

## Rational Analysis of University Administration Nomocracy

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### Abstract

The university administration is the key to security teaching level and school efficiency, which play a crucial role in processes of reform of university education and improvement of the modern education system. Our country is promoting construction of society nomocracy. University Administration Nomocracy is an important part of promoting the construction of society nomocracy. It is able to ensure the effective operation of teaching and research work around university, in addition to promote the full implementation of university administration function. It has to rationally analyze administration nomocracy in aspect of university administration works and explore strategy to promote construction of nomocracy actively.

**Key words:** University; Administration; Nomocracy; Rational analysis

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### INTRODUCTION

University administration plays an important role in university administration work, as well as guarantees for improvement of education level and school effectiveness. University administration becomes more and more crucial while university education and system

are reformed. University administration nomocracy is an important part of nomocracy society. It favors maintaining research and education work, promoting working function of university administration, and contributing development of construction of nomocracy society.

### 1. CONTENT OF UNIVERSITY ADMINISTRATION NOMOCRACY

Main content of university administration nomocracy is fully processed the law-based admonition, which suggests that when universities are conducting the educational activities, they must strictly comply with the relevant provisions of the education law. At the same time, administrative body of university education must be a legitimate organization based on education laws in a certain form; it must be a scientific and legal department. While universities are in the course of conducting executive administrative management, they must guarantee that their administrative activities are within their own authority and strictly in accordance with the regulatory procedure under education laws, and administrative activities undertaken in the course of education still to comply with laws and regulations. It should not be only contrary to the spirit of education, but also bear the responsibility. University administration is part of our society nomocracy construction, as well as an important component of national administration. In order to further improve university administration, it has to keep completing education administration laws. Also, it is necessary to clarify range of university administration laws and rules, and further strengthen university administration nomocracy to make sure that administration behaviors are supervised and fully standardized.

## **2. STRATEGIES OF UNIVERSITY ADMINISTRATION NOMOCRACY**

### **2.1 Promote Nomocracy of University Administrative Relationship**

The university is a public corporation which gains independent rights of administration and teaching based on national relative laws and rule. Therefore, promoting university administration nomocracy is imperative. In the planned economy era, university used an one-way mode of administration, administrators and managers were in relationship of subjection, which was difficult to fill administrative requirements of nomocracy construction, but also restricted nomocracy process. With the advent and the further development of planned economy, universities are still using the traditional management practices, coupled with flawed administration laws, which makes universities face enormous difficulties and challenges in carrying out administrative work, such as unclear university administration functions, difficult to accurately implement responsibilities; a relationship of university administration that lacks of rule and law security constraints. In order to solve these problems effectively, universities must comprehensively process reform of the administrative system, promote administration nomocracy. While in the process of reforming, it has to use education laws and rule to clarify university administration duties, and coordinate the relationship between university departments, and promptly solve problems in promoting administration works in advance. It needs to promote administration nomocracy and institutionalization and ensures that administrative activities are legal and reasonable. It is necessary to constrict activities and solve those existed disorder and capricious issues. It must protect legal rights and interests of administrators and those who are managed to promote comprehensive process of nomocracy.

### **2.2 Promote University Administration's Awareness of Laws**

The problem that universities cannot effectively use the law or even ignore law existed during processing administrative works will affect the quality of administration and restrict administration nomocracy process. One important reason for the existence of this phenomenon is that the university administration's lack of proper awareness of law, therefore one cannot rationally use and follow the law to carry out actually works. Thus, improving awareness of the law of administrators is the foundation and prerequisite of promoting university administration nomocracy, and supervising administrators to work strictly following the law. Educational laws usually are universal and mandatory, which also determines that education laws have a strong effect of constraint and are applicable to administrator and subordinates. They both should

strictly follow education laws and rules. In this regard, universities need to enhance propaganda on education laws and regulations. They need to develop different types of law advocacy and outreach activities for administrators and subordinates, especially to enhance their awareness of laws and establish proper awareness of nomocracy, rights, and equality for administrators, which are able to promote university administrators to consciously carry out administrative activities under laws and regulations, and further standardize their administrative actions. To improve university administrators' awareness of law is a fundamental and basic work for efficiency since only when administrators are mastering in both law and administration, they can combine them consciously and conform to the trend of university administration nomocracy.

### **2.3 Formulate University Regulations Strictly According to the Law**

Laws and regulations have granted universities and the administrative power of administration so that they can formulate corresponding administrative rules according to the actual situation of higher education, so as to improve the operability of abstract legal norms. At the same time, university autonomy is the development trend of higher education, but also allows the universities to have the right to formulate internal rules. Formulating those rules strictly according to the law has become an important element of overall promoting the administration, and the following three criteria must be strictly abided in the development process: First of all, it has to be legal. The main body of the school rules and regulations must be authorized or have the rights granted by the law. The contents of the relevant school rules and regulations must also be within the legal scope of the main body of the school. If there is no authorization of the corresponding authority, these rules and regulations are viewed as invalid content. Second of all, the content needs to be legal. The contents of the school rules and regulations must comply with the law. The important reason for that administration nomocracy and school nomocracy require school rules in colleges and universities must be strictly in accordance with the principle of the law to ensure the legitimacy of the content. Illegal behaviors can lead to invalidation or conviction. At the same time, school discipline rules and regulations must strictly implement the principle of equality and fairness in order to protect the rights and interests of the managed themselves. An important point need to be stressed here is that university administrators cannot create the power to deprive the managed of their own rights, they can only exercise their powers within the scope of law and standardize and specify the legal authority. Last of all, procedures need to be legal, that is, the development of university-level school rules must strictly follow the statutory procedures. The

school discipline rules and regulations in the proposed discussion, voting, announcement and implementation of links should be strictly based on laws and regulations, and to reflect the procedure of normative and impartial principle, in which special attention needs to be paid to follow the democratic openness principle, ensure democratic participation and fairness and openness of information.

#### **2.4 Strictly Follow the Implementation of Administrative Procedures in Colleges and Universities**

The correct procedure of administrative management in colleges and universities is the fundamental principle and the basic requirement of promoting administration nomocracy. The importance of the administrative procedure is mainly embodied in two aspects: One is that the procedure is extremely restraining and can urge the administrators to regulate their own management behaviors. On the other hand, it can provide managers with procedural guarantees to exercise their own control power. Nomocracy in the administrative procedure of colleges and universities should proceed from the following aspects: First, ensure the procedure is open and transparent. Administrative work must be carried out in strict accordance with public rules and standards, such as, administrative management of the academic assessment and school discipline, and so on, must be carried out based on open and transparent procedures while ensuring the operability of the program. Secondly, establish and improve the hearing system. A sound and perfect hearing system can ensure efficient administrative behaviors are supervised, the managed can give feedback based on their opinions, and it can maximize their interests and knowing right, and achieve the balance between powers. Thirdly, explain the reasons. Explaining the reasons can guarantee that the administrators and the relative persons have equal rights of information, but it also can guarantee the maximum fairness of the procedure. Fourthly, deliver. In the course of carrying out administrative work, colleges and universities must accurately deliver and inform the accurate information to ensure the right to know and enjoy the right of relief. Lastly, follow the avoidance system regulations. College administrators must strictly follow the avoidance system regulations in their daily work for anything involved in matters of both interests.

#### **2.5 Justification of the Content of Administration in Colleges and Universities**

It is necessary for promoting administration nomocracy in colleges and universities to gradually achieve the legitimacy of the administrative content, to reach the substantive justice of the administration, and to maximize the core value of the administrative management. To achieve the legitimacy of the content of administrative

management of colleges and universities need to focus on the following aspects: First of all, to avoid abuse of power and the phenomenon of ultra vires. College administrators must exercise their powers within the scope of legal authorization, strictly in accordance with the law to carry out administrative affairs, and are strictly prohibited from the abuse of power and ultra vires without any basis. Second of all, to ensure the applicability of laws and regulations. The implementation of administrative work in colleges and universities needs to have a comprehensive understanding of the applicability of laws and regulations in order to apply the relevant law and regulations in practice and ensure the orderly development of nomocracy. Third of all, the administrative behavior of colleges and universities must uphold the principle of impartiality. Laws and regulations have granted the administration authority to manage and made the scope of management clear, which requires the administrative departments to make reasonable use of discretion to avoid abuse of power, especially focusing on the fairness when handling incidents. Last of all, to further improve the evidence. In order to ensure the legitimacy of administrative action, it is strictly forbidden to collect evidences afterwards in order to guarantee the order of administration nomocracy.

#### **2.6 Perfecting the Right Relief System in Administration**

“Where there is right there is remedy” plays an important role in the advancement of administration nomocracy in higher education, and it also reflects the importance of constantly improving the system of right relief in administration. Our laws and regulations state the administrative managers of colleges and universities have rights of appeals, reconsideration, and litigation. These methods can be used to protect their vital interests and legitimate rights, but they are usually very expensive and time-consuming, which is not conducive to the improvement of the efficiency of the administration nomocracy. In the course of promoting university autonomy, colleges and universities should make full use of their own autonomy, to increase the relief methods according to the actual needs of the administrative work of colleges and universities, to use campus arbitration, that is, to set up administrative institutions for arbitration in colleges and universities, and to increase its legislative indemnity. In this arbitration institution, we can invite academic and legal professionals to serve as fixed arbitrators, select teachers and student representatives as temporary arbitrators, all of them can execute arbitrations on universities management activities according to the request from administrative managers. During the process of the full implementation of the campus arbitration system, we can further promote the process of administration nomocracy in colleges and universities, effectively solve colleges’ and universities’ internal

problems, improve the efficiency of contradictions and ensure the full realization of university autonomy.

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## CONCLUSION

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Colleges and universities are the cultivation base for talents, and the administration democracy in colleges and universities will be directly related to the overall free development of students. Therefore, the university administrative staffs must pay more attention and use education laws and regulations as an important basis during the process of carrying out administrative work to implement the concept of democracy, reflect national democracy within the administrative management and contribute for China's socialist construction of democracy. Colleges and universities administrative departments must positively respond to the call of democracy during their specific work, comprehensively promote administration democracy, and actively explore effective strategies to promote the rapid development of university education.

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