



# Chinese Road of Modern University Governance towards the Modern University of Order and Freedom

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## ABSTRACT

The modern university embodies the complexity of an organized society, with numerous internal and external stakeholders involved in decision-making. The inherent logic of modern university governance is: Power restriction and rights protection, innovation of governance mechanism and improvement of academic power are the core propositions of China's modern university system construction. Governance modernization is a profound reform of the university system, which can effectively promote the reform and development of higher education on the macro level and improve the management process of colleges and universities on the micro level. The construction of a modern university system in our country needs the support of a belief system. The Chinese road to modern university governance is a modern university that leads to order and freedom. The establishment and improvement of a modern university system with Chinese characteristics is a systematic project. It should not only learn from the advanced experience of western developed countries, but also be rooted in China's special social and cultural soil and also need to adapt to the national development situation and the background of the new era of higher education.

**Keywords:** Modern university governance; China's road; Innovation of governance mechanism; Order; Freedom

## INTRODUCTION

Since the reform and opening up, Chinese higher education system has undergone institutional changes of "marketization" and "socialization". In 1978, the State Planning Commission and the Ministry of Education jointly issued a notice that colleges and universities could enroll "day students at their own expense" outside the plan. The higher education system thus opened up social resources outside the country, which was the first step in marketization. In order to actively adapt to social changes, in December 1979, several leaders of Fudan University, Shanghai Jiaotong University, Tongji University and Shanghai Normal University jointly issued an article in the People's Daily calling for "expanding the autonomy of colleges and universities" and asking the government to subordinate colleges and universities. Autonomy, "including human rights, financial rights and management rights in teaching and research." This is the first institutional reform movement (called the movement from the bottom up) brewed in Chinese colleges and universities.

Corresponding to policy, the campaign was aimed at gaining organizational independence from state-controlled universities. After 2010, a new trend has emerged in the reform of colleges and universities in China, which has lasted for more than 30 years, trying to overcome the traditional management through governance reform to solve the problem of college administration, cultivate the spirit of college, innovate the governance mechanism and improve the quality of education [1].

## LITERATURE REVIEW

### Basic features of modern university governance

**The modern university embodies the complexity of an organized society:** Modern universities are a kind of loose organization with a federal nature. There are two forces of decentralization and integration at the same time, which can best reflect the "organized social complexity". A university with a complex organization and many departments may actually

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operate more like a federation than a hierarchical bureaucracy. The modernity of the modern university system is an attribute acquired after the development of the university system into the modern period of social history. The modern university system is established on the basis of the classical university system and it is also the extension and development of the traditional university system [2].

**Numerous stakeholders inside and outside the university participate in decision-making:** Modern university governance is the structure and process in which stakeholders inside and outside the university participate in the decision-making of major affairs of the university and it is the allocation and exercise of decision-making power among stakeholders. Modern universities are places of knowledge innovation and the cornerstone of social progress. If there is no academic freedom as the spiritual support of the university system, it will suffocate scholars' pursuit of knowledge and even bring about negative effects on social development. Academic power is a kind of dominance between freedom and restraint. Improving academic power, restricting administrative power and forming a dynamic balance between academic power and administrative power can effectively prevent the excessive interference of administrative power on academics, so as to solve the problem of administrative issues deep-rooted colleges and universities in our country. Therefore, to determine the weight of academic freedom and increase academic power in the form of policies and laws and to establish a substantive academic committee, is a kind of social progress, which is worth looking forward to [3].

**The logic of legal rights implicit in modern university governance: Power restriction and rights guarantee:** University is the most complex legal person organization in modern society. The legal relationship of public universities in China is particularly complex. Power and rights are intertwined and internal power and external power are intertwined. The jurisprudence analysis of modern university governance needs to construct an analytical framework between the powers and rights inside and outside the university [4].

From a legal perspective, modern university governance is the distribution and balances of legal rights. The distribution and balances of legal power must consider three basic dimensions: One is the type of legal power, that is, which power belongs to the government, which power belongs to the university and which power belongs to the society and the market; the extent to which the external legal subjects such as the market and the internal legal subjects of the university, such as teachers, student, administrators, use this power; the third is the governance structure of university legal rights, which can be divided into horizontal structure and vertical structure. The configuration of the university's legal power is mainly manifested in the confirmation of the government's power by the law, the government's authorization to the university and the school's entrustment of the power to the faculties and teachers. The former requires the government to respect the school's right to run a school and to delegate some of the national education administrative powers that are highly specialized and incapable of being exercised by the government to universities through authorization or entrustment and the government reserves the

right to supervise them. The latter requires that the focus of power be shifted downwards and academic and administrative powers such as the adjustment and setting of disciplines and courses, the management of scientific research projects and the right to hire teachers are delegated to the department level, so that the organization of the department has a certain degree of autonomy [5].

The logic of legal rights contained in modern university governance starts from the limitation of power and the protection of rights and tries to correct the stronger power and protect the weaker right, so that the right and the power are confronted and the power and the power are confronted and finally the balance between the right and the power is realized. The balance between rights and obligations implied by rights and powers and between powers and responsibilities. The power and rights in the legal rights structure of traditional universities are in a state of "mutual invasion", while the essential requirement of the legal rights structure of modern universities is the "interaction" between power and rights. Decentralization and accountability are an important fulcrum of legal analysis and an important aspect of university governance. The basic connotation of university legal rights governance is to adhere to the responsibility standard in the relationship between power and power (authority and responsibility), adhere to the right standard in the relationship between rights and power and adhere to the combination of rights and justice in the relationship between rights and obligations [6].

### The Chinese context of modern university governance

The modernization transformation of Chinese society after 2000 has brought Chinese universities into line with Western universities in form, but it has gone to the other extreme: Commercialization of education and administrativeization of universities, accompanied by more academic corruption. Under this background, the Western concept of university governance was introduced and China began to reform the university governance system.

**University power imbalance and weakening of teachers' participation:** In the historical process of university development, university governance is different from the traditional top-down university management, which involves the power allocation of various stakeholders. Teachers' participation in university governance is an important endogenous force for the harmonious and healthy development of universities. Teachers' participation in modern university governance is the guarantee for the realization of efficient and scientific university governance, the demand for improving the organizational atmosphere of universities and the need for teachers' self-realization and professionalization. In the current development process of modern university governance, there have been problems such as misunderstanding of the concept of multiple subjects, the weak level and depth of teachers' participation in university governance caused by power imbalance and the weakening of teachers' participation in governance in institutional power. In the future development of university governance, it is necessary to promote the development of

modern university governance in a healthy and healthy direction by enhancing the awareness of teachers' participation, establishing a people-oriented governance concept, scientifically positioning power and realizing the interaction of academic and administrative power through the establishment of coordinating institutions [7].

**The objective of the university organization is ambiguous and the interests of multiple subjects are conflicted:** University is a complex organization and multiple subjects inside and outside the organization will inevitably have conflicts of interest, resulting in blurred organizational goals. The real proposition of university governance structure includes multiple meanings: Responding to the governance needs of "conflict and multiple interests", constructing a decision-making power structure that can reflect the characteristics of stakeholders' organizational attributes and principal-agent relationship; its "organizational surplus" is a public value determined by social interests and each stakeholder should not exercise control over the university independently; the university governance structure is a more fundamental institutional structure than the management structure and its fundamental purpose is to establish a reasonable connection between the university's decision-making process and the subject of social rights and achieve social value balance. The Chinese context of the university governance structure is: The change of the school-running system provides the legal basis and operational space for the government and the university to establish a contractual relationship with a principal-agent nature; the change of the management system makes the decision-making responsibility of the university abruptly increased and the decision-making power is highly concentrated, the risk will appear; the change of the financing structure of running funds shows that the social foundation of the university is becoming more and more extensive and the attributes of its stakeholder organization are changing from vague to clear. Chinese universities have crossed the pre-governance period, but to move forward to the governance stage must rely on the promotion of the upper political authority, in order to break through the "system locked state" and solve the historical problem.

There are problems of offside, absence and dislocation in the government management education in our country, as well as the self-development and self-discipline mechanism of colleges and universities are not perfect and the social participation in education governance and evaluation is not sufficient. The construction of a modern university system must adhere to the "four basic principles", which are academic autonomy, academic freedom, academic neutrality and academic accountability. University autonomy is the premise and guarantee for the realization of academic freedom. In order to make universities better serve the society and give full play to the role of higher education powers, the university system design should truly grant and implement the necessary autonomy in running schools and at the same time endow the university with corresponding academic and social responsibilities. In the management of the university, it needs to have its own appropriate space for school governance and requires the members of the university (faculty and students) to maintain

academic neutrality and do their studies impartially and carefully.

**Changes in university governance show a strong path-dependent color:** Since 1949, the changes in the governance structure of the Chinese government and colleges and universities have gone through three stages characterized by state control, administrative dominance and legal personification. Changes in concepts; changes in the governance structure of the government and colleges and universities show strong path dependence, but the power game between the government, colleges and universities and multiple social subjects, as well as the reform tension of administrative power and academic power within colleges and universities has promoted the system change.

However, in practice, Chinese modern university governance has fallen into the predicament of dislocation of power allocation, deviation of governance orientation, vague value mission and uncoordinated operation mechanism. According to the deployment of the "National Medium and Long-term Education Reform and Development Plan (2010-2020)", in 2012, the Ministry of Education launched the formulation of the constitution of Chinese universities. The reason why modern universities need charters is determined by the particularity of university organizations. A university is an organization for talent training and academic research. The design of a university system should be conducive to running schools according to the law of their own development, teaching according to the law of talent growth and governing the school according to the law of scientific management. The university charter is the concentrated expression of the university spirit and its mission is to improve the quality of the university's endogenous development. A modern university is a university that can cultivate innovative talents, a university with ideals and soul, a university with wisdom and vision, a university with vigor and mind and a university with courage and backbone.

Government failure, market failure and poor governance provide an opportunity for the introduction of the theory of good governance. The third plenary session of the 18<sup>th</sup> CPC Central Committee clearly put forward the goal of "promoting the modernization of the national governance system and governance capacity". In 2013, my country's top decision-making level put forward the new ideas for the development of governance reform and put forward the goals of governance system and modernization. In 2014, the government further clarified the management responsibilities and authorities of higher education and promoted the construction of a modern university system with the constitution as the core. Policies such as the opinions on further expanding the provincial government's educational coordination power and the opinions on further implementing and expanding the autonomy of colleges and universities to run schools and improving the internal governance structure of colleges and universities have been issued successively, providing the means for realizing the government's macro-level "management of education" and the institutional carrier for independent "running of schools" of colleges and universities. In 2014, the national education system reform group office officially approved the "Comprehensive

reform plan of Tsinghua University" and "Comprehensive reform plan of Peking University", which is a bottom-up reform. These governance changes may impact the current management concepts, management systems and management methods of Chinese universities [8].

In March 2017, the Ministry of Education and other four departments issued the "Several opinions on deepening the reform of streamlining administration, delegating power, delegating power and optimizing services in the field of higher education", proposing to prevent the expansion of government power and promote the reform of "delegating power, delegating power, delegating power, delegating power, delegating power, delegating power, delegating power and optimizing services" in the field of higher education. A new type of governance relationship characterized by "government macro-guidance-university-run schools. The resolution of the central committee of the communist party of China on major achievements and historical experiences of the party's centennial struggle" adopted by the sixth plenary session of the 19<sup>th</sup> central committee of the communist party of China is an important part of China's efforts to accelerate the construction of an educational power. Action guide, we need to open up new realms in pioneering innovation and deepening the comprehensive reform of education, improve the ability of colleges and universities to serve the national and local economic and social development, improve the connection mechanism of production, education, research and government and optimize the layout of disciplines around the national strategic needs. Scientific research and innovation and actively promote the inheritance and innovation of university culture.

At present, under the guidance of the governance concept, Chinese higher education emphasizes the active transformation of government functions and the participation of social subjects through multiple participation and mutual checks and balances to implement and expand the autonomy of colleges and universities. Correspondingly, the traditional "order-the legal basis of "control" has weakened and the new governance structure of "limited government governance and university corporate governance" tends to be balanced.

### Boundary delineation of modern university governance

University governance should focus on legal rights, focus on legal phenomena such as power and rights, seek the benign interaction of legal subjects, seek the regulation and balance of legal rights and maximize the realization of the overall interests of society.

**Reshape university culture and construct a cultural identity system for university governance:** Improving the governance capacity of modern universities is the key to establishing a modern university system. To break through the predicament of university development, we should focus on the origin of the university. As a social organization, a university is a cultural existence. The unique attributes of university culture require that university governance should follow the laws of social development and the laws of university own development,

reshape university culture based on university reality, and construct a modern university governance cultural identity system with Chinese characteristics.

Within a country's higher education system, the mutual recognition and coordination of various legal rights is a sign of the rational structure of university legal rights. On the one hand, university legal rights need to take academic freedom and academic autonomy as the basis for its content and its own legitimacy; on the other hand, the realization of university legal rights is restricted by the conditions of the field of experience. To ensure the realization of freedom rights, legal rights should be a combination of ideals and reality, rationality and experience. The construction of the university order in our country relies on a new "statute", which reiterates the power and responsibility boundary between the university and the government and other legal subjects and requires a new institutional arrangement and legal rules to carry out various legal elements of the university. Scientific configuration, establish a university legal rights structure with benign interaction and mutual recognition of power and rights.

**Based on the law, rebuild the boundaries of various legal rights of the university:** The system construction of university governance in our country needs to be based on the law and rebuild the boundaries of various legal rights. The external governance of modern universities means that the state has the right to regulate the university's school-running behavior, but it does not mean that the state has the right to intervene in the internal or academic affairs of the university. To rebuild the autonomy of the university, a rigid boundary must be set for the power of the government and the university. This boundary is not only a constraint, a kind of supervision, but also a kind of norm for both the government and the school. The university charter is a form of university autonomy, which can effectively maintain the inherent tradition and eternal value of the university, stimulate the enthusiasm of all teachers and students to engage in advanced cultural research, provide bottom-up inner rational needs and follow and maintain the endogenous development of the university. The objective laws of the university take the responsibility and mission of adhering to the ideals of the university. Within the university organization, it is still necessary to balance administrative power and academic power, party committee power and president power, management power and teacher and student rights. The decision-making and execution of various tasks in the process of university governance are not limited to administrative power. To balance the two different organizational control and influence of administrative organizations and academic organizations, the rights of teachers and students should be demonstrated. To this end, university decision-makers should change the status quo of generalized administrative power and weakened academic power and truly expand academic power; adhere to the principle of unifying responsibility and power and give colleges more autonomy; give academic staff more academic rights to form an internal governance structure with multi-party participation and benign interaction. On the basis of the legal rights governance structure, the university governance process can be carried out. Various legal rights subjects jointly manage their general affairs under the condition of conflict and

multiple interests and the mutual recognition and coordination of various legal rights. In the university, a moderate combination of academic power and administrative power has been achieved and they are jointly committed to the management of various affairs of the school.

Among the external powers of Chinese universities, the power of the government is the most powerful and the most influential. In fact, the power of the government is not terrible, the terrible thing is that this power has no boundaries. "The powerful use of power until they encounter a boundary." The lack of autonomy of Chinese universities is not only due to the excessive government power, but also that government power and university academic power are intertwined and difficult to separate; it is not only the problem that university power is too small, but also that university power is melted by government power and it is difficult to extracted from it.

Under the background of my country's current modern university system construction, there must be a new interpretation of statutory power and statutory rights. For university governance, the allocation of legal rights actually contains two dimensions, one is the construction and regulation of power and the other is the maintenance and protection of rights. Therefore, university governance must implement the law of equity to achieve a balance between two aspects. One is the balance between the government and institutions to ensure the academic freedom of the university as an academic institution. The second is to ensure the balance between academic power and administrative power in the school, implement "the principal runs the school, professors run the school", school affairs are open and democratic management is ensured to ensure the role of teachers and students in school management and effectively safeguard the rights and interests of teachers and students.

In the aspect of university governance, there are many legislative issues, such as the demotion of university decision-making power and the sharing of responsibilities, the transfer of power and the protection of rights in academic management, the distribution and balance of rights, responsibilities and rights among various stakeholders inside and outside the university, etc. To solve these problems, we need to clarify the boundaries of each other's rights and responsibilities in legislation and obtain legal confirmation and protection. From a legal point of view, modern university governance must first clarify the legal relationship between the university and the government, society, teachers and students through higher education legislation, clarify the powers and rights boundaries enjoyed by each subject and clarify the legal status of higher education institutions. Reasonably allocate the rights of different subjects and determine the legal rights and obligations of members within the university through laws.

**Emphasize power relations and improve university governance structure:** Adjusting and straightening the governance structure of colleges and universities is the difficulty and the key to perfecting the modern university system with Chinese characteristics. The construction of "first-class" colleges and universities with Chinese characteristics requires the comprehensive promotion of modern university governance, the

most critical of which is to adjust the multiple power relations inside and outside the university, which is the reconstruction of the traditional university governance model.

In the current context, reshaping the power relationship of modern university governance urgently requires systematic exploration in three aspects: Updating the governance concept, improving the governance structure and optimizing the governance approach. In the concept of coordinated development, it is necessary to improve the horizontal power system and the vertical power system and to optimize the open approach, the effective approach and the sustainable development approach. Only in this way can modern universities form an ideal form of power relations under the governance framework as a whole.

The improvement of the university governance structure actually means the independence of the university's sponsors, administrators and managers and the separation and reconstruction of academic power, government power and market power. As the funder of universities, the government's functions in higher education are concentrated in the appeal of public interests, to ensure the fairness and impartiality of higher education, to realize the responsibility of public finance and to ensure that universities can better serve the public, to better meet the overall needs of national economic and social development. In a modern society under the rule of law, the distribution of power and rights should be done by law. The legislative response related to higher education in my country is to establish and improve relevant laws and regulations in the process of establishing a new governance model and establish and improve relevant laws and regulations between universities, the government and the market. Carry out a reasonable allocation of legal rights and establish the behavior mode of each legal rights subject through the legal regulation mechanism.

An important aspect of improving the governance structure of a university is to establish the dominant position of academic power in the operation of the university and an institutional guarantee should be provided for this dominant position. On the one hand, academic power and administrative power should be reasonably delineated in their respective scopes and fields of activity, so that the two can form a power structure that coordinates, cooperates and checks and balances each other. On the other hand, the university system should provide a procedural model for the exercise of academic power that conforms to the academic characteristics, avoid the arbitrariness and subjectivity of the exercise of academic power and make the exercise of academic power subject to reasonable and necessary constraints.

To improve the governance structure of the university and implement the academic autonomy of teachers, it is necessary to have corresponding legal support and organizational system guarantee. The natural strength of government power may erode the academic power of universities at any time and the academic autonomy of teachers can only be achieved through institutional framework and legalization. In 1998, China's "Higher education law" stipulated "the establishment of an academic committee" to "deliberate on the establishment of disciplines and majors, teaching and scientific research plans and evaluate teaching and

scientific research achievements and other related academic matters". However, due to the lack of legal culture in our country and the differences in management endowments, the academic council presents various drawbacks: Unscientific decision-making, dominance by strong institutions, personal manipulation, the will of the executives and the role of "harmony". The academic council established in accordance with the law by western universities is a useful reference. On December 27, 2015, the 18<sup>th</sup> meeting of the standing committee of the twelfth National People's Congress "Decision on amending the higher education law of the people's republic of China" suggested the first amendment to the higher education law. In 2018, the "Higher education law of the people's republic of China" made some amendments and in Article 17, "higher schools may, according to actual needs, report to the competent education administrative department for approval and make adjustments to the school's study period" to "higher education." The school may adjust the length of study in the school according to the actual needs." It can be seen that the power relationship between my country's universities and the government is making new adjustments, the autonomy of universities has increased and the governance structure of modern universities tends to be improved [9].

## DISCUSSION

### The development direction of modern university governance

The construction of China's modern university system can make people worried or calm, which depends entirely on the observer's personal perspective. From the perspective of social law, the success of the reform of the university system depends partly on belief systems, partly on the forces of the environment, partly on contingent actions and partly on development paths.

**A new dimension of Chinese modern university governance: Co-governance of Germany and France:** The construction of modern university system in China needs the support of belief system. Compound co-governance is an interactive mechanism in which different governance methods cooperate and complement each other and jointly govern universities based on common interests. It is not only necessary but also feasible for universities in our country to carry out compound co-governance. The path of compound co-governance of Chinese universities is to establish a university governance concept with local characteristics, improve the basic educational legal system, rationally distribute university governance power, try out the university board system with Chinese characteristics, enhance university autonomy, increase participants and realize the realization of university governance [10].

Observing Chinese university governance from the perspective of rationality, nature and open system can interpret university organization and governance more systematically, nest it into the University Power Triangle Theory and propose a coordination mechanism model for Chinese university governance. In the external context of globalization and national governance, the model includes the following core elements: Discipline construction, morality and etiquette, power allocation and

people in the organization. Discipline construction mainly plays the role of explicit norms, power supervision and value guidance. The order of morality and etiquette mainly plays the function of social norms and cultural influence and the legal power allocation is related to the boundary, operation and game of power within the university; the three ultimately depend on the concept and behavior of each specific person in the organization and habit [11].

**The goal of Chinese university governance is to move towards an orderly and free modern university:** To innovate the governance mechanism and improve the academic power is the core proposition of China's modern university system construction. Some scholars have pointed out that the construction of a modern university system must meet three prerequisites: A service-oriented government, a university with a backbone and a powerful alliance. A service-oriented government refers to the transformation of the government's management of education into governance, which is an external force; a university with a backbone means that the university must take responsibility and has a sense of social responsibility; a powerful alliance mainly refers to the internal and inter-university cooperation. The union of academic strengths.

The force of environment is the external force of the construction of modern university system. In the world, the reform of higher education has a dual trend of change: On the one hand, the government is reducing the control of colleges and universities; on the other hand, the management and autonomy of colleges and universities themselves are strengthening. In many countries, including China, this trend will continue. Judging from the current situation, along with the above process, competition among universities will intensify, funding methods for teaching and research will become more competitive and university management will become more market-oriented; at the same time, universities need to undertake more quality assurance and social service responsibilities [12].

Strengthening the autonomy of universities in running schools is one of the important trends in the reform of higher education in the world today. In line with this, constructing a modern university system and improving system execution are the key links for universities to better access and use power and are also the only way to realize the modernization of higher education governance system and governance capacity. The Singapore government has achieved positive results in giving colleges and universities the autonomy to run a school by implementing the reform of the corporate legal person system in colleges and universities. Under the background of accelerating the construction of "double first-class" and deepening the reform of education evaluation in China, the experience of Singapore's University Governance reform provides a useful reference. The adjustment of the triangular powers of the government, universities and society is the direction of optimizing governance and governance in Chinese universities and it is necessary to strengthen. The autonomy is the core to build a modern university system with Chinese characteristics.

**The path of Chinese university governance reform: International perspective and Chinese style:** The construction

of a modern university system with Chinese characteristics is a systematic project, which should not only learn from the advanced experience of western developed countries, but also be rooted in China's special political, social and cultural soil.

Looking forward to the future, the reform of my country's university system should maintain an international vision and carry out local actions and organically combine the two, so that the internationalization and localization of higher education development go hand in hand. The power distribution model formed by the American higher education system and the two-tier governance structure of British universities have institutional advantages and it is worthy of reference. The belief in academic freedom and the legal culture of separation of powers and checks and balances have created the dual governance structure of British and American universities and the dual governance structure has created the efficiency and excellence of British and American universities. In the legal power structure of British and American universities, academic power and administrative power form a dual structure, which undertakes two different governance functions, academic and transactional. Most British and American universities have established a legal person-board system. Various types of legal rights have been integrated and allocated around the core goals of the university, forming an effective organizational framework and mechanism. Various forms of power constitute a set of restrictive networks of mutual balance [13].

The characteristic of the construction method of the modern university system with Chinese characteristics is that it mostly sets the agenda according to the top-down method, follows the Chinese and Western methods to obtain resources, promotes the construction process through the game of multiple forces and follows the path of returning to the original and creating a new one to adjust the method. One of the basic directions of modern organizational change: To get rid of managerialism and change the tendency of pan-administration. The experience provided by the reform of the university system in western countries includes: Continuing to maintain the autonomy and independent responsibility system of the university, while strengthening and establishing the mechanism and organizational system of the university's freedom, self-discipline and self-reliance and implementing the management that combines the university's independent power with strict due diligence in principle. The successful experience of western countries provides a reference for the reform of university governance in our country. Modern university governance is the governance of complex organizations, which requires the intervention of the law and the power boundary between the government and the university must be contracted. The government belongs to the government and the university belongs to the university. This is the premise of the establishment of the independent restraint mechanism of the university. The current direction of efforts is how to rigidify the power boundary between the two. The university charter is a very good entry point. The charter is a kind of contract, which is the source of the legitimacy of the power of both parties. The power boundary between the two parties is fixed, clarified and rigidized by means of the university charter and this is used as the basis for the operation of the power of both parties. Any

behavior that violates this contract will be subject to the timely response of the restraint system, so that it will return to its original position [14].

The construction of the modern university system is one of the themes of the comprehensive reform of higher education in China at present. People expect the revival of a great civilization, and an eastern education powerhouse will kick off. When the old and new systems are replaced, people have a simple and persistent original intention: The fundamental purpose of promoting education governance reform is to realize the rejuvenation of the country through science and education, to make the country more prosperous and strong, to make education more orderly, and to make universities more free. In dealing with the relationship between the university and the state, university autonomy and nationalism are the two extremes of university governance, and rights-based and power-based are two extremes in legal philosophy and their social practice consequences are not ideal. The university governance in our country should change the polarized mindset of rights-based or power-based and establish a fair and moderate center for the rule of law in universities [15].

**The era requirements of Chinese university governance: Building a new development pattern:** In the era of globalization, competition has also become global. In higher education, countries worldwide are attaching increasing importance to international ranking exercises and subscribing to the 'world-class universities' paradigm, complemented by various strategies to benchmark with leading universities in order to enhance the global competitiveness of their universities. This is particularly so in Asia as it emerges as the centre of fast-growing economies of the world. Against this wider global policy backdrop, Ka HoMok and Anthony B.L. Cheung review major policies introduced and strategies employed by the government and universities/higher education institutions of Hong Kong in the quest for world-class status. It critically examines the 'politics of competition' among institutions for both state and non-state resources, in recruiting and retaining global talent and in internationalizing their curricula in order to achieve their global aspirations. It also explores the intra-institutional 'politics' within institutions involving tensions between teaching and research and among different discipline areas.

The construction of a modern university system with Chinese characteristics also needs to adapt to the current development situation in China and the background of the new era of higher education. Accelerating the modernization of the university governance system is an important action to implement the spirit of the 19<sup>th</sup> National Congress of the Communist Party of China. Based on in-depth study and understanding of Xi Jinping thought on socialism with Chinese characteristics for a new era, especially the important exposition of the general secretary on higher education and the spirit of the documents such as "China's education modernization 2035", the requirements of the times for the modernization of China's university governance system are extracted in six aspects: First, firmness. The second is to strengthen the primary function of talent training in universities; the third is to use the rule of law thinking and method; the fourth is to attach importance to the

supporting, driving and leading role of higher education research; the fifth is to apply modern information technology means; the sixth is to build scientific university evaluation system [16].

## CONCLUSION

The introduction of good governance theory has brought a new dawn to Chinese modern university governance. "The macro-guidance of the government, the extensive participation of the society (alumni, media, industry, enterprises, the third sector, donors, etc.), the active response to the market and the acquisition of family support" constitute the external path of good governance in universities. The supervision of the board of directors, the administrative responsibility of the president, the academic independence of professors and the democratic management of teachers and students" have constructed the path of good governance within the university. Good university governance can expel the smog of environmental ecology in university governance, maximize the interests of stakeholders involved in the university, realize the rational allocation and optimization of resources inside and outside the university and realize the standard return and sublimation of the university spirit.

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