

On Ruling the Colleges and Universities by Law in Cross-cultural Communication

Xiaodong Jin

Beijing University of Technology, Beijing, China

Colleges and Universities are social institutions and organizations of higher education that are responsible for teaching activities and fostering special talents in China. Accompanying the increasingly growing of cultural exchanges, competition between domestic and foreign colleges and universities is becoming much fiercer. It is especially urgent for us to establish an internal management system suitable for China colleges and universities and develop the higher education with the limited resources available. In this context, I would give a preliminary discussion and analysis on governance and administration of colleges and universities in China with respect to cross-cultural communication.

Rule by Law

First of all, I believe colleges and universities should be ruled by law as the rule of law are practicing in all aspects of China's changing society since 1977. According to the United Nations, "Chinese government announced the goal of governing the country according to law and building up a socialist country with the rule of law in 1977. It is the first recognition at senior levels that the modernization of China depends on laws rather than programs or policies or plans. In March 1999, the National People's Congress (NPC) included the concept of rule of law into China's constitution." <http://www.unchina.org>

Therefore, ruling the colleges and universities by law is a firm assurance for promoting education reform. In order to adapt the new domestic and international situation and handle the fierce competition, education reform and innovation for colleges and universities is a must. In recent years, like foreign university and college, many domestic colleges and universities took forceful measures to promote the reform and innovation and to enhance teaching and research capability, as well as modify curriculums and major constructions.

In order to achieve these goals, a series of measures has been taken, for example reformation can be seen in the change of ranking system, change of personnel system, change in student job assignment or distribution system, reducing CPC organization body and managerial personnel, and allowing independent operation at university level, college and school level as well as the department level. The university management team would lose its accountability if there is no such a mechanism of ruling the school by law in place or in other words, governing the school based on policies and procedures that are officially supported. Therefore, first, the reform of administration and governance of domestic colleges and universities must be legally developed and supported.

Second, to rule the school by law is a necessary requirement for colleges and universities under the new globalization context. After the entrance of WTO and higher education in China has undergone various changes because of opening-door and reformations, there are

new issues coming along and problems are arising within internal management. This situation requires that the domestic colleges and universities must get rid of the out-dated, closed-ended management and establish a sound legalized management mode. During the period of social transformation, many new problems appeared and the basic way to solve these problems is to rule people's behaviors by laws of the country and regulations of the school and establish an effective mechanism of incentive and competition.

Third, to rule the school by law is an embodiment of the policy of "Rule the Country by Law". "Rule the country by law, and build a socialist state under the rule of law" has been determined as the basic principle of running the country in the 16th National Congress of CPC. And ruling the school by law is a significant symbol and interior requirement of "Rule the Country by Law" in the management of colleges and universities; is an important concept of and an inevitable trend for the management of colleges and universities in the 21st century.

The Main Problems Existing in Ruling the School by Law in China

Awareness Issues. The implementation of Rule of Law in China is still new and people need time to learn and understand it. As regards to the advantages and disadvantages of ruling the school by law is not heard and discussed much. Some university and college administrators do not have enough legal knowledge and have not developed strong consciousness of ruling the school by law so they can not proceed well according to legal formalities in their daily work. In addition, China is a country with a history of feudalism for more than 2000 years which still left strong influences and impacts the implementation of both ruling the country by law and ruling the school by law. And this is why the consciousness of ruling the school by law in domestic colleges and universities is rather weak.

Limitation Issue. There are limitations for the present internal management of colleges and universities. (1) There are contradictions with the current laws of our country. The rules and regulations of the school must be based on the laws of the country. The "laws" here shall be understood in a broad sense, including the Constitution, laws (standardized documents formulated by National People's Congress and its Standing Committee), administrative regulations, local regulations, and the international treaties that our country is involved in, all of which shall be the foundation of the rules and regulations of the school. (2) Necessary linkage or consistency is lacking among internal regulations; thus a complete system has not been established. Presently, it is a serious problem in the management mechanism in colleges and universities because of connections and consistency among various rules and regulations are not there. In reality, we found many repetitions of regulations or no regulation is made at all. So the systematization of school's rules and regulations will be obstructed and also it will be hard for people to study and master the managerial rules and regulations. (3) Ruling school by law becomes more difficult owing to the faultiness of the current laws. Although China has enhanced the educational legislation and constitution of rules and regulations, some significant laws and regulations have not been constituted yet (i.e., Students Law and Law on Campus Safety). Besides, the existing laws, (i.e., Higher Education Law) are too general to aid in operation. Ruling the colleges and universities by

law is greatly obstructed by the faultiness of educational legislation.

Measures for Promoting Ruling by Law

Improve or perfect China current educational laws and regulations and the management mechanism in colleges and universities

The management mechanism in colleges and universities shall be based on the following principles: 1) Legality. The formulation of the management mechanism shall comply with the current constitution, laws, administrative regulations and local regulations etc. and shall be invalid if contradicting, which means the regulations of colleges or universities shall be based on the constitution, laws and administrative regulations, not only the content of these laws but also the legislative spirit. 2) Impartiality. In accordance with the requirement of fair protection, the spirit of impartiality shall be borne in the formulation of the rules and regulations. Each and every student shall be treated equally. The same regulation shall be made against the same situation. And discriminatory terms are not allowed. 3) Fair legal procedure. In formulating rules and regulations, related legal procedures of the constitution of administrative regulations can be borrowed in order to guarantee the scientific and standardized operation. As far as matters related to the students' interest are concerned, we shall research carefully and listen to the students' input. This is propitious to raising the legalization level of the management in colleges and universities.

Firmly implement the educational laws and the school's regulations

As Plato said "if the law of a country is in a tributary position and has no reverence, this country is destined to perish; and I think if the law of one country is above its government functionaries and the government functionaries abide by law, this country will be blessed and protected by gods." In the process of ruling the school by law, we shall strengthen the supervision mechanism as well as enhance the construction of a legal system. Thus, all the rules and regulations can be put into practice. So we shall make full use of the functions of the competent departments including personnel department, labor union, publicity department and supervision department. We shall establish a system for publicity of school affairs and raise the transparency of the work. Besides, we shall insist on the principle, "the laws must be strictly enforced, and law-breakers must be prosecuted" in the execution of the managerial regulations in the colleges and universities. In some colleges and universities, some regulations have been formulated but failed to be enforced well, therefore the reverence of the regulations is lost. This is a phenomenon of "the laws fail to be observed and enforced strictly" in the construction of domestic colleges and universities. And that is why there is such a wide gap between our schools and those world-renowned universities like Harvard, Yale and Cambridge, which created a history of prosperity for more than one hundred years by protecting the reverence of their regulations.

Therefore, once a complete regulation system is established, it shall be implemented strictly. Only when every one is equal in regulations and the impartiality of the management in school is guaranteed, can the managerial order of the school be maintained. It is then that the teaching and research level can be raised and domestic colleges and universities can always be successful in the fierce international competition.

Native population since 1969. Her focus is on prevention and early detection of cancer, and education of Alaska's rural health care providers.

Mark Dignan is Director of the Prevention Research Center at the University of Kentucky in Lexington, Kentucky. His research is focused on cancer prevention and control for rural, medically underserved populations.

Parikshit Wadhwa was born in New Delhi, India and came to the United States of America in June 2002. He is pursuing a Bachelor degree at DePaul University. He has worked and taught at HWC, provided volunteer tutoring at Harold Washington College and is currently working at DePaul University.

Xiaodong Jin holds a Bachelor of Economics and Bachelor of Law (LLM) from Beijing University, China. He has lectured in International Economic Law, International Trade Law, International Commercial Law, Economic Law and Intellectual Property Law at Beijing Polytechnic University. He is a practicing attorney in China. As a leader and major member he took part in six legal projects for the government; two at the national level and four at the provincial level. He has written over a dozen articles for various law magazines.

Mr. Zhongwen Liu is Associate Professor who is currently teaching at Liaoning Police Academy, Dalian, China. His research areas include computer-aided English teaching method, police training and criminology. He can be reached at lzw699@yahoo.com

Dr. Thananun Thanarachataphoom is an Academic Officer in Research and testing for the National Institute of Educational Testing Service in Bangkok, Thailand. She has worked for six years as a Research Assistant in the Department of Educational Research at Chulalongkorn University. In 2007, Ms. Thanarachataphoom received her PhD in Educational Research Methodology from Chulalongkorn University.

Professor Zhengxi Li is Vice President of Academic Affairs, North China University of Technology Beijing, China and a well-known scientist in Automation. He has published widely in his research in Automation.