

Teachers' Morality in Universities in the Context of the Rule of Law

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Abstract

The construction of teacher ethics in colleges and universities is the core task of the development of socialist education with Chinese characteristics in the new era, and the frequent problems of teacher ethics in colleges and universities have increasingly become a topic of concern for the whole society. In the context of the rule of law, it is found that at present, the following dilemmas exist in the construction of teacher ethics in colleges and universities in China. Firstly, there is a lack of clear definition of the legal level of the violation of teacher ethics and teacher behavior. Secondly, there is a lack of legal basis for the handling of the violation of teacher ethics and morality, the discretionary range of the handling process is large, and there is a lack of procedural justice, and lastly, it is difficult to prove the evidence and the cost of reporting is high. Based on the above dilemmas, the path of the rule of law for the construction of teacher ethics in colleges and universities in the new era is proposed to maintain the spirit of the rule of law in the handling of teacher ethics issues and to promote the realization of the rule of law.

Keywords

Teacher ethics, rule of law, college faculty, procedural justice.

1. Introduction

In recent years, under the strengthened supervision of public opinion on the social Internet, the problems of teachers' morality in colleges and universities around the world have been repeatedly exposed, causing quite a bad social impact. Such incidents have seriously undermined the professional dignity of the teaching community, and have also triggered to some extent a crisis of confidence in the construction, supervision and prevention of teacher ethics in colleges and universities. Colleges and universities are an important position for the construction of the rule of law in education and the cultivation of talents with a sense of the rule of law, and higher education is an important educational link in shaping students' outlook on life, values and worldview, and the influence on students' sound personality often lasts throughout their lives. Higher education teachers undertake the mission of preaching, teaching, and solving problems, not only should have solid professional ability and profound knowledge, but also should restrain themselves with high ideological and moral, personal quality standards, firmly grasp the core requirements of the construction of teachers' morality and ethics, and undertake the responsibility of education for the development of morality and respect for others. China's education policy is to cultivate the socialist cause of the builders and successors, the fundamental purpose of education is to serve the socialist modernization and serve the people. Therefore, the teaching profession is different in nature from other professions, and the professional ethical standards of teachers are much higher than the requirements of general professions. For a long time, China's requirements for the code of conduct for teachers' ethics have been emphasized in the moral level of advocacy, however, the endless phenomenon of teachers' moral misconduct has effectively exposed the shortcomings of the current construction of teachers' ethics in colleges and universities, focusing on the moral level of the

effectiveness of the construction of teachers' morality has not been fully realized [1], and therefore there is an urgent need to explore the path of the construction of teachers' morality in colleges and universities in the context of the rule of law [2].

2. The connotation of teacher ethics in the context of the rule of law

The law is a tool for guiding behavior, restricting and guaranteeing rights, and is a basic constraint on morality. The introduction of legal provisions are often accompanied by axiomatic, moral level of bad behavior of people can not effectively achieve the constraints, and bad behavior caused by a long time, a certain degree of negative social impact. The current exposure of many of the malignant consequences of the teacher moral and ethical issues in the incident, mostly due to the serious damage to the rights of students, and the parties concerned are unable to safeguard their own rights and interests through effective legal means, and then resorted to the network and got a certain amount of social attention. This reveals that in some actual situations, in the face of serious violations of teacher ethics, students as a vulnerable party is difficult to safeguard their legal rights through proper and reasonable means. This is also a direct cause of the urgent need to move towards the rule of law in colleges and universities.

The construction of teacher ethics in colleges and universities in the context of the rule of law and the basic principles of the rule of law have unity in internal logic. The construction of the rule of law for teachers' morality in colleges and universities means that teachers' behavior is constrained by legal rules. The moral obligations inherent in college teachers are externalized into legal provisions, and according to the constituent elements of the legal rules, their behavioral relationships are summarized as should be, don't be, and may be modes [3], and the legal consequences of the corresponding behavioral modes are clarified, so as to gradually realize the construction of the rule of law for the teachers' morality in colleges and universities.

3. the Dilemma of the rule of law in the construction of teachers' morality in colleges and universities

3.1. Lack of a clear definition of the legal dimension of "violation of teacher ethics"

Clear "violation of teacher ethics" legal definition is the premise of the construction of the rule of law in colleges and universities, the law is the minimum constraints on human morality, and in the current mainstream social context of the category of teacher ethics, belonging to the higher than the general morality of the teacher's professional ethics, the two concepts of natural contradiction and dialectical relationship between the two opposites. Therefore, whether the concept of teacher ethics can be clearly defined at the legal level is the first problem to be solved in the construction of the rule of law. It is not difficult to summarize from the typical cases of teachers violating the ethics of teachers and the related treatment decisions publicly announced by the Ministry of Education every year that the violation of the ethics of teachers includes not only sexual assault, embezzlement, bribery, and other illegal behaviors that are clearly defined at the legal level, but also the behaviors involving teachers' private morality, or violating the code of conduct for teachers' professional ethics, which cannot be defined at the legal level. Article 37 of the Teachers' Law provides a basis for the treatment of improper relationships between teachers and students, plagiarism, and other behaviors based on whether or not they have a "bad influence," while the Education Law does not provide a precise explanation of "bad influence," which has resulted in a lack of legal justice in the actual handling of cases. This has resulted in the lack of legal justice in the actual handling of cases. In the face of this problem, there is an urgent need for a full connection and clear understanding between academia, the executive and the legislature.

3.2. Lack of legal basis for handling violations of teacher ethics and morals

The Ministry of Education issued the guidance for the treatment of teacher moral misconduct, requiring each college and university according to their own actual situation, the establishment of the school party committee as the leader of the construction, supervision, prevention and treatment of teacher morality, colleges and universities in the spirit of the guidance have been introduced in the school code of professional ethics and code of conduct guidelines, however, the content of the code of professional ethics is generally too coarse, confined to the moral level of the advocacy of the problem [4] However, the content of the code of professional ethics is generally too coarse and limited to moral advocacy [4], and there is no quantification of the extent of various teacher moral misconduct. For example, the number of amounts of money solicited and received as gifts from students and parents, the behavioral delineation of sexual harassment, the definition of verbal aggression, and so on. These details are often the most controversial in real-life incidents, and should also be an important basis for determining the impact on the treatment of teachers who misbehave. The current definition of teacher misconduct mainly focuses on qualitative, lack of quantitative accurate description, so in practice it can not provide clear guidelines for the handling of the incident. Even in the Internet era, some colleges and universities in the handling of teacher moral issues, mainly relying on the spread of public opinion on the Internet and the degree of influence to determine the direction of the incident, which is undoubtedly the damage to the spirit of the rule of law. In the long run, it is not conducive to the construction of the rule of law of teacher ethics in the context of the new era.

"The supremacy of law" is one of the basic principles of the rule of law, and is also the fundamental symbol of the rule of law is different from the rule of man, in order to effectively maintain the spirit of the rule of law in education, and to improve the long-term mechanism of teacher morality, the relevant departments should be notified by the Ministry of Education of various types of teacher morality and teacher morality cases to summarize, according to the rules of law to summarize the behavioral patterns of the actors, and then at the legal The relevant departments should summarize all kinds of teacher ethics cases notified by the Ministry of Education, summarize the behavioral patterns of the actors according to the legal rules, and then evaluate whether the actors carry out specific behaviors that are not allowed to be carried out at the legal level and the legal consequences of the corresponding not allowed to be carried out. Following the legal rules, the behavioral patterns of college teachers are specified, setting up the should-be pattern, i.e., the positive obligations that should be fulfilled, and the don't-be pattern, i.e., the negative obligations that can't be fulfilled. In addition, it also sets up the guidance of do-or-don't modes, reserving free space for the teacher-student relationship modes in the actual situation, and guiding college teachers to strengthen the internal drive and make choices in line with the social expectations under the requirement of establishing moral integrity and educating people.

3.3. Large margins of discretion and lack of procedural justice in the treatment process

In the context of the rule of law, it is necessary to ensure that the handling of teacher moral misconduct in colleges and universities is based on the law and must comply with the law, to circumvent the possible existence of harboring and concealment in the process of handling, and to ensure the procedural and normative nature of the evaluation of teacher morality. Unify the discretionary guidelines, clarify the scope of the independent exercise of administrative decision-making rights of universities, and prevent universities from abusing the discretionary power of teacher moral conduct evaluation in the processing [5]. Avoid the evaluation process of teachers' moral behavior from falling into impropriety and disorder, and protect teachers' basic rights of reputation and identity. Conventional legal case handling process often involves

investigation, evidence, hearings, decision-making, complaints and many other links, because procedural justice is the result of justice is a sufficient condition, but also the core connotation of the spirit of the rule of law.

And in front of the exposure of the teacher morality and style of teachers in colleges and universities, the focus of social attention is often only the result. Check the Internet was publicized all kinds of teacher morality and teacher style processing resolution can be found, there are some colleges and universities in the face of boiling Internet public opinion, in order to eliminate the negative impact of the incident as soon as possible, and choose to over-pursuing the processing of efficiency, ignoring the procedural rationality, which led to the processing of the basis for ambiguity, the results of the processing of the lack of rationality of the law and other issues. While some cases not exposed by the Internet, there are many years ago was reported but not dealt with the problem, the current teacher morality events in the processing process, there is a response to the report of the statute of limitations is not clear, the lack of a standardized procedure for the handling of the report and other issues.

3.4. Difficulty of proof and high cost of reporting

Teacher misconduct ranges from professional misconduct to violation of law and discipline. Common teacher ethics problems, such as sexual harassment, sexual assault, inappropriate relationships with students, solicitation of property by teachers, and favoritism and cheating in examinations, are hidden and difficult to prove. And under the clear and obvious unequal rights relationship between teachers and students, students choose to keep their mouths shut out of fear, fear of academic repercussions, reputation and other concerns. This also reveals a major dilemma in the construction of teachers' morality and ethics in our universities, the difficulty of proof, the high cost of reporting, the students therefore face greater psychological pressure. And teacher ethics and teacher style problems deal with the first responsible unit is often the teacher's college. From time to time, colleges in order to maintain their own reputation, reduce the negative impact of the incident, choose to trivialize the big things, the small things of the attitude of the solution, serious damage to the legitimate rights and interests of students. In recent years, a number of cases have come to light pointing out that many vicious incidents are not only problems at the level of teacher morality, but also involve the level of illegal and criminal, so it is difficult to rely solely on the normative documents issued by the education sector as the basis for dealing with the problem, and to effectively curb the unhealthy trend of malignant teacher moral and ethical behaviors.

4. The Rule of law in the context of the construction of teacher morality in colleges and universities path

4.1. Strengthening political leadership and implementing a legal framework

In recent years, the Ministry of Education and the relevant state departments have paid particular attention to the issue of teacher ethics in colleges and universities, and have repeatedly issued departmental normative documents to warn, constrain and supervise. Generally speaking, China has formed a preliminary system of teacher ethics in colleges and universities and negative behavior list. In 2014, in order to implement the important speech of General Secretary Xi Jinping at the symposium of teachers and students of Beijing Normal University, the Ministry of Education issued the "Opinions of the Ministry of Education on the Establishment and Improvement of Long-term Mechanisms for the Construction of Teacher Ethics in Colleges and Universities", which puts forward the assessment of teacher ethics in the evaluation of teachers' titles, evaluation of merit and appraisal of the link with a one-vote veto power [6]. with one-vote veto. In 2018, the Ministry of Education issued the "Guidelines of the Ministry of Education on the Handling of Teacher Ethics Misconduct of College Teachers", which

mainly regulates the autonomous responsibility delineation of colleges and universities for the handling of teacher ethics misdeeds and guidance on handling processes. The "Overall Program for Deepening the Reform of Educational Evaluation in the New Era", which was issued by the Central Committee of the Communist Party of China (CPC) and the State Council in October 2020, proposes to "insist on the importance of Teacher ethics as the first criterion for teacher evaluation".

The above departmental normative documents have laid the foundation for the construction of the rule of law for teacher ethics, but in actual cases, departmental normative documents have weak authority, binding force is not high, and have certain limitations. Therefore, to carry out teacher morality and teacher style legislative work, reasonable articulation between the existing sectoral normative documents and the law of the application of the situation, clear legal reservations is imperative. In the legislative work of teacher ethics, it is necessary to adhere to the socialist core values as the lead, Xi Jinping's thought of socialism with Chinese characteristics in the new era and Xi Jinping's series of important expositions on education as the guide [7], adhere to the integration of party building work and the construction of teachers' ethics and teacher morale, and carry out the advanced nature of the party through the whole process of the construction of teachers' ethics and teacher morality. In addition, with full reference to the reality of the basis, part of the mature, stable, universal teacher ethics policy into the legal provisions [2], fully demonstrated the scientific and fairness of the legislation, the implementation of the law can be relied upon.

4.2. Clarify the main responsibilities and improve the teacher ethics system

Teacher ethics problems are undesirable events that occur in a specific environment and among a specific group of people. In actual cases, the behavioral manifestations of violation of teacher ethics are diverse. Therefore, it is necessary to clearly delineate the adverse consequences caused by various types of teacher ethics events, combined with the nature of the behavior, the consequences of the adverse impact of the degree of judgment of the vicious level of the incident, for the handling of teacher ethics misconduct to provide a solid lawful basis. On the one hand, colleges and universities should make full use of the administrative rights, relying on the education department, establish independent teacher morality supervision office according to law, make clear the first responsible department for monitoring and dealing with problems of teacher morality in colleges and universities, improve the system of teacher morality and formulate the specific implementation methods of teacher morality assessment, and make a clear definition of teacher morality misconduct of college and university teachers. On the other hand, for the handling of teacher morality issues, the need to establish an effective protection of the privacy of the informant, relatively convenient reporting mechanism. Clarify the time limit for handling reports and the standardization of the process, and establish a diversified monitoring and review mechanism to avoid over-reliance on external public opinion for the management of teacher moral misconduct.

4.3. Following the rule of law and returning to procedural justice

In the context of building a socialist country under the rule of law, the construction of teacher morality in China's colleges and universities should follow the thinking and methods of the rule of law, reflecting the role of the rule of law as a safeguard and a guide for the construction of teacher morality. Procedural justice is one of the core connotations of the rule of law, and only by constantly improving the due process in the handling of teacher ethics can the legitimacy and justice of teacher ethics construction and punishment be realized. Teacher moral misconduct should return to the handling of procedural rationality and justice. Procedural justice can be deduced from the results of justice, no matter how bad the nature of the incident, must comply with the existing legal system in the "investigation - evidence - hearing - trial - decision" of the general principles, and the establishment of scientific feedback. General

principles of the existing legal system must be followed, and the establishment of a scientific challenge system, a fair system of limitation, information disclosure system, social supervision system, whistle-blower protection system. To do in every step of the incident handling have a law to follow, have the law must be followed, to avoid "public opinion to decide the case" dilemma, so as to effectively safeguard the spirit of the rule of law in the construction of the new era of higher education teacher morality and teacher morale.

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