

Research on the Legalization of International Student Management in the Context of Law-Based University Governance

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ABSTRACT

"Law-based university governance" is a key concept in establishing management systems for international students in China and a necessary requirement for the development of national education in the contemporary era. Legalizing the management of international students contributes to standardizing their behavior and fostering legal awareness. However, several challenges persist in practice, requiring further analysis. Issues and conflicts in the legalization of international student affairs management often arise in daily administrative processes. These challenges are primarily due to weak legitimacy of existing regulations, improper procedural practices, incomplete mechanisms for student rights protection, limited legal awareness among administrators, and insufficient legal and cross-cultural communication skills. To address these problems, it is essential for university administrators to enhance the legitimacy of relevant regulations, standardize management systems and procedures, improve the legal framework for international student management, and strengthen the legal awareness and cross-cultural communication capabilities of management personnel. These measures are critical for effectively promoting and implementing the legalization of international student affairs management.

KEYWORDS

Law-based university governance; International student management; Legalization

In recent years, the management of international student education in China has become a vital component of the country's strategy to open up its education system to the world. This initiative holds significant strategic and practical value.

Managing international students in universities is a critical aspect of international student education, but potential issues and conflicts are pervasive. Inadequate handling of regulatory challenges in student management can quickly escalate into legal disputes. Under the comprehensive framework of law-based university governance and the trend of homogenized management and services for international students, addressing key questions has become imperative. How can universities establish a legalized management system for students within the framework of law-based governance?

How can the principles and practices of the rule of law be integrated throughout the entire process of international student affairs management? How can universities effectively prevent legal risks, address them promptly, and improve their student management systems? These are pressing issues that must be resolved to enhance the quality of international student education in China.

1 The Practical Significance of Legalized Management of International Students in the Context of Law-Based University Governance

As China fully implements the concept of "law-based university governance," establishing and improving the legalized management of international students has become an urgent task. Legalized management is both a crucial step in and a key component of law-based governance in universities.

Enhancing the rigor of legalized management for international students significantly contributes to the overall effectiveness of educational management in China. Legalized management of international students is a critical requirement for ensuring their academic and personal development, fostering habits of legal compliance, and encouraging self-discipline. It also helps prevent negative influences within an adverse environment.

1.1 The Essence of Legalized Management of International Students

Legalized management of international students is an integral part of law-based university governance. It involves coordinating, standardizing, and guiding the roles of management stakeholders, subjects, authorities, actions, and supervision to ensure order in managing international students and achieving educational goals.

This process emphasizes using legal means to guide, educate, serve, and manage students' daily behavior. As a systematic structure, legalized management encompasses the following goals:

- Legalizing management concepts.

- Establishing legal frameworks for management systems.

- Ensuring the legality of management actions.

- Providing legal remedies for rights violations.

The necessity of legalizing international student management arises from several factors:

- It is a vital component of the national strategy of law-based governance.

- It addresses changes in the nature of the student body and its needs.

- It fulfills the inherent demands of law-based educational governance.

In the context of law-based governance, legalized management helps regulate student behavior, fosters an awareness of rules, and supports universities in cultivating high-quality international talent.

1.2 The Importance of Legalized Management of International Students

With the comprehensive development of law-based university governance, perfecting the legalized management of international students has become increasingly urgent. This approach is essential for delivering high-quality higher education and achieving excellence in student management and development.

Legalized management under the concept of "law-based university governance" supports:

- Cultivating habits of legal compliance among international students.

- Enhancing students' ability to integrate into university management systems and campus environments.

- Assisting international students in efficiently completing their studies and improving their personal development and professionalism.

By adhering to these principles, universities can better support international students in achieving academic success and personal growth, aligning with the broader goals of China's educational modernization and global engagement.

2 Legal Issues in the Management of International Students in the Context of Law-Based University Governance

Legalized management of international students is a vital component of international education in China. However, potential legal challenges are ubiquitous, and inadequate handling of these issues can quickly escalate into conflicts or disputes. Universities often act as the sole managing entity, lacking support and coordinated responses from other social sectors such as community services, law enforcement, foreign affairs offices, hospitals, or psychological counseling centers. This singular approach increases the difficulty of handling issues and the associated legal risks. Many universities' approaches to managing emergencies involving international students remain reactive, focusing on problem-solving after incidents occur.

To address these challenges, the development of a comprehensive management system must prioritize legalized management. Universities must refine and improve outdated or irrational management regulations in accordance with national laws and policies to ensure fairness, justice, and freedom in education while enhancing the overall management framework for international students.

2.1 Discrepancy Between Management Regulations and Practical Application

Most universities prioritize language education, professional skills training, and administrative management for international students, while neglecting the importance of legal education. This oversight leads to significant deficiencies in the legal education and management of international students. Some students, unaware of or indifferent to Chinese laws and regulations, engage in behaviors that violate school rules or national laws.

The current focus on academic knowledge over legal management fails to align with China's "law-based university governance" educational philosophy. The administrative mindset prevalent in many universities hinders the implementation of law-based management, making it difficult to achieve legally compliant international student governance.

2.2 Severe Gaps in the Legalized Management System for International Students

The management systems for international students at many universities remain inadequate, resulting in a lack of standardization and weak legal awareness among students. The outdated management systems fail to meet the demands of new developmental and legal paradigms, leading to disorganized legal frameworks for managing international students.

(1) Unreasonable Regulations for International Student Management

Some universities' regulations lag behind societal and legal developments, creating gaps in legal frameworks for managing international students. This misalignment hampers universities' ability to manage students lawfully. Under the national initiatives of "law-based governance," universities must update their management regulations to align with current laws and policies. Relying on outdated frameworks exacerbates disorganization and ineffectiveness in student management, undermining educational outcomes and contributing to violations. Establishing reasonable and comprehensive legal frameworks is essential for addressing these issues.

(2) Improper Disciplinary Actions Infringing on Students' Rights

Disciplinary measures are a key tool for addressing student misconduct, but improper application often leads to legal disputes. Such disputes typically arise from unclear rules, improper procedures, and disproportionate penalties. Legal risks increase when disciplinary actions are implemented without proper investigation or opportunities for students to present their case. In some cases, excessive penalties alter students' academic status, further complicating their

educational journey and creating grounds for disputes.

(3) Lack of Legitimacy in University Regulations

Legalized management issues often stem from ambiguous or improperly implemented regulations that infringe upon students' rights. Examples include:

Delays in issuing diplomas due to unpaid tuition, violating students' right to education and employment.

Unlawful dormitory inspections infringing on students' property and privacy rights.

Flawed scholarship selection processes lacking transparency or adherence to deadlines.

These infringing practices violate national laws and fail to educate students effectively. For universities aiming to cultivate high-quality international talent, illegitimate regulations undermine their educational mission.

2.3 Inadequate Execution of Legalized Management Practices

The growing number of international students in China, combined with cultural differences, language barriers, and religious practices, has increased management challenges. In many universities, the practical implementation of legalized management lacks rigor:

Stratified Management Practices: Some administrators apply unequal management standards to different groups of students, prioritizing efficiency or personal interests over equitable treatment.

Neglect of Legal Procedures: A disregard for due process undermines fairness in management practices, weakening students' respect for rules and increasing the likelihood of misconduct.

Furthermore, management challenges involving international students often escalate quickly, attracting significant domestic and international attention. Mishandling such incidents can lead to legal disputes or even diplomatic issues. The lack of effective legal frameworks for addressing these incidents heightens the risk of adverse outcomes.

3 Analysis of the Causes Behind Legal Issues in the Management of International Student Affairs Under Law-Based University Governance

Managing international student affairs in universities is a challenging task, where any oversight or deviation can lead to student dissatisfaction, grievances, or even protests. Such situations can have significant negative impacts on institutional management and international public opinion. The causes of these conflicts and disputes are multifaceted. Understanding their roots is essential for developing targeted preventive and resolution mechanisms.

3.1 Inadequate Rights Protection and Appeal Mechanisms for International Students

The right of appeal is a fundamental mechanism for students to protect their rights and supervise the legality of university actions. Article 43 of the Education Law explicitly states that students have the right to appeal. Furthermore, Chapter 6 of the Regulations on the Administration of Students in Regular Institutions of Higher Education (Ministry of Education Order No. 41, hereinafter referred to as the "Regulations") specifies the authorities, processes, and timelines for handling student appeals.

However, in practice, many universities have incomplete systems for protecting the rights of international students. Although some student handbooks or institutional policies may provide vague descriptions about appeal rights, they often lack clarity on procedures and pathways for filing appeals.

This deficiency leads to situations where international students have no effective avenues to file

appeals or where universities fail to prioritize their grievances. Consequently, students may escalate their complaints to higher educational authorities or their national embassies and consulates in China. Such inappropriate handling can create significant legal risks, disrupt management processes, and even result in diplomatic tensions.

3.2 Limited Legal Competence Among Management Personnel

The legal awareness and competence of university staff managing international students vary significantly:

Overemphasis on Order and Uniformity: Some administrators prioritize maintaining order and standardization while neglecting individual rights and characteristics of international students. This results in a one-sided focus on control and compliance, disregarding students' needs and participation.

Insufficient Knowledge of Legal Principles: Many staff members lack a proper understanding of legal frameworks governing international students' rights, such as property rights, privacy, and educational rights. This deficiency often leads to overreach and infringement upon student rights.

Weak Problem-Solving Skills: Some administrators adopt a dismissive approach, trivializing students' complaints or conflicts. This "minimizing issues" mindset prevents structured and effective resolution of management challenges, exacerbating tensions between students and the institution.

3.3 Insufficient Cross-Cultural Communication Skills Among Management Personnel

Cross-cultural adaptation challenges have increasingly surfaced among international students. However, many university administrators lack the cross-cultural communication skills necessary to assist students in adjusting to life and study in China, resulting in psychological problems, academic struggles, and adaptation crises. These issues complicate management and heighten the risk of legal disputes.

Such risks often arise in specific scenarios:

Inadequate Support for Early Adaptation: Failing to address initial adjustment challenges—such as accommodation, daily living, and cultural differences—can lead to frustration and helplessness among international students. This often escalates into emotional distress and concentrated conflict.

Language Barriers: Limited proficiency in English or other foreign languages prevents some administrators from fully understanding international students' concerns, further exacerbating miscommunication.

Lack of Cultural Sensitivity: Failure to respect and accommodate cultural differences with an open and inclusive mindset can lead to misunderstandings and grievances. This lack of cultural competence undermines trust and cooperation between students and administrators.

4 Recommendations for Legalized Management of International Students Under Law-Based University Governance

Law-based university governance and regulation are essential pathways to achieving scientific, systematic, and legalized management of international students. The development of a legalized framework for managing international student affairs is particularly critical for attracting high-caliber students and cultivating top-tier talent.

It is imperative to explore the construction of an effective and reasonable legal framework for managing international students.

4.1 Establishing a Legitimate and Reasonable Regulatory System for International Student Management

Strengthening the legality of management regulations is fundamental to ensuring law-based regulation and standardized procedures. Key measures include:

Strict Compliance with Legal Frameworks: Universities should develop management regulations for international students within the boundaries of relevant laws and policies. This includes defining the scope of authority and focusing on essential areas such as academic status, disciplinary measures, and scholarship eligibility. Such efforts help prevent disputes at their root.

Internal Supervision and Review Mechanisms: Universities should establish mechanisms to monitor and evaluate the legality and applicability of their regulations. Engaging in consultations and reviews can help identify and amend unreasonable provisions promptly.

Timely Introduction of New Regulations: In line with the concept of "law-based university governance," universities should modernize their regulatory frameworks, drawing inspiration from successful international practices while tailoring them to local contexts. This approach ensures the creation of a legal and reasonable framework for managing international students.

4.2 Standardizing Management Actions and Procedures

Standardizing the actions and procedures for managing international student affairs is critical to improving the overall system. Universities should:

Follow Existing Regulations: Where specific rules exist, management practices should strictly adhere to them.

Fair and Reasonable Discretion: In cases where regulations are unclear or absent, decisions should align with the intent of related laws and ensure fairness. For instance, when disciplining students for misconduct, universities should carefully evaluate the severity of the offense, the duration of the behavior, and the appropriateness of penalties to avoid arbitrary actions.

Ensure Procedural Justice: Management procedures should prioritize transparency and fairness. This includes providing students with timely information, opportunities to participate, and access to appeal mechanisms, ensuring their rights are protected throughout the process.

4.3 Strengthening the Enforcement of Legalized Management Frameworks

Universities must strictly implement legal frameworks for managing international students in adherence to the principle of "law-based university governance." Practical steps include:

Monitoring Compliance: Establish dedicated supervisory teams to oversee the enforcement of management regulations.

Promoting Legal Awareness: Organize cultural exchange activities and legal education seminars to foster awareness among international students about their rights and responsibilities.

Building a Law-Abiding Campus Culture: Encourage a campus-wide ethos of learning, understanding, and following the law. This can enhance compliance among students and create a harmonious and legally compliant campus environment.

4.4 Enhancing Administrators' Legal Awareness and Cross-Cultural Communication Skills

Administrators play a frontline role in managing international students. Improving their competencies requires:

Targeted Training and Continuing Education: Provide specialized training on legal issues related

to international student affairs. Topics should include admission policies, academic and residential management, disciplinary procedures, and cultural conflict resolution.

Adherence to Legal Protocols: Administrators should respect students' privacy, information, and participation rights while maintaining awareness of legal boundaries and mitigating risks. This includes ensuring safety education, managing visas, and handling emergency situations effectively.

Strengthening Cross-Cultural Communication: Create an integrated education system to help international students adapt to new environments. This may involve orientation programs, cultural exchange activities, and expert-led workshops. Administrators should foster inclusive and respectful communication to help students adjust smoothly, reducing the likelihood of conflicts.

5 Conclusion

The principles of law-based governance at both the national and institutional levels represent a significant innovation in modern management practices. For international students, the adoption of legalized management is a necessary response to contemporary challenges. By implementing robust legal frameworks and innovative practices, universities can build harmonious, law-abiding campuses and cultivate high-caliber, globally competitive international students.

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