



Research Article

ISSN : 0975-7384
CODEN(USA) : JCPRC5

A study on charter of public university construction against a background of university legal administration

Cao Shoujin and He Xuefei

Central South University of Forestry and Technology, Changsha, P. R. China

ABSTRACT

The administrative structure of college is an important condition that improves public university management structure and strengthens university legal administration, it should strengthen the legal framework with the construction as its core has basically taken influence Chinese public university. Some strategies and strategy to the basic principles of construction are also indicated.

Keywords: College constitution; building; problem; countermeasure and advice.

INTRODUCTION

The administrative structure of colleges is the essence and core of modern colleges' system, charter of public university is the most prominent one. It is links to the university and external society, and it as a bridge between the national educational laws and university's own rules. The working of university charter corresponds to that of the charter of nations; it lays down a set of requirements, including the purpose of running university, Development goals, the primary task, etc. Chinese government issued National medium and long-term educational reform and development plan (2010-2020), it marks the reform and development of higher education in China has entered a new period, and the national rule named "Interim Measures about the Formulate of public university charter", which is a milestone in the development of genuine changes in the higher education system and building an administrative structure of university.

In this paper, the practical experiences are summarized and some met in are also discussed.

EXPERIMENTAL SECTION

Current problems existing in the construction of university charter

The legal status of university charter lack of advancement

University charter equivalent of the national Constitution, the purpose for the school's educational aims, development goals, the main task management system, etc. However, in the final analysis the charter is only a certain rule in the specified range; it is not subsumed into the formal national justice system. Meanwhile, it is questionable whether the position on "Education Act" "higher education Act" by Chinese national legislature and judicial organ, and where the legal basis cited the lack of clear legal provisions, This created some university charter is a lack of definite force of law. The legality of the university charter was met by a challenge, its force of law would start draining, and this can lead to lots of legal entanglements during practicing. Accordingly, some Chinese university charter Flexible more than enough rigidity, its legality and authority has strengthened but still lack of advancement, It is impossible do any good to communicate with university and national rules^[1,2].

The articles of university charter lack of definition

Some Chinese university charter are so abstract that lack of maneuverability in content, it is very ambiguous and open to various interpretations. It should be a programmatic document that guiding period of time of higher education, can be couched the collective wisdom of university, and the management in university should has been greatly assisted by its guiding. But now by lack of clarity in the law, the charter of Public University isn't working the way it's supposed to. there are many relationships unconfirmed, the rights and obligations between Organizers and Public University itself, authority -responsibility relationships between Party and university president, Some accommodation between academic authority and administrative power, and the ambiguity of autonomy formulation, even if the relationship between teaching staff and college students. Charter Construction rights are one kind of the important rights held by the Public University. It would be a distinct advertisement for University's strong purpose and benefit. The disturbance from Organizers' should be under the university charter and can't surpass it. This step establishes provisions for good condition in university management^[3].

The characteristic of university charter lack of individuality

Beside some integrant provisions, university charter also should fully manifest its individuality characteristic. The characteristic of university is usually formed by its idea, tradition, superiority, culture, etc. Charter of Public University Construction should be mature the setting condition of university's position, emphasis and characters. Some certain charters, however, similar in content, by and large it specifically referenced the provisions of item from "higher education Act", which conditions of framework took only a matter of principle, lacking personality and spirit. Most university charter right now has the same framework, the same institution, the same authority - responsibility relationships, it would not accentuate university's specific character and style. It seems like all the university are alike. It is undeniable that Chinese Public University has taken until now to frame the charter, lacking in experience and model in the nation. We observed that western university have strong technical knowledge in Charter Construction, owing to specific higher education Administration system, it undesirable to imitation and artifice blinding.

The procedure of university charter lack of specification

University charter's constitution, revise, actualization and management embody the extensive social approbation and demonstrated comprehensive legally binding, it is centralized reflection of charter's influence and function, and also an essential and long - standing factor underlying university charter making and implementation. In addition, impoliteness, which occurs often and should have been studied as long been neglected, the procedure of university charter lack of specification, it does basically behave in: In procedure the procedure of constitution, revise and actualization is defective, it means that laws is prior to all other. In this way, it makes the university s charter cannot have the necessary proper regulation effect; Many universities are on their beam - ends at the moment because of lack of public support. In this extremity, that increases the difficulties of university charter's constitution, revise, and actualization procedure. As the principled chief gauge in higher education administration, constant revision keeps the charter move with the times as environment goes on. At this moment a regulatory specific procedure is indispensable, the most important one: laws is prior to all other.

RESULTS AND DISCUSSION**principle and recommends on consolidating University charter construction****The fundamental principles**

At first, an important rule is management by the law. During the procedure of University Charter Construction, essentially, the Charter stayed within the governance mechanism of law, Spirit of Law, which is exemplar as law in the higher education management. University of the internal management and implementation of relevant policies are needed to regulate and coordinate the development of a constitution based on its own. A lawful charter and lawful University, can adjust and standardize the relations of University and government, University and society, even interior governing structure in the university, this will protect the responsibility within the limits laid down by law, preventing the higher education management make serious miscalculations contrary to law: substitute one's words for legal provision, To fine generation law.

Secondly, another important rule is management by the democracy. The charter should strive to reflect the people-oriented educational philosophy, highlighting the recognition and protection the right of the staff and college students^[4]. Distributing on the principle of Professors' Academic Governance, democratic management, then to mobilize the enthusiasm of the principles of grassroots organizations, with categorical academic organizations and college student group, which should Playing a role of Consultation, deliberation, decision-making, research, guidance, assessment, service. University Charter should also make an impression on academic freedom within teaching staff, scientific research and academic learning.

The Third fundamental principle is management by the reforms. Focusing on improving the teaching quality, on the process of improving the structure of University, the most important thing is constitution-building as a starting point and an integrated carrier system reform, Sum up experience seriously innovations in the reform of higher education system and mechanism in recent years. Looking to the future, with the guide of Charter, the leader of university will firm up their plans for a sustainable development in teaching staff with unequivocal position, construction, and other system factors which constraint in talent cultivation, technological innovation and vigor of management.

At last, the fundamental principle is management by the Autonomy. Academic freedom and university autonomy are the centralized reflection of cultural orientation, but in china, the government running of the university with a strict series of rules and regulations in the past, compare with academic authority, administrative powers is arguably a much stronger position. To establish scientific and perfect the charter of the University, Ensuring the direct basis of university autonomy, the charter rather than the government has played a critical role. Therefore, to use this chance to constructing university charter, university itself should express its deserved power and duties, coordinating and communicating with government department staff, especially weaken the administrative power from the government and university itself. Through these ways, university gets more autonomy, and save itself from Subjectivity during the process of management operation.

The future development countermeasures

Continuously improve the fundamentals of law

There is an overall and Programmatic document to university; the charter acts the role of ultimate normalization in university administration. Thus the government determines the identity of charter, and the government is responsible accountability to guaranteeing the charter is adopted. The charter effectively regulates acts of the relations between university and government, Regulate the exercise by the Government of the University of Supervision within the framework of the law, Protect the university to handle its internal affairs autonomously. Moreover, there was a certainly distinctive feature of university charter, which must be grounded on law. The formulation of the articles of association of the university cannot do without solid foundation "law". In the law - governed societies, everything about the university as such am entitled to the full protection, restriction and guidance of the law^[5]. It reflected in all aspects of the Articles of Association Articles of Association of content has its corresponding upper law, education act and higher education act should not become a higher law to university just because none of the acts has the absolute legal status .

The content of charter must follow the principle of science

In china, the first thing to note is that the content of university's charter must follow the principle of development of higher education. Charter of university should create a certain environment which is ripe for teaching and research. In the review under the guidance of charter, teaching and research should more dominant in the university, which can better perform its functions. The charter should be given to both the state of country and university. There is a certain administration system in Chinese university, which implements the president under the leadership of committee. The development of charter revolves around the academic committee; a new academic management system will be explored, a certain Board of Directors system in Chinese university also will work at full capacity in the future. We learn from the world roll a top university successful experience, such as on the needs of people, the teacher status and college student as the main body of educational policy, while the academic belief, ideal and authority position constitute the charter's academic content, Striking a balance between academic authority and administrative right, and reduce the influence of intervene from the government and administration in university. At the same time, the detailed criteria should be mandated by the national education authorities, in which university would regain its legal status while running the university system in accordance with law. The regulations of charter would bind the university on some certain factors during enact it, for instance, the subject of construction, rulemaking procedures and the schedule of construction. The new charter which constructed under the national counterparts would promote all the management regulations and systems' building and perfection scientific and operability.

The content of charter must follow the principle of characteristic

The charter must follow the national regulations and policies, at the same time, the characters and commonalities are equal importance. The state of the country in china and the development of university make the charter tending to unanimity, but every university has developed its own features in the past, it makes every charter of university itself be a special one, which came through in the terms of charter. Many universities have a long history, splendid culture and a fast development in china, uncritical copy would diminish their past records and specialties. The charter of university should usually include the cultural tradition and characteristic, the biggest luminescent spot has been manifested. The development usually built on the basis of history, which is an important asset originates in practice. University Charter must select and criticized the inheritance of history, select the essence and discard the gross, which should chimed in with the profounder culture from university.

The step of charter construction must follow the principle of normalization

The person liable of charter, should consisted of staff from the leaderships, the professor, the representatives of teaching staff and university student, specialist, representative of government, it is necessary that promising wide consultation on Retired staff representative, alumnus, even Parents Committee. The collective-demand should be demonstrated in the charter, which would attach importance to guaranteeing the various rights and interests of these stakeholders.

CONCLUSION

There is a set procedure for amending the charter; it shall not contravene laws and regulations, should be required to fulfill these obligation as by law enact, should make a decision without prejudice to dedicatee's rights. We must cultivate the ability to find, analyze and solve problems, following the correct procedure in amending the charter, tabling an amendment to the university charter, and must be approved by the original reviewing and approving agencies. At last, the university should republish the charter after approval from the education authorities.

Acknowledgements

Hunan Provincial Education and Scientific Projects (NO. XJK013BGD007); Hunan Provincial Education Department research project (NO. 14A153).

REFERENCES

- [1]Zhang, GY . UNIVERSITY ATATUTES. 1st Edition, Peking University Press,Beijing, **2012**, 55-59.
- [2]Liu,JX.,& Chen, GR.University Research and Practice Issues constitution-building,Chongqing Jiaotong University Press (Social Science Edition), Chongqing ,**2013**,99-101.
- [3]Sun Y,(2012). Analysis of Modern University System under the Perspective. Heilongjiang College of Education Press,Haerbing,**2012**,7-8.
- [4]Luo, Y. To promote the construction of modern university system to improve the quality. Chinese higher education Press, Beijing, **2012**,22-24.
- [5]Xie,XX., Zhi, XZ, Mou, L.Path of the University of New Era constitution building research. Northwestern Polytechnic University Press,Xian,**2013**,92-95.