of university management, the charter acts as a normative guide. The key to internal management at the university is, above all, improving work efficiency and legal regulation, so the university charter should be useful, integrated and compatible.

University internal management includes structure and process. The structure of internal management in universities mainly refers to institutional norms and mechanisms for the distribution, limitation and implementation of various powers among the internal stakeholders of the university, which embodies the main features and requirements of the university management system[5]. University management is an amendment to the traditional top-down management model of bureaucracy, the purpose of which is to reorganize the rights, duties and responsibilities between the university and the government, the market and various stakeholder organizations so that the university as a legal entity can have autonomy and academic freedom to create modern university system.

However, the traditional model of university management led to the fact that the university system became rigid, the flow of resources was low, etc. Based on the ambiguity of the legislation, coupled with the lack of university rules, authorities abused universities. Thus, the university charter should clarify the internal management system and give clear provisions on the structure of power in the university. For example, the charter of the Jilin University in Changchun determined the various actions of the secretary of the party committee and the president, clarified the relationship between the university and the institute, and clarified the relationship between the academic and administrative authorities. Also, the charter provided for academic management, the professor has the right to make decisions on academic issues.

In universities, there are many problems in party and government relations, which are difficult to cope with. There are even imbalances in party, government and academic authorities. The most noticeable problem is that party power is too great, and academic power is difficult to implement. The University is a public scientific organization, therefore it is necessary to provide them with a good environment for academic freedom, the study of truth and innovation in science, which is the focus of attention in the development and implementation of charters. Without the implementation of the charter, it is difficult to solve such problems in the university as training personnel, conducting research, providing social services, etc.

In recent years, China has made significant progress in social supervision of the university and in social participation in university management, for example, the creation of a quality reporting system, information disclosure system, board of trustees, etc., which facilitate the participation of public forces in university management. However, in general, the situation with social supervision of the university and the participation of teachers and students in university management is not optimistic.

The main reason is that social participation and supervision are not very motivated, and the mechanism for participation in supervision is not developed. It is necessary to fulfill the requirements of “higher education management to meet the needs of people” in order to contribute to the reform and development of universities. Therefore, when developing charters, especially for their implementation, it is necessary to carry out social control and social participation in order to promote the development of science and education, to increase the level and quality of education in universities[2].

4. Conclusion

It is necessary to formulate the charter of the university and change the content of the charter in accordance with social demand[3]. The charter of the university is the main guarantee for distinguishing the powers and responsibilities of the government and the university, and the

implementation of internal governance at the university. The development of social policy, economics and culture fundamentally determines the need to revise the university charter and timely adjust relations in the field of education, so that university regulations are constantly adapted to changes in external conditions and ensure the stability of internal governance at universities.

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