

# THE REALIZATION PATH OF THE MANAGEMENT LAW OF COLLEGE STUDENTS

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## ABSTRACT

Due to historical, conceptual and institutional reasons, there are many legal problems in the management of students in Chinese universities, including the problem of infringement in the management system itself and in the course of management. To standardize the management of students in high schools, we need to establish a standardized concept system of management according to law, integrity management and human-based management, a standardized system of student management and operation of college students, and a system of right relief for disciplinary action on campus.

**Keywords:** University Student Management; Manage School according to the Rule of Law; Rule of Law.

## **THERE ARE LEGAL PROBLEMS IN THE MANAGEMENT OF COLLEGE STUDENTS**

*Schools are administrators, and students need to obey the manager's mindset for a long time and are deeply rooted*

To this day, with the rule of law standards and ways of thinking to examine, in addition to monopoly industries, the degree of marketization of various industries is generally high, the degree of competition is quite fierce, from the administrative system, resource allocation, enrolment arrangements to education and teaching methods, the field of higher education is still full of strong planned economic colour, colleges and universities in the management process to play a leading role, managers, supervisors, students need to obey the manager's thinking is deeply rooted. Colleges and universities are the last bastions left over from China's planned economy that have not yet been fully reformed.

## **SCHOOL MANAGEMENT RULES AND REGULATIONS ARE NOT IN LINE WITH THE SPIRIT OF THE MODERN RULE OF LAW**

From the regulations of the Ministry of Education to the system formulated by the universities themselves, there is no reasonable implementation of the concept of the rule of law, there is a widespread emphasis on the power of the school, contempt for the rights of students, the right norms and compulsory norms are not equal. There are many compulsory norms for students, and the rights norms are few words and describe empty. The right of interpretation belongs to the framer rather than to a third party, and there is no fairness and reasonableness. Rights and obligations should be complementary, reciprocal and the serious imbalance of rights and obligations norms, indicating that colleges and universities have a strong sense of power standardism and disregard the rights that students should have, and, out of the concept of "strengthening management and strictly governing schools", colleges and universities Managers generally strictly formulate and strictly enforce school rules, compared with the implementation of relevant laws and regulations by social institutions, even if it is the same behavior, higher requirements for students, more severe restrictions, heavier punishment, lack

of humane care, neglect the alternative role of Taoism education. Such as the early years of the provisions “in the school students get married to drop out of school processing” “test all for drop-out processing”, and so on.

## **THE RESEARCH ON THE RULE OF LAW IN STUDENT MANAGEMENT IN COLLEGES AND UNIVERSITIES IS NOT PAID ENOUGH ATTENTION TO**

In recent years, the concept of management legalization has gradually been accepted by the management of colleges and universities, and the domestic academic circles, especially the experts and scholars in law and education, have carried out many fruitful and useful explorations and studies from different angles and depths. However, the researcher’s perspective is mainly focused on: how to strengthen the construction of management system, and reform the way and method of school management, etc., have not been able to study to explore the relationship between colleges and students what kind of legal relationship? What is the content of the rights and obligations of school subjects and student subjects and other relevant interest groups in this legal relationship? and how to effectively implement structural and fundamental issues such as the management of student management laws.

## **THERE ARE ACTS OF INFRINGEMENT OF STUDENTS’ RIGHTS AND INTERESTS IN THE COURSE OF STUDENT MANAGEMENT**

In the course of student management, the high schools widely violate the legitimate rights and interests of students, mainly focusing on the violation of students’ right to name, reputation, privacy, freedom, property rights and the right to education.

### ***(1) The admission of students infringes on their right to education and equal education***

In the field of university enrolment, especially in the field of independent enrolment, some college admissions staff take advantage of the admission privilege, ignore the law, and violate

the rights and interests of students from time to time. In addition, the recruitment advertisement exaggerated propaganda to lure students, first study and then to do admission procedures and other illegal means of admission are also emerging, after admission to the professional, study (upgrade, read) and other links of unfair phenomenon prominent.

***(2) Violations of discipline violate students' reputations, privacy, and even the right to education***

Many colleges and universities are unreasonable or even illegal in punishing students who violate discipline. For example, to order students to drop out of school, expulsion procedures are not standardized, deprive students of the right to education, most undergraduate institutions in the management of students have "test cheaters, expulsion" and other provisions. Only a strong school side of the transfer link to intervene, the university according to the words as evidence, according to their own school rules to punish students, and not in accordance with the rule of law procedures, some even do not give students the opportunity to defend, do not inform students of the way to help. The rules of the management of the school are only formulated by the university administrators out of the interest standard, and some even obviously do not conform to the spirit of the modern rule of law.

***(3) Infringements in the issuance of academic certificates and degree certificates***

A degree is an academic title that marks the degree of education and academic level of the person awarded. What degree a professional technician has indicates what academic level or professional qualifications he has, and the vast majority of undergraduate institutions link a level 4 certificate in English to a degree certificate, which states that graduates who fail the English level 4 exam do not grant a bachelor's degree. The Education Act and the Degree Ordinance do not provide that passing the English Level 4 examination is a prerequisite for obtaining a degree certificate.

***(4) Infringements in other administrative aspects.***

Recently installed cameras on campus is very common. Managers video surveillance and exposure of students "illegal sexual behavior", "non-behaviour", and then these defective

behavior and scholarships, grants, evaluation of the first, and even ordered students to drop out of school, violating students' right to education, love, marriage freedom and privacy.

## **THE RULE OF LAW SOLUTION PATH IN STUDENT MANAGEMENT**

High schools in many fields of student management have different degrees of legal problems, the reason for this is that the manager's legal awareness is weak. The principle of the rule of law and due process should be the basic requirement, and only by putting the operation of power under the nose of the school under the rule of law can the legalization of management be realized.

### ***1. Really establish the concept of "school by law" and "human-based management"***

"Ruling schools according to law" is to embody the spirit of the rule of law in the process of management, from decision-making to implementation are based on the law, respect for legal authority, leadership, and the vast number of teachers to seriously study the relevant laws, to achieve the quality of the management of the rule of law requirements. The "Law" here includes not only educational laws and regulations, such as the Education Law, the Higher Education Act, the Teachers' Law, the Degree Regulations, etc., but also the Constitution and other normative documents relating to school education, such as the Civil Law, the Marriage Law, the Women's Rights and Interests Act, the Law on the Protection of the Rights and Interests of Persons with Disabilities and other laws relating to school education. The second is to change the style of work and change the rule of law. The so-called "rule" refers to management, not control, refers to the school management process can dynamically manage according to law, according to law to educate people, rather than passively use the law as a tool to govern the school, not only to use the law's punishment, prevention of illegal acts, but also to play its guiding, evaluation, prediction and education, incentives of the normative role.

College is the holy place of humanities education, is the place where students' physical and mental health, comprehensive quality and all-round development, the core spirit of the core values of socialism is people-oriented, student management should reflect this spirit, from the point of view of contract law, students study in school is to conclude and fulfil the education

consumption contract with the school, students are the buyer, and the school is the seller of services for the buyer, students should be regarded as consumers of higher education, according to the law to provide quality education services to students, which requires colleges and universities to establish the current management process of the general lack of equality and services.

## ***2. Establish a standardized system of student management in colleges and universities***

(1) Improve the system of procedures to regulate the disciplinary action of students for disciplinary violations

If due process is misaligned or defective, it will inevitably lead to procedural injustice, and the legitimate rights and interests of the educated will be difficult to be protected and maintained. Therefore, it is necessary to re-examine the problem of the student disciplinary process and build the consciousness of the procedure. The transfer of evidence against students who violate discipline shall not be carried out unilaterally by the school, nor shall it be concluded by its single aspect, otherwise the school will be both an athlete and a referee, and the results will inevitably be unfair. Therefore, there must be student self-governance nature of the student rights and interests' organizations or professors committee supervision, participation, in order to achieve fairness and justice.

(2) Establish a system of review of student management regulations

In order to avoid the situation of violating the legitimate rights and interests of students and reduce the negative evaluation of students on the school, before each management system is introduced, high schools should be prudent and submit a special system of examination institutions, which shall be composed of responsible personnel, professors' representatives, student representatives and legal professionals, and give full play to the role of professionals such as legal consultants in colleges and universities. The aim is to prevent problems before they occur and to ensure that the system is not defective.

(3) Establish and improve the system of forensics

The judicial process is evidence-based, as is student management. Colleges and universities should establish and improve the system of forensics. Before committing disciplinary action on students, we should carefully examine the evidence submitted by the second-level college where the students are located, and where there is doubt, the student management department needs to make joint student autonomy organizations and professorial committees to personally re-adjust, re-collect evidence and re-verify to ensure that the punishment of students is based on objective and informative evidence, and fully implement the spirit of the rule of law “based on facts”.

(4) Establish a system of major decision-making and major disciplinary hearings

The hearing procedure gives the manager the opportunity to express the rights and interests, but also gives the manager a chance to publicize his management proposition, gain understanding and support, is a system that can make both “win-win”. To enable students to identify with and consciously abide by the school’s systems, they must be open and honest, except for decisions involving state secrets and indeed inconvenient to make public, all major decisions and their formation process should be made known to students. We should pay attention to embodying the students’ rights standard in particular, so that the hearing system of our country’s colleges and universities is connected with the relief means such as appeal, administrative reconsideration and administrative litigation.

At present, China’s rule of law society has basically taken shape, the rapid development of higher education is also a good situation, high school student management should face up to the existing problems, conform to the trend of the times, in order to education and training personnel responsible attitude to change the old management model, the implementation of the rule of law, student autonomy and other advanced university management system, higher education development can be revitalized.

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