

Teacher Appointment System and Its Optimization Design

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Abstract : The advanced and mature teacher appointment system provides a strong institutional guarantee for colleges and universities to form a team of teachers with reasonable structure and academic excellence. This paper uses the method of comparison to find out the defects and deficiencies of China's teacher appointment system, and puts forward the optimization design scheme, in order to improve China's university teacher appointment system, build the first-class teaching staff in domestic universities, and promote academic prosperity.

Keywords : Teachers; Appointment; System; Optimization design

The historical context of the reform of the personnel system in colleges and universities in China can be roughly divided into the following stages: the feudal monarch and minister attachment relationship in the late Qing Dynasty; the equal contract relationship in the Republic of China; the administrative legal relationship in the period of planned economy; the employment contract relationship in the period of market economy. In 1986, the National Working Conference on the reform of professional titles was held, and the professional title evaluation system implemented the appointment system of professional and technical posts. Under this background, colleges and universities, as the legal entity of public institutions, promoted the reform of teacher appointment system. The main body of university teachers' appointment changed from the government to colleges and universities, and the form of appointment changed from the appointment system to the appointment system use contract relationship. In recent years, the reform of personnel system in colleges and universities has experienced the process of exploration, breakthrough and deepening, and the teacher appointment system has been fully implemented in colleges and universities .

1. The operation of teacher appointment system in foreign countries

Taking Harvard University as an example, its teacher appointment system is dominated by academic power, and the administrative department plays an appropriate auxiliary role, but it can't influence the results of teacher appointment. The appointment system of teachers in Harvard University adopts the dual track system of "lifelong system" and "non lifelong system". According to the professional titles, teachers are divided into four levels: Professor, associate professor, assistant professor and lecturer. Among them, professors and some associate professors with high professional titles are tenure, but they must obey the relevant laws and meet the corresponding conditions. Assistant professors and lecturers are suitable for the "no promotion, no leave" policy: the newly appointed assistant professors should pass the 6~7 year probation period, and the teachers who have obtained the tenure through strict assessment after the expiration of the probation period can obtain reliable social, economic and academic status; otherwise, they have to leave the school or choose the non tenure. The assessment content involves teaching, scientific research and social services. In order to protect the legitimate rights and interests of teachers, the Corresponding Teachers' Appeal Committee is

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established. The teachers who are employed by Harvard University enjoy the supporting welfare policies with industry advantages. After hundreds of years of continuous improvement, the whole employment system has attracted a wide range of talents and always maintained the leading position of world-class universities^[1].

2. The current situation of the employment system of university teachers in China

2.1 To a certain extent, the rights and responsibilities of universities and teachers are not equal

In some colleges and universities, the internal administrative power is extensive and academic power is declining, and the opportunities for university teachers to participate in the management of democracy are marginalized; in personnel appointment and removal, professional title promotion, annual assessment or reward, post appointment and other aspects, they are interfered too much by the school administrative power. In terms of the evaluation and appointment of teachers' professional and technical posts, the professional title evaluation committee is composed of professional professors of the university, who exercise academic power to conduct professional and technical evaluation, but are finally appointed by the administrative power of the university. To a certain extent, the relationship between teachers' professional rank and academic level is ultimately determined by administrative power.

2.2 Unclear legal subject status is the key to the problems of teacher appointment system

As a legal person of institutions, the positioning of colleges and universities does not solve the status of colleges and universities in public law, which leads to the lack or imperfection of the status of colleges and universities in administrative law. From the perspective of teachers, there are various disputes about their legal status: First, the theory of administrative legal relationship holds that the legal status of the process of signing and performing contracts between colleges and universities and teachers is not completely equal; schools have administrative priority in the process of teachers' appointment, and have the power to change, terminate, supervise and guide contracts, and enforce performance, and teachers are in a weak position. Second, personnel law according to the theory of legal relationship, teachers and universities constitute a personnel appointment relationship under the employment system. Third, according to the theory of civil legal relationship, teachers and universities constitute a special civil legal relationship under the employment system, which takes the provision of education, teaching, scientific research, management services and other labor commodities as the object. Although the form is equal consultation, in fact, it is unilateral appointment, not equality. The fourth is the theory of labor legal relationship, which agrees that employment contract and labor contract belong to the same category, and puts employment contract into the category of labor contract. It is suggested that the employment relationship between the two should be adjusted by the labor contract law, which is labor legal relationship.

The understanding of the legal status of colleges and universities is not unified, and the legal status of college teachers is not clear, which makes the two lack of legal basis when there are contradictions and disputes. Judicial intervention is often limited to procedural norms, and there is nothing to do about personnel disputes caused by academic research, which leads to the low rate of winning lawsuits and the difficulty of legal relief^[1]. To a certain extent, it leads to the confusion of judicial practice. It is urgent for the law to clearly define the administrative legal status of colleges and universities.

3. Optimization design and prospect of teacher appointment system

At present, the personnel system of colleges and universities is comprehensively promoting and deepening the reform. In the process of gradual promotion, the disadvantages of university teachers' personnel management gradually appear, which restricts the sustainable development of colleges and universities. This paper discusses the direction of personnel system reform in colleges and universities according to the position, position and responsibility of teachers.

3.1 Improving the legal system

In order to fundamentally solve the legal status of Chinese colleges and universities, we must separate the school from the institution legal person at the national level, establish the school legal person separately, clarify the responsibilities, rights and obligations of the school legal person, and endow the school legal person with the subject qualification in civil and administrative aspects. The fundamental purpose of personnel system reform is to establish a teacher management system characterized by competitive employment and free flow, and realize the transformation from identity management to post management, so as to break the lifelong tenure system of teachers under the planned economy system, implement the appointment system of teachers under the market economy system, and form a benign flow of teachers^[2].

3.2 Separation of administrative power and academic power

China's government controls the power of self employment of teachers in colleges and universities, which leads to a high degree of administrative management system in colleges and universities. In the process of human resource management in colleges and universities, the government adjusts and allocates teachers' human resources through plans. Once the government allocates teachers' human resources, the tenure of teachers becomes a lifelong system, which leads to poor flow of talents in colleges and universities and difficulties in talent expansion in colleges and universities.

Let teachers fully obtain academic power, so as to effectively improve teachers' enthusiasm in work, provide support for teachers' work, change their thinking, realize the transformation of teachers from identity management to post management in essence, establish and improve the performance appraisal system, give full play to teachers' enthusiasm, and lay the foundation for the reform of personnel system. The salary incentive and distribution mechanism of "setting salary by post, changing salary with post, getting more for more work, and getting good performance" will promote the reform^[3].

3.3 Make full use of talents to maximize the potential of teacher resources

In order to make the best use of teachers' resources and follow the human resource management principle of "determining teachers according to their posts", we should formulate a systematic and refined standard system according to different posts and responsibilities, and carry out teacher appointment, training, promotion, rewards and punishments accordingly, so as to achieve "person post matching and personnel suitability", form a diversified evaluation system, and finally realize Maslow's theory. The need of respect and self actualization of the individual are organically integrated.

In the mechanism of teacher's professional title evaluation, we should establish different systems for different types of teachers to achieve fine management. For the teaching type teachers, we should mainly assess the ability, level, effect and reform of education and teaching, and systematically and comprehensively evaluate the teachers through the comprehensive evaluation of students, teaching and research section, teaching supervision expert group and society; for the research type teachers, we should mainly assess the scientific research level of teachers, the scientific research achievements during the employment period, the social value and influence of scientific research achievements and other factors. For teaching and research-oriented teachers, we should take into account the comprehensive consideration of teaching and research.

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