

Improve the "Higher Education Law" to Help Reform the Employment System for Teachers in Colleges and Universities

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Abstract

In the process of implementing the employment system reform, disputes frequently arise between colleges and universities and teachers due to the low level of protection of the rights and interests of teachers, so how to comprehensively protect the legitimate rights and interests of college teachers and provide fair, just, legal and effective rescue channels urgently need to be clarified within the framework of the rule of law. This paper studies the characteristics and historical development of the teacher appointment system in colleges and universities at home and abroad, analyzes the current situation of the reform of the domestic college teacher recruitment system in recent years, and explains the content of China's Higher Education Law for the reform of the employment system.

Keywords

Employment Reform; Teacher Appointment System of Domestic and Foreign Universities; Higher Education Act.

1. Introduction

Since the Third Plenary Session of the Eighteenth Central Committee of the Communist Party of China in 2013 put forward the requirement of "deepening the comprehensive reform in the field of education", [4] major universities have fully implemented the autonomy of universities in personnel management, and promoted classified management and assessment and evaluation work and implemented refined classified management of posts in terms of human resource allocation and human resource management in accordance with the law. Improve the open employment system, establish a mechanism for the withdrawal of college personnel, and explore the establishment of a new system of teacher positions that is compatible with the characteristics of China's colleges and universities.

Especially since the 14th Five-Year Plan, under the new development pattern, how to effectively carry out the employment of teachers has become an important research topic in human resource management in colleges and universities. Faculty is a top priority for a university's human capital. The recruitment, management, training and development of teachers is an important matter of personnel management in colleges and universities. This paper studies the characteristics and historical development of the teacher appointment system in colleges and universities at home and abroad, analyzes the current situation of the reform of the domestic college teacher recruitment system in recent years, and explains the content of China's Higher Education Law for the reform of the employment system.

2. Teacher Appointment System of Domestic and Foreign Colleges and Universities

2.1. Teacher Appointment System for Foreign Colleges and Universities

At present, the management of the teaching staff of colleges and universities in Western countries is mainly divided into two forms: the tenure system and the appointment contract system, and foreign colleges and universities have gradually replaced the tenure system with the appointment contract system. The appointment system of teachers in foreign colleges and universities can be divided into three basic types: First, the American model, the lifelong system, the appointment system, the contract system and the probationary system are parallel at the same time, there is no term of office for senior title personnel, but there are clear provisions on the appointment period for low-level titles; The second is the German model, in addition to professors, university teachers have tenure provisions; Third, the Japanese model, in which universities selectively employ all personnel, such as assistant professors, associate professors, and professors, according to their own judgments, and implement them nationwide through legislation. At present, colleges and universities in the United States, Germany, Japan, Britain, France and other countries generally adopt a teacher recruitment system, and the promotion of teacher positions is also achieved by recruitment. Selecting the best candidates avoids the "inbreeding" of the teacher team and promotes the benign development of the teacher team.

2.2. Teacher Appointment System in Chinese Universities

China's employment system is based on the advantages of the Tenure Track system of American universities, and at the same time combines China's national conditions and school conditions to establish a "pre-recruitment - long-term employment" system for teachers. By setting up "pre-hired" positions and adopting the employment model of "either promotion or departure", a benign flow mechanism for the teaching team is formed, and more outstanding and potential young talents are selected, so as to promote the continuous enhancement of the vitality of the teaching team, and the development of the school and the discipline are more competitive; For teachers who have obtained "long-term employment" positions, establish an appropriate assessment and incentive mechanism to promote their motivation and continuous development after long-term employment[1].

China's "Higher Education Law" and "Teachers Law" have clear provisions: the state implements a system of teacher qualifications, positions, and appointments, and through assessment, reward, training, and training, improves the quality of teachers, strengthens the construction of the teacher team, and schools and other educational institutions should gradually implement the teacher appointment system. China has relevant guidance and provisions in the "Implementation Opinions on Deepening the Reform of the Personnel System in Colleges and Universities" and the "Outline of the National Medium- and Long-term Education Reform and Development Plan", which have given policy support to the reform of the teacher employment system in colleges and universities[2].

However, in the process of implementing the employment system reform, disputes frequently arise between colleges and universities and teachers due to the low level of protection of the rights and interests of college teachers. Since the implementation of the Higher Education Law, teachers have been guaranteed to a certain extent in the identification of teacher qualifications, participation in training, academic exchanges, declaration of scientific research results, and improvement of the working and living environment, but in recent years, with the reform of public institutions across the country and the gradual expansion of the scope of market-oriented reform between teachers in colleges and universities, the "cases" involving disputes over rights and interests between teachers in colleges and universities have increased year by year, mainly including the evaluation of professional titles, academic evaluations, and

treatment after retirement. However, China's current laws only give college teachers the right to appeal, and the above disputes are excluded from the court's supervisor, and many "cases" involving the vital interests of college teachers are difficult for the court to intervene to determine the dispute. With the continuous improvement and improvement of China's labor law system, only the basic legal relationship of college teachers involving the term of labor contracts is included in the judicial process, and the punishment of college teachers, the deduction of performance wages, and the evaluation of professional titles are still excluded from the court supervisor. Therefore, how to comprehensively protect the legitimate rights and interests of college teachers and provide fair, just, legal and effective rescue channels urgently needs to be clarified within the framework of the rule of law.

3. Conclusions and Revelations

The "Decision on the Reform of the Education System" was promulgated as early as 1985, "reform the management system, resolutely implement the simplification of administration and decentralization, and expand the autonomy of schools while strengthening macro-management." This is also the first time in history that a policy document has mentioned the expansion of the autonomy of universities. At present, China has clarified the core essence of institutions of higher learning in the reform and development through the formulation of a series of laws and regulations supporting the Higher Education Law, and coordinated the development system of disciplines, the scale of talent training and the professional layout of institutions of higher learning in accordance with the characteristics of administrative regions at the same level; Facilitating the development of institutions of higher learning, especially those involving the introduction of talents (e.g. residence, entry-exit, settlement, social security, medical care, housing, etc.); In the establishment of professional and scientific research institutions within higher education, independently set up a professional evaluation system, independently arrange the allocation and use of funds, realize the transformation of scientific and technological achievements in accordance with laws and regulations, expand international exchanges and cooperation, and implement the independent enrollment rights of colleges and universities.

In short, the provincial government to coordinate the administrative power of education in the region to achieve the government and schools, the government and society, schools and society between the three standardized power operation mechanism and system safeguard measures, in order to create a new type of relationship between the government, institutions of higher learning and society and a good higher education ecology, under the unified deployment of the central government, the local government according to their respective resources to carry out rational optimization of allocation, adhere to respect for the market, guarantee efficiency as the objective law, and coordinate to promote "the government according to law administration, schools run schools according to law, teachers teach according to law, The implementation mechanism and supervision system of the rule of law in education that the society supports and participates in the governance of education in accordance with the law."

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