

Strengthening the Legalization of University Management to Prevent and Control Dispute Risks: From the Perspective of Student Management

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Received: June 29, 2025; Accepted: July 10, 2025; Published: July 11, 2025

Abstract

This paper focuses on the process of legalizing university management from the perspective of student management, and explores in depth how to prevent and control dispute risks. By elaborating on the concept, theoretical basis, and practical significance of the legalization of university management, it reveals the challenges faced by current student management on the path of legalization, including deviations in management concepts, imperfect institutional systems, non-standard implementation of procedures, and inadequate rights relief mechanisms. Through in-depth analysis of three practical cases—"Tian Yong v. University of Science and Technology Beijing," "Liu v. a University in Nanjing," and "He v. a University in Wuhan"—the root causes of the problems are further clarified. It then proposes measures such as constructing a scientific system of management concepts, improving student management systems, strengthening the implementation of procedural justice, improving rights relief mechanisms, and enhancing the construction of a legal culture. These measures aim to enhance the level of legalization in university management, effectively prevent and control dispute risks in student management, promote the harmonious and stable development of universities, and achieve the goal of educating people.

Keywords: University management, legalization, student management, dispute risk prevention and control

1. Introduction

1.1 Background

In the current era of comprehensively advancing the rule of law, universities, as key institutions for cultivating high-quality talents and promoting social progress, their level of management legalization not only affects their own stability and development but also has a profound impact on the construction of the social rule of law. With the rapid development of social economy, the advancement of information technology, and the renewal of educational concepts, students' awareness of rights has increasingly awakened, placing higher demands on the fairness, impartiality, and transparency of university management. In recent years, disputes between universities and students have frequently made headlines, such as intense controversies over the reasonableness of penalties for cheating in exams and students' challenges to the legality of certain school management regulations. These disputes, like ripples on a calm lake, not only directly harm students' personal rights and interests, disrupt the normal teaching order but also damage the university's reputation and social image, attracting widespread attention from all sectors of society. Against this backdrop, strengthening the legalization of university management and building a scientific and effective mechanism for preventing and controlling dispute risks have become urgent issues in the field of university management.

1.2 Research Significance

1.2.1 Promoting the Modernization of University Governance

Through the rule of law, universities are able to establish a scientific and rational decision-making mechanism. In the process of formulating school development planning, major decisions, follow the rule of law procedures, widely consult the opinions of teachers and students, and fully carry out the argumentation and assessment, can effectively avoid the blindness and arbitrariness of the decision-making, and improve the scientific and democratic nature of the decision-making. For example, in the development of discipline construction planning, according to the relevant laws and regulations and the constitution of the university, the organization of experts and scholars,

faculty and student representatives to conduct in-depth discussions, taking into account the school's orientation, resource advantages, social needs and other factors, to ensure that the direction of the discipline construction is correct and feasible, so as to promote the improvement of the overall strength of the university.

At the same time, the rule of law helps optimize the management structure and operation mechanism of the university. Clearly define the responsibilities and authorities of each management department, avoid cross-functional and shirking phenomenon, and improve management efficiency. For example, in the management of students, clarify the specific responsibilities of the Student Affairs Office, the Academic Affairs Office, the Logistics Management Office and other departments in the areas of student enrollment, registration management, daily education, life services, etc., to strengthen the coordination and cooperation between departments and form a good situation of collaborative parenting. In addition, the rule of law can also promote positive interaction between universities and the external society, and enhance the social credibility and influence of universities. While operating autonomously in accordance with the law, universities abide by national laws and regulations and social ethics, actively fulfill their social responsibilities, and establish a good cooperative relationship with all sectors of society to create a favorable external environment for the development of the university.

1.2.2 Protecting the Legitimate Rights and Interests of Faculty and Students

University management under the rule of law provides a solid shield of rights and interests for teachers and students. In terms of student management, laws, regulations and rules are strictly followed to ensure that the basic rights of students, such as the right to education, the right to privacy and the right to equality, are not infringed upon. In the process of enrollment and admission, the school must be conducted in accordance with the principles of fairness, justice and openness, without any form of discrimination or improper operation, to ensure that students have equal opportunities for enrollment. In the teaching and learning process, students' individual differences and learning needs are respected, and diversified educational and teaching resources and development opportunities are provided to satisfy students' desire for knowledge and growth. For example, in the curriculum, students' interests and professional development directions are fully taken into account, and a rich variety of elective courses are offered to enable students to make independent choices according to their own characteristics. On issues involving students' immediate interests, such as student disciplinary actions, it is crucial to follow legal, fair and reasonable procedures. Schools must make disciplinary decisions on the basis of a full investigation of the facts and in accordance with clear regulations, and give students the right to appeal. For example, when dealing with students cheating on examinations, they must follow the prescribed procedures for investigating and obtaining evidence, and listen to students' statements and pleadings to ensure the fairness of disciplinary decisions. At the same time, the school should establish a sound system for protecting students' privacy and strictly protect students' personal information and privacy in the management process. For example, safe and reliable measures should be taken to prevent the leakage of students' information in the management of students' grades and files.

For teachers, the rule of law management guarantees their teaching and research rights, career development rights, etc. Teachers are able to freely carry out teaching activities and explore innovative teaching methods and contents within a legal framework, free from unreasonable administrative intervention. In terms of scientific research, schools provide teachers with the necessary research conditions and support in accordance with the law, and safeguard their academic freedom and rights to research results. For example, schools should establish a fair and reasonable mechanism for the declaration and evaluation of scientific research projects, provide equal competition opportunities for teachers, and encourage them to actively carry out scientific research and innovation activities. In the process of teachers' career development, such as title evaluation and job promotion, the operation is carried out in strict accordance with the established standards and procedures to ensure that teachers' hard work can be justly rewarded, and to stimulate teachers' enthusiasm and creativity, thus improving the quality of education and teaching.

2. The Concept and Theoretical Basis of the Rule of Law in University Management

2.1 *The Concept of the Rule of Law in University Management*

The rule of law in university management is a concept with rich connotations and far-reaching significance, which is the core value of the pursuit of modern university management and the basic mode of operation. In essence, the rule of law in university management means that the university in the implementation of the whole process of management activities, must unswervingly follow the principle of the rule of law, the national laws and regulations as the fundamental norms of management behavior, and at the same time, based on the school's own rules and regulations, all kinds of affairs within the school for standardized and orderly management. This process covers the shaping of the management concept, the construction of the management system, the setting of management procedures and the improvement of the rights and remedies mechanism and other key aspects.

Specifically, the rule of law in university management requires universities to ensure that every management act has a clear legal basis when exercising management power, so that there is a law to follow. Whether it is the enrollment and admission of students, the management of academic records, the evaluation of rewards and punishments, or the employment, assessment and promotion of teachers, they must operate within the framework of laws and regulations. At the same time, the university must strictly follow the established laws and systems to implement the management, and resolutely put an end to any form of arbitrariness and subjectivity, and effectively comply with the law. In the process of law enforcement, the principles of justice, fairness and openness should be upheld to ensure the legality and reasonableness of the management behavior, and law enforcement should be strict. For any violation of laws, regulations and rules, must be pursued and punished in accordance with the law, and will never be tolerated, and truly realize the violation of the law will be punished.

2.2 The Theoretical Basis for the Rule of Law in University Management

2.2.1 The Theory of Educational Management

The theory of educational management provides scientific methods and principles for university management, which is closely related to the rule of law in university management. The theory emphasizes people as the core element of management, focusing on giving full play to people's subjective initiative and creativity in order to achieve the goal of management.

In terms of student management, the theory of educational management requires that university administrators must have an in-depth understanding of the laws of physical and mental development, personality characteristics and differences in the needs of students. Students are in the key stage of growth and development, with unique psychological and physiological characteristics, and their ideology, value orientation and behavior are constantly changing and shaping. Therefore, administrators should respect students' personality differences, teach students according to their abilities, and adopt personalized management methods to meet the development needs of different students. For example, for students with innovative thinking and entrepreneurial potential, schools can provide specialized entrepreneurial training, practice platforms and guidance support to encourage them to give full play to their strengths and realize their self-worth.[1]

In the practice of student management, the theory of educational management and the theory of the rule of law complement and supplement each other. Educational management theory provides specific methods and strategies for student management under the framework of the rule of law, so that the management behavior is more in line with the actual needs of education and teaching and the development characteristics of students. For example, when dealing with students' disciplinary problems, in addition to punishment based on laws and regulations, should be combined with the theory of education and management, focusing on the education and guidance of students, to help students understand the errors and correct their behavior, to achieve the purpose of combining education and discipline. The theory of the rule of law provides a guarantee of legitimacy for education and management behavior, ensures that management behavior is carried out within the framework of the law, prevents the abuse of management power, and safeguards the legitimate rights and interests of students.

2.2.2 Theory of Rights and Guarantees

The theory of rights and guarantees is an indispensable and important support for the rule of law in university management. The theory holds that teachers and students enjoy a series of legal rights in universities, which are the basis and guarantee for their participation in university education and teaching activities and the realization of their own development.

For students, their basic rights include the right to education, the right to privacy, the right to appeal, the right to equality and so on. The right to education is the most central right of students, and universities are obliged to provide students with good education and teaching conditions and ensure that students can receive education on an equal footing without any unlawful interference or deprivation. For example, the university shall not discriminate against students, refuse their enrollment or restrict their access to educational resources on the basis of their family background, financial situation and other factors. The right to privacy is also one of the important rights of students, and schools should respect the privacy of students in the management process, and should not arbitrarily infringe upon students' personal space and private information.[2] For example, in the management of student dormitories, schools are not allowed to search student dormitories without students' consent, unless there is a legal emergency and strict procedures are followed. The right of complaint provides a way for students to seek relief when their rights are infringed upon, and students have the right to object to the school's management behavior and safeguard their rights and interests through legal complaint procedures. The right to equality requires schools to treat every student equally, and there should be no unreasonable differences in treatment in the allocation of resources, the provision of opportunities, evaluation and rewards.

For teachers, their rights include the right to teaching and research, the right to career development, and the right to academic freedom. Teachers have the right to carry out teaching activities in accordance with the laws of education and teaching, and to independently choose teaching methods and content, as well as the right to engage in scientific research and participate in academic exchanges, in order to continuously improve their professionalism and academic ability. In terms of career development, teachers have the right to be promoted, evaluated for excellence, trained and other opportunities in accordance with the regulations of the university, so as to guarantee their own career development space.

3. The Challenges of the Rule of Law in University Management from the Perspective of Student Management

3.1 The Deviation of the Management Concept and the Spirit of the Rule of Law

3.1.1 Binding of Traditional Management Concepts

Some university managers are still deeply confined by the traditional management model in their ideological concepts, and are accustomed to the management of the power to centralize the management of their own, emphasizing the authority and coercion of the management, and ignoring the subjective status of the student as an independent individual and the rights of students should be entitled to demand. Under the domination of this concept, the management process often shows a one-way pattern of “order - obey”, lacking equal communication with students, interactive communication and full respect for students' opinions and suggestions. For example, in terms of curriculum arrangement, schools may unilaterally decide on the curriculum, teaching time and content, with little consideration for students' interests, professional development needs and personalized differences. This practice may easily lead to a lack of enthusiasm and initiative on the part of students towards the courses they are studying, thus affecting the effectiveness of teaching and learning. Another example is that when the teaching program is adjusted, the school may make drastic changes without fully consulting the students, which makes the students feel at a loss in the learning process, and then resistant to the school management.

3.1.2 Weak Awareness of the Rule of Law

Some university administrators do not have a good understanding of the importance of laws, regulations and rules, and lack systematic thinking about the rule of law and the ability to act in accordance with the law quality. When dealing with students, they show obvious arbitrariness and subjectivity, do not strictly follow the prescribed procedures, and even interpret and apply the rules arbitrarily. For example, in the process of disciplinary actions against students, some administrators may not have conducted comprehensive and in-depth investigations and evidence collection, and hastily made disciplinary decisions based only on individual witness testimony or superficial phenomena, ignoring the students' right to plead and appeal. This practice not only violates the principle of procedural fairness, but also easily leads to the lack of factual and legal support for the disciplinary decision, which triggers students' dissatisfaction and questioning. In addition, some administrators, in exercising their management power, may have abused their authority, exceeded the scope of their authority as stipulated in the law and the system, and infringed upon the legitimate rights and interests of students. For example, individual counselors, when managing student dormitories, enter student dormitories to conduct searches without students' consent, an act that seriously infringes on students' right to privacy and violates the spirit of the rule of law.

3.1.3 The Imperfection of the Student Management System

(1) Inadequate Content of the System

At present, there are many loopholes and gaps in the content of the student management system of some universities, which is difficult to adapt to the development of the times and the actual needs of student management. With the rapid development of information technology and the increasing complexity of the social environment, the behavior of students and the problems they face also show a trend of diversification and complexity. However, the student management system of many schools fails to follow up in time and lacks clear and specific regulations on some emerging issues and special situations. For example, in the management of students' online behavior, with the popularization of the Internet, students' speech, socialization, learning and other activities in cyberspace are becoming more and more frequent, but the school lacks effective norms and supervisory measures for students' inappropriate speech on the Internet, cyberbullying, infringement of intellectual property rights and other behaviors.[3] For example, in the safety management of students' off-campus internships, due to the variety of internship units and the complexity of the internship environment, schools often fail to develop a comprehensive and detailed safety management system, and lack a clear definition of responsibility and safeguard measures for students' personal safety and labor rights and interests protection during internships, resulting in students facing a lot of safety hazards during internships.

(2) Lack of Democratic Participation in the Formulation of the System

There is a general lack of democratic participation in the process of formulating student management systems. In most cases, these systems are unilaterally led by the school management, and students, as the main object of management, are not fully considered in terms of their interests and actual needs. This mode of system development without democratic participation easily leads to a disconnection between the system and the actual situation of students, and lacks operability and rationality. For example, when a university revised its scholarship evaluation system, it was only revised by the relevant departments of the university according to their own management needs and past experience, without widely consulting students. After the implementation of the new system, students found that the evaluation criteria paid too much attention to academic performance and neglected students' performance in social practice, scientific research and innovation, comprehensive quality, etc., and the evaluation procedure was not transparent and fair enough, which triggered strong dissatisfaction and questioning among students. This has not only affected the smooth implementation of the scholarship assessment work, but also undermined the students' trust in the school management.

3.1.4 Management Procedures are not Standardized

(1) Weak Procedural Awareness

In the management of university students, some managers have a weak procedural awareness, insufficient knowledge of the importance of management procedures, and there is the phenomenon of ignoring or not strictly observing the management procedures in the actual operation. For example, in the process of evaluating students' merits and prizes, some schools do not follow the stipulated procedures, and do not fully disclose the selection criteria, selection process and selection results, which leads to students' skepticism about the fairness of the selection results. Another example is that, in the process of student organizations' new recruitment, some student unions, clubs and other organizations do not follow the principles of fairness, justice and openness in selecting new members, and there are problems such as backroom operations and nepotism, which damage the enthusiasm of students to participate in student organizations and their right to fair competition.

(2) Inadequate Implementation of Procedures

Even though the school has formulated relatively perfect management procedures, in the actual implementation process, due to a variety of reasons, there are often cases where the implementation is not in place. For example, in the student disciplinary procedures, although the provisions of the investigation and evidence collection, listening to the student's defense, to make disciplinary decisions and sent to the student and other links, but some schools in the implementation of the school may be simplified or omitted certain links. For example, in the process of investigation and evidence collection, the evidence is not comprehensively collected, or the authenticity and legality of the evidence is not strictly examined;^[4] in hearing the defense of the student, it is just going through the motions, and does not take the student's statements and explanations seriously; in the case of the disciplinary decision being sent to the student, it is not ensured that the student receives it in a timely manner and is aware of the content of the disciplinary action and the way to appeal. These problems of inadequate implementation of procedures seriously affect the fairness and legality of management behavior, and are prone to cause disputes between students and schools.

3.2 *The Deviation of the Complaint System from the Spirit of the Rule of Law*

3.2.1 Inadequate Rights Redress Mechanisms

(1) Inadequate Complaint Channels

In some universities, complaint channels are not reasonably set up for the redress of students' rights, and there are many obstacles, making it difficult for students to appeal successfully when their rights and interests are infringed upon. Although some universities have set up organizations to handle student complaints, the complaint procedures are cumbersome and complex, requiring students to submit a large number of materials and proofs, and the processing time is too long, discouraging students. For example, one university stipulates that student appeals must first be approved by class counselors, college leaders and other layers before they can be submitted to the university's grievance handling committee, and the whole process is so time-consuming and laborious that many students give up their appeals out of fear of the cumbersome procedures and the long wait. In addition, there are problems with the independence and impartiality of the grievance handling organizations. Some members of the complaint-handling bodies have interests related to the subjects of complaints, or are interfered by the university administration in the process of handling complaints, and are unable to handle complaint cases objectively and fairly, resulting in the loss of students' trust in the outcome of their complaints.

(2) Limited Ways of Relief

Currently, the ways of relief for students' rights in universities are relatively single, mainly focusing on the internal grievance handling of the university, lacking diversified ways of relief. When disputes between students and the university cannot be effectively resolved through internal complaints, students are often in a difficult situation and do not know how to seek further relief. For example, in some disputes involving students' significant rights and interests, such as disputes over degree conferment and disputes over the handling of withdrawal, the internal grievance handling mechanism of the school may not be able to meet the needs of the students, and the students lack other effective external remedies, such as the high threshold of judicial remedies, which makes it difficult for the students to initiate the judicial process often due to their lack of legal knowledge and financial ability. The singularity of such remedies limits students' ability to defend their rights and interests, and is not conducive to the timely and effective resolution of disputes.

3.2.2 The Construction of the Rule of Law Culture Lags Behind

(1) The Rule of Law Culture Atmosphere is not Strong

The creation of the rule of law culture atmosphere within the university is crucial for the rule of law in student management. However, at present, many universities have obvious deficiencies in this regard, and the atmosphere of the rule of law culture is weak. The campus lacks extensive publicity and in-depth education on the concept of the rule of law and legal knowledge, and teachers and students do not have a deep enough understanding and knowledge of the rule of law. For example, schools rarely organize and carry out thematic activities related to the rule of law, such as legal lectures, legal knowledge contests, rule of law cultural festivals, etc., which makes it difficult for teachers and students to feel the inculcation of the rule of law culture in their daily work and study. At the same time, the campus environment also lacks the embodiment of the elements of the rule of law culture, such as campus bulletin boards, slogans, cultural landscapes, etc. rarely involved in the rule of law content, unable to enhance the awareness of the rule of law teachers and students in a subtle manner.

(2) Poor Effectiveness of the Rule of Law Education

University in the rule of law education, although some work has been carried out, but the educational effect is not satisfactory. Rule of law education curriculum is unreasonable, teaching content is single and boring, often focusing on the explanation of the legal provisions, the lack of integration with actual cases and attention to the actual legal needs of students. Teaching methods are traditional and backward, mostly adopting indoctrination teaching, neglecting the students' main position and participation, and it is difficult to stimulate students' interest and enthusiasm in learning. For example, in the teaching of basic law courses, teachers only mechanically explain laws and regulations, and rarely guide students to conduct practical activities such as case analysis, discussion and moot court, resulting in students' weak understanding and application of legal knowledge. In addition, education on the rule of law lacks systematicity and continuity, and does not run through the entire process of students' university education, making it difficult to form a long-term educational mechanism.

4. Anatomy of the Rule of Law in University Management Based on Case Analysis

4.1 Presentation of Cases

4.1.1 Tian Yong v. University of Science and Technology Beijing

According to the China Judicial Documents Website, Tian Yong was a student at the University of Science and Technology Beijing. In the course of the examination, Tian Yong was recognized by the university as having cheated, and a decision was made to withdraw him from the university in accordance with the regulations of the university. However, after the decision was made, the school did not actually implement the withdrawal procedures in accordance with the stipulated procedures. Tian Yong continued to study at the school, and the school provided a series of normal teaching services, such as registering students, arranging courses, distributing teaching materials, and providing opportunities for exams, etc. When he was close to graduation, he used the excuse that he was not a student. When he was about to graduate, the school refused to issue him a graduation certificate and degree on the grounds that Tian Yong had been withdrawn from the school. Tian Yong believed that the school's behavior violated his legitimate rights and interests, so he filed a lawsuit with the court. The court held that the school's decision to withdraw Tian Yong from the school, although it may have had some basis in substance, was seriously flawed in procedure, failing to serve the decision to withdraw from the school and go through the withdrawal procedures in accordance with the law, which resulted in Tian Yong continuing to study at the school without his knowledge, and the school actually acquiesced in Tian Yong's student status. Therefore, the school refused to issue a diploma and degree lack of legality, the final judgment of the school lost the case, and ordered the school to issue a diploma and degree for Tian Yong.

4.1.2 Liu Mou v. Nanjing University

According to Sina Weibo, Liu Mou was a student at a university in Nanjing. In a sports course organized by the school, Liu was accidentally injured during sports training. After the injury, Liu believed that the school had loopholes in the management and safety of sports facilities and failed to provide a safe teaching environment, which led to his injury, and demanded that the school bear the corresponding liability. The school argued that Liu's injury was caused by his own improper operation during the training process, and that the school had exercised reasonable management and duty of care, and should not be held liable for compensation. The two sides on the issue of compensation negotiation failed, Liu filed a lawsuit to the court. During the trial, the court conducted a detailed investigation into the school's management of sports facilities, the construction of safety systems, and the scene at the time of the accident. The trial found that although the school had developed a relevant sports safety management system, there was some negligence in the actual implementation process, such as incomplete records of regular inspection of sports facilities, and insufficient safety guidance for students in sports training. In the end, the court ruled that the school should bear part of the compensation responsibility according to the degree of fault of both parties.

4.1.3 He Mou v. Wuhan University

According to Netease News, He Mou enrolled in a graduate school in Wuhan University. During the postgraduate review process, He believed that the school's review process was unfair, mainly in the form of non-transparent review grading standards and unreasonable questions asked by the examiners during the interview process, which led to his eventual failure to be admitted. He believed that the school's retesting behavior violated the principle of fair competition and infringed on his right to education, so he filed a lawsuit with the court. After accepting the case, the court reviewed the school's postgraduate reexamination procedures, marking criteria and selection of examiners. The investigation found that the school did not fully disclose the review grading criteria and process to the candidates before the review examination, and that during the interview process, the questions asked by individual examiners went beyond the scope of their specialties and were somewhat subjective and arbitrary. The court held that there were procedural irregularities and unfairness in the school's postgraduate reexamination work, which affected the legitimate rights and interests of the candidates, and ruled that the school should reorganize the reexamination and rectify the reexamination procedures to ensure the fairness and impartiality of the reexamination work.

4.2 Anatomy of the Problem

4.2.1 Flawed Management Procedures

In the case of Tian Yong v. University of Science and Technology Beijing, the school failed to strictly follow the statutory procedures when making the decision to withdraw Tian Yong from the university. The decision to withdraw from the university as a serious impact on the rights and interests of students management behavior, the school should be in accordance with the law to serve notice of withdrawal to Tian Yong, and handle the relevant withdrawal procedures, but the school in this regard there are obvious omissions. This procedural flaws not only led to Tian Yong unknowingly continue to study in the school as a student, but also make the school's subsequent refusal to issue diplomas and degrees lack of legal basis. This reflects that some universities do not pay enough attention to procedures in the management process, have a weak procedural awareness, and do not fully recognize the importance of procedural fairness in safeguarding the rights and interests of students and the legitimacy of management actions.

4.2.2 Poorly Defined Responsibility for Safety and Security

The case of Liu Mou v. Nanjing University highlights the ambiguity of the definition of responsibility for safety and security of the university on campus. Although the school has developed a sports safety management system, there are loopholes in the actual implementation of the process, such as sports facilities inspection records are incomplete, safety guidance is not in place. This indicates that the school is negligent in its safety management work and fails to fully fulfill its obligation of safety and security. At the same time, it also reflects that there is a lack of clear and detailed provisions in laws and regulations and school systems regarding the specific scope and standards of the responsibility for school safety and security, which leads to disputes between schools and students over the attribution of responsibility in the event of a school safety accident. This not only affects the protection of students' rights and interests, but also brings uncertainty and risk to school management.

4.2.3 Irregularities in Admission Review Procedures

The case of He Mou v. Wuhan University reveals the irregularities in the university's graduate admission review procedures. The university did not fully disclose to the candidates the grading standards and process of the retest

before the retest, making it impossible for the candidates to clearly understand the specific requirements and evaluation basis of the retest, which violated the principle of procedural openness. During the interview process, individual examiners asked questions beyond the scope of specialization and subjectivity and arbitrariness, seriously affecting the fairness and scientific nature of the retest. This reflects that some colleges and universities in the enrollment management process, the lack of rigorous, standardized procedural design and strict implementation of the supervision mechanism, the importance of enrollment work and the lack of awareness of the seriousness of the damage to the candidate's right to fair competition and the right to education, but also affects the school's enrollment reputation and quality of education.

5. Countermeasures to Strengthen the Rule of Law in University Management to Prevent and Control the Risk of Disputes

5.1 Building a Scientific Management Concept System

5.1.1 Establishing the Supremacy of the Concept of the Rule of Law

University managers should deeply recognize the core position of the rule of law in university management, and the concept of the rule of law throughout the management work. Whether it is to formulate policies, make decisions or implement management behavior, it must be based on laws and regulations, and resolutely put an end to the phenomenon of substituting power for law and words for law.[5] For example, in the development of school development planning, to ensure that the content of the plan is in line with national education laws and regulations and the requirements of relevant policies; in dealing with students' disciplinary problems, strictly in accordance with the legal procedures and regulations to deal with the situation, and not to personal will or customary practices within the school as a guideline. At the same time, the publicity and education of the concept of the rule of law is strengthened, and the awareness of the rule of law among all teachers and students is raised by organizing training and carrying out special lectures, so that the concept of the rule of law is deeply rooted in the people's hearts and becomes an important part of the campus culture.

5.1.2 Strengthen the Concept of People-Oriented

In the management of students, we should fully respect the subject position of students and personality differences, and take the comprehensive development of students as the starting point and starting point of management work. Pay attention to the needs and interests of students, actively provide students with good learning and living conditions, and create an environment conducive to the growth and success of students. For example, in the curriculum, give full consideration to students' interests and career development planning, and offer diversified elective courses; in the management of student dormitories, pay attention to humanized services and respect students' living habits and privacy.[6] At the same time, students are encouraged to actively participate in school management, through the establishment of student representative assembly, student affairs committee and other mechanisms, so that students have more right to speak and participate in school affairs, and fully mobilize the enthusiasm and initiative of students.

5.2 Improve the Student Management System

5.2.1 Improve the content of the system.

In view of the loopholes and gaps in the current student management system, it should be revised and improved in a timely manner. In terms of students' network behavior management, a clear network behavior code should be formulated, the rights and obligations of students on the network should be clearly stipulated, and the supervision and punishment of behaviors such as cyberbullying, network infringement, and spreading of undesirable information should be strengthened. For example, it is stipulated that students are not allowed to malign others on the Internet, infringe on others' intellectual property rights, or disseminate illegal information, etc. Students who violate the regulations will be given appropriate disciplinary actions depending on the seriousness of the situation. In terms of the safety management of students' off-campus internships, it establishes a sound internship safety guarantee system, clarifies the responsibilities and obligations of the school, internship units and students, and strengthens the qualification examination of internship units and the supervision and management of the internship process.[7] For example, the internship unit is required to provide students with necessary safety protection equipment and training, and the school conducts regular visits and safety inspections of internship students to ensure that students' personal safety and legitimate rights and interests are effectively protected during the internship period.

5.2.2 Enhance Democratic Participation

In the process of system formulation, fully listen to the opinions and suggestions of students, broaden the channels of students' participation, and improve the democracy and scientificity of the system. The views and needs of

students on the management system can be widely solicited through questionnaires, symposiums, hearings and other forms of student participation in the development of the system. For example, when revising the comprehensive quality evaluation system for students, student representatives are organized to discuss and listen to their opinions on evaluation indexes, evaluation methods and evaluation procedures, and adjustments and improvements are made according to students' reasonable suggestions. At the same time, a feedback mechanism for the system is set up to regularly assess and give feedback on the implementation of the system, identify problems and make revisions in a timely manner, so as to ensure the effectiveness and adaptability of the system.

5.2.3 Strengthening the Implementation of Procedural Justice

(1) Enhancing Procedural Awareness

Strengthen the procedural awareness training for university managers, so that they can deeply realize the importance of management procedures and act strictly in accordance with them. Through training in laws and regulations, management case analysis and other activities, improve managers' understanding and ability to grasp procedural justice. For example, managers are organized to study the provisions on student management procedures in the Education Law, Higher Education Law and other relevant laws and regulations, analyze cases of management disputes caused by illegal procedures, and draw lessons from them. At the same time, the establishment of procedural supervision mechanism, supervision and inspection of the implementation of procedures for managers, for violation of procedures to be corrected and dealt with in a timely manner, to ensure that the management procedures are effectively implemented.

(2) Strict Implementation of Procedures

Refine and improve the student management procedures, clarify the specific requirements and operation process of each link, and ensure the strictness and standardization of procedures. In the management of student enrollment, the enrollment work is carried out in strict accordance with the enrollment policies and admission procedures, and each link from registration, examination, admission to enrollment registration should be open, fair and just. For example, in the process of enrollment and admission, the enrollment plan, admission rules and admission results are announced in a timely manner, and social supervision is accepted; in the case of enrollment and registration, the identity information and qualifications of students are carefully checked to ensure that the enrollment procedures are legal and compliant.

In the day-to-day management of students, such as the management of school registration, assessment of rewards and punishments, and management of student organizations, the established procedures are strictly implemented. Taking the management of school registration as an example, the procedures for students' suspension, reinstatement, withdrawal, etc. are handled in accordance with the stipulated procedures, and students are required to submit complete application materials and update their school registration information in a timely manner after being reviewed and approved by the relevant departments. In the evaluation of rewards and punishments, the evaluation standards, evaluation procedures and public announcement system are clearly defined to ensure that the evaluation results are fair and reasonable. For example, in the selection of outstanding students, the first class is recommended according to the assessment standards, then the college is audited, and finally the school is publicized to accept the supervision of all teachers and students.[8] For the management of student organizations, the procedures for the establishment, renewal and activities of student organizations are regulated, and the independent management rights of students are guaranteed. For example, the establishment of student associations should go through the procedures of application, approval and filing, the election of association leaders should follow the principles of democracy and fairness, and the activities of associations should be declared in advance and can only be carried out after approval.

5.2.4 Improve the Rights Relief Mechanism

(1) Smooth the Complaint Channels

Simplify the student complaint procedures, reduce unnecessary intermediate links, and improve the efficiency of complaint handling. Establish a specialized student complaint handling body with professional staff to ensure the independence and impartiality of the complaint handling body. For example, the members of the complaint handling organization should include school administrators, teachers' representatives, students' representatives and legal experts, etc., so that all parties can participate in the complaint handling process together and avoid unilateral domination by the school. Clearly define the scope of complaint acceptance, the period of complaint, the process of complaint handling and the feedback mechanism of complaint results, so that students can clearly understand the whole process of complaint. At the same time, modern information technology is utilized to establish an online complaint platform to facilitate the submission of complaint materials by students at any time and any place, and

to improve the convenience of complaints.[9] For example, the development of a special student complaint APP or the establishment of a complaint column on the school's official website, students can upload complaint materials and inquire about the progress and results of the complaint through the online platform.

(2) Expanding Relief Channels

In addition to school-based complaints, actively expand diversified rights relief channels. Establishing an educational mediation mechanism, inviting educational experts and legal practitioners as mediators to mediate disputes between students and schools. During the mediation process, the opinions and demands of both parties are fully heard, and solutions acceptable to both parties are sought in accordance with laws and regulations and school rules and regulations. For example, when a dispute arises between a student and a school due to unreasonable curriculum arrangements, the mediator can organize negotiations between the two parties through the education mediation mechanism to adjust the curriculum arrangements to meet the reasonable needs of the students.

Strengthening communication and collaboration with judicial authorities, guiding students to safeguard their legitimate rights and interests through judicial channels in accordance with the law. For disputes involving students' significant rights and interests that cannot be resolved within the school, the school should inform students that they can file lawsuits with the court and provide necessary legal help and support.[10] For example, provide students with legal counseling services to help them understand the litigation procedures and relevant legal provisions; in the process of litigation, actively cooperate with the judicial organs in the investigation and evidence collection work, and respect the results of judicial decisions. At the same time, explore the establishment of an educational arbitration system for some highly specialized educational disputes, such as disputes over the awarding of degrees and the determination of academic misconduct. Educational arbitration bodies are composed of educational experts, legal experts and others, and their arbitration results are authoritative and binding.

5.2.5 Strengthening the Cultural Construction of the Rule of Law

(1) Creating a Cultural Atmosphere of the Rule of Law

Increase investment in the cultural construction of the rule of law, and create a strong cultural atmosphere of the rule of law through a variety of channels and forms. Integrate elements of the rule of law into the construction of the campus environment, such as setting up rule of law bulletin boards, rule of law cultural corridors, rule of law sculptures, etc., displaying knowledge of laws and regulations, rule of law quotations and aphorisms, rule of law historical stories, etc., so that teachers and students can be imbued with the rule of law culture at any time and anywhere on campus. For example, in the school library to set up the rule of law book area, the collection of rich legal books, periodicals and electronic resources, convenient for teachers and students to consult and study; in the teaching building, dormitory area and other places to post rule of law publicity posters, regularly update the content of the publicity, and publicize the knowledge of laws and regulations closely related to the lives of teachers and students.

Carry out colorful rule of law cultural activities, such as organizing legal knowledge contests, rule of law speech contests, mock tribunals, rule of law cultural performances, etc., to attract the active participation of teachers and students, and enhance the attractiveness and infectious force of the rule of law culture.[11] For example, a school-wide legal knowledge contest is held once a year, with the class as a unit to form teams to participate, through the form of competition to stimulate the enthusiasm of students to learn legal knowledge; regular organization of moot court activities, allowing students to play the role of judges, lawyers, parties and other roles, simulating the real court trial process, to improve the students' ability to practice law and awareness of the rule of law.

(2) Improve the Effectiveness of Rule of Law Education

Optimize the curriculum system of rule of law education, incorporate the rule of law education into the core curriculum system of the school's talent cultivation program, and ensure that rule of law education runs through the entire process of students' university education. Enrich the content of the rule of law education courses, in addition to the basic knowledge of laws and regulations, increase the legal knowledge closely related to the study, life and future career development of college students, such as intellectual property law, labor law, contract law, network security law, etc.. For example, for students of different majors, open the rule of law education courses with professional characteristics, such as for engineering students to open the engineering construction related laws and regulations courses, for business students to open the commercial legal risk prevention courses, so that the rule of law education is more targeted and practical.[12]

Innovative teaching methods of rule of law education, abandon the traditional indoctrination teaching mode, the use of diversified teaching methods to stimulate students' interest and initiative in learning. The use of case

teaching method, selecting real legal cases for in-depth analysis, guiding students to think and discuss, and cultivating students' legal thinking and analytical problem-solving ability. For example, in the explanation of contract law, the introduction of actual commercial contract disputes, let students analyze the terms of the contract, the rights and obligations of both parties, as well as the causes of disputes and ways to solve them.[13] Carrying out practical teaching activities, organizing students to visit and study in courts, law firms, legal aid centers and other legal practice departments and internships, so as to let students experience the practical work of law and enhance their understanding and knowledge of the legal profession. For example, it cooperates with local courts to establish internship bases, and regularly arranges for students to attend court hearings and participate in mediation of cases, so as to improve their legal practice ability.

Strengthen the construction of the teaching staff for rule of law education, and improve the legal literacy and teaching level of teachers. Teachers are encouraged to participate in legal training and academic exchange activities, update their legal knowledge in a timely manner, and master the latest concepts and methods of rule of law education. Teachers with legal professional background and practical experience are introduced to enrich the faculty and optimize the faculty structure. For example, senior lawyers and judges are invited to schools to serve as part-time teachers and to organize legal lectures and practical teaching guidance, so as to provide students with more professional legal education.

6. Conclusion and Prospect

6.1 Research Conclusion

This study analyzes in depth the challenges faced by the rule of law in university management from the perspective of student management, and puts forward corresponding countermeasures based on actual cases. At present, there are many problems in the rule of law in university management in terms of management concept, institutional system, procedural implementation, rights relief mechanism and the construction of rule of law culture, such as the deviation of management concept from the spirit of the rule of law, the imperfection of the student management system, the lack of standardized implementation of the management procedures, the inadequacy of the rights relief mechanism as well as the lagging behind in the construction of the rule of law culture, and so on. These problems have led to a high risk of disputes in the process of student management, affecting the legitimate rights and interests of students, the stability and harmony of the university and the improvement of the quality of education and teaching.

By building a scientific management concept system, establishing the supremacy of the rule of law and the concept of people-oriented, we can provide ideological leadership for the rule of law in university management; improve the student management system, improve the content of the system and enhance the democratic participation, so that the management of the management of the rules to follow, in line with the needs of the students; to strengthen the implementation of the procedures and fairness, enhance the awareness of the procedures and strict implementation of the procedures, to ensure that the management of the legitimacy and fairness of the act; improve the rights of Remedy mechanism, open channels for complaints and expanding relief channels, providing a strong protection for students' rights and interests; strengthening the construction of the rule of law culture, creating an atmosphere of the rule of law culture and improving the effectiveness of the rule of law education, which helps to cultivate the concept of the rule of law and behavior of teachers and students.

6.2 Research Outlook

In the future, the rule of law in university management should be deepened with the advancement of social development and educational reform. At the level of laws and regulations, the state should further improve the laws and regulations related to higher education, refine the legal provisions, enhance the operability and pertinence of laws and regulations, and provide a clearer legal basis for university management. For example, for the management of students' network behavior, campus security management and other emerging areas and hot issues, timely introduction of special laws and regulations or judicial interpretations to fill the legal gaps. In terms of technology application, modern information technology is actively used to enhance the rule of law in university management. With the help of big data, artificial intelligence and other technologies, the student management process has been optimized to improve management efficiency and accuracy. For example, the use of big data to analyze students' learning behavior, living habits and psychological state, to discover potential problems and risks in advance, and to provide a scientific basis for management decisions; the automated processing of some management affairs, such as intelligent scheduling, intelligent attendance, etc., is realized through artificial intelligence technology, reducing human error and management costs.

In terms of social participation, the synergistic cooperation between schools, families and society should be strengthened to form a synergy of parenting. Families should strengthen education on the rule of law and

behavioral guidance for students, and cultivate good character and the concept of the rule of law. All sectors of society should actively participate in university management and promote openness, transparency and the rule of law through the establishment of monitoring mechanisms and the provision of resource support. For example, enterprises can provide students with internship opportunities and practical guidance, while participating in the university's professional construction and talent cultivation program development; social organizations can carry out rule of law publicity and education activities, and provide students with legal aid and psychological counseling services. The rule of law in university management is a long-term and systematic project that requires the joint efforts of all parties and continuous exploration and innovation to meet the needs of the times and provide a solid guarantee for the cultivation of socialist builders and successors who are all-rounded in morality, intelligence, physical fitness and aesthetics.

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