

# A Brief Discussion on the Existing Issues in the Implementation of Educational Discipline in Colleges and Universities and the Exploration of Improvement Strategies

Ziyu Luo<sup>1, a</sup>

<sup>1</sup>The Faculty of Education, Southwest University, Chongqing, China

<sup>a</sup>1378064702@qq.com

## Abstract

In recent years, issues surrounding educational discipline in higher education institutions have become increasingly prominent. The disciplinary violations of students have grown more complex, and numerous irregularities persist in the way universities exercise their management functions and enforce disciplinary measures. Problems such as the ambiguity and inconsistency of disciplinary systems, the misalignment between the nature and purpose of educational discipline, the unclear authority in enforcing discipline leading to the absence of responsibility, and the overall lack of a standardized and robust disciplinary framework are widely reported. With the implementation of the rule of law and education-by-law strategies, China's legal governance process has significantly accelerated, and disciplinary practices in universities are increasingly moving toward a legal framework. Issues related to the exercise of disciplinary authority in education have garnered widespread attention in academic circles. The legitimacy of disciplinary measures and the resolution of current issues are urgently needed to realign university discipline with the fundamental goal of character education and to ensure the smooth operation of teaching and learning in higher education institutions.

## Keywords

Higher education; Educational discipline.

## 1. Definition of Core Concepts

### 1.1. Educational Discipline

Educational discipline is an educational method and instrument that arises alongside educational activities. The term "educational discipline" entails that education is the objective, while discipline is the means. Unlike punishment, discipline refers to the imposition of corrective measures on students who violate rules, without causing harm to their physical or mental well-being. It is employed by schools or teachers to maintain order and discipline, allowing the student to experience discomfort in a way that facilitates recognition of wrongdoing, genuine remorse, and behavioral correction. This process aims to instill a sense of responsibility in the student and deter future infractions [1].

Lao Kaisheng argues that "discipline involves the imposition of sanctions on misconduct to ensure its correction and the promotion and consolidation of desirable behavior" [2]. Qin Mengqun believes that "educational discipline is a set of compulsory measures employed by schools to correct students' deviant behavior or to eliminate conduct that disrupts or impedes teaching activities, thereby fostering behavior that aligns with societal norms" [3].

This paper adopts the view that educational discipline refers to a supplementary educational method involving negative evaluation and consequences for students who violate laws, regulations, or school rules. Its purpose is to fulfill educational goals by subjecting students to

measures that cause them to reflect on and avoid similar misconduct in the future. Distinct from corporal punishment, educational discipline is a lawful act rooted in education, not retribution.

## 1.2. The Right of Educational Discipline in Higher Education

Since the inception of institutionalized education, schools have possessed the authority to manage internal affairs and regulate teaching activities. Over time, many countries have sought to codify such authority through legislation, with the right to impose discipline being one such aspect of school governance. However, scholarly research on disciplinary authority has largely focused on primary and secondary schools, while neglecting the context of higher education.

In Chinese law, although there is no explicit definition of disciplinary authority in higher education, Article 52 of the Regulations on the Administration of Students in Regular Institutions of Higher Education states that institutions should engage in criticism and impose disciplinary measures on students who commit infractions. Article 53 outlines the types of disciplinary actions, and Articles 54 to 66 detail the procedures for implementing disciplinary measures. Based on these provisions, it can be inferred that Chinese universities are legally empowered to exercise disciplinary authority.

Professor Shen Kui defines disciplinary actions in universities as “punitive or adverse written decisions taken by higher education institutions—based on national legislation and institutional regulations—for educational or administrative purposes, directed at students who violate specific obligations or fail to meet prescribed standards” [4]. Huang Yongsheng holds that the right of educational discipline in universities refers to “an educational administrative power granted to higher education institutions by laws, administrative regulations, and university rules, whereby students may incur adverse consequences due to disciplinary or academic violations” [5]. This paper argues that the right of educational discipline in higher education refers to the authority of universities to impose sanctions on students who violate legal, regulatory, or institutional norms, for reasons of discipline or academic integrity, in order to achieve educational objectives.

## 2. Existing Problems in the Implementation of Educational Discipline in Higher Education Institutions

In the actual implementation process, educational discipline in colleges and universities faces a number of pressing issues that hinder its intended function. Through case searches conducted on databases such as PKUlaw (Beida Fabao) and the China Judgments Online platform, it has been observed that the exercise of disciplinary authority in Chinese higher education institutions continues to encounter several challenges. These issues can be broadly categorized into the following four aspects:

### 2.1. Vagueness and Inconsistency of Disciplinary Regulations in Higher Education

The regulatory framework governing educational discipline for university students is often vague and inconsistent. This is particularly evident in the language used in institutional rules and regulations across universities, where the definitions of misconduct and the corresponding disciplinary measures lack clarity. A comparative analysis of nearly 50 disciplinary codes from various universities in China reveals a widespread trend of ambiguous language.

For example, certain institutions cite behaviors such as “seriously violating public morals and causing negative social impact,” “damaging the university’s reputation,” or “conduct detrimental to the image of university students” as grounds for disciplinary action. However, such formulations are vague and open to broad interpretation. Virtually any form of undesirable student behavior could arguably harm the university’s reputation or image, making

such criteria overly general and legally problematic. Additionally, many institutions adopt overly broad classifications when assigning punishments to specific violations. It is common to find provisions such as “punishment of warning or above,” “serious warning up to expulsion,” or “disciplinary probation or below,” which fail to establish clear and proportional standards for sanctions.

The function of university rules and regulations is not only to guide student behavior but also to serve as a definitive basis for disciplinary enforcement. Rules must clearly indicate what is permissible and what is not, so that students understand their obligations. Therefore, the drafting of university regulations should prioritize clarity and specificity to ensure the effective implementation of educational discipline and to protect students’ legal rights. As one court decision noted, “The use of vague terms such as ‘inappropriate behavior’ in school rules, and the subsequent imposition of serious penalties such as expulsion or long-term suspension, was deemed invalid” [6].

The inconsistency across universities is another pressing issue. Different institutions may impose varying disciplinary measures for the same misconduct, or even within the same institution, different students may receive disparate punishments for identical infractions. While the intent behind allowing universities to formulate their own disciplinary frameworks is to foster academic initiative and autonomy, this divergence in standards can lead to inequality. As noted, “Students facing the same offense may find themselves in vastly different situations simply because they attend different universities” [7]. For instance, cheating on an exam might warrant a “serious warning” or “demerit” at one institution, but lead to outright expulsion at another.

The vagueness and inconsistency of disciplinary regulations pose a significant threat to the order of teaching and learning, undermine the protection of students’ lawful rights, and increase the risk of legal disputes. Ultimately, these issues compromise the fairness and quality of education.

## **2.2. Misalignment Between the Nature and Purpose of Educational Discipline**

When higher education institutions exercise disciplinary authority, the measures employed should align with the student’s actual misconduct and their efforts toward rectification. In addition to conforming to the principle of legality and avoiding conflicts with superior laws, universities must also adhere to the principles of appropriateness and educational intent. The fundamental aim of educational discipline is not to inflict pain or punishment, but rather to guide, educate, and cultivate students—helping them internalize social norms and develop correct values.

However, many real-world cases and administrative practices reveal a fundamental misunderstanding of the nature of educational discipline. This has led to instances of excessive or inappropriate disciplinary measures, as well as the opposite phenomenon—where schools and teachers avoid disciplining students out of fear or in an attempt to appease them.

This dual tendency—either overstepping or abandoning disciplinary responsibilities—undermines the core purpose of educational discipline. When institutions apply overly harsh punishments, they risk violating students’ rights and weakening the educational rationale behind discipline. Conversely, when universities become overly cautious and hesitant, they erode institutional authority and accountability, making it difficult to maintain order or instill social responsibility in students.

In the process of implementing disciplinary measures, universities must recognize that educational discipline is an instructional method applied to learners. Its fundamental purpose is to guide and educate students who exhibit improper behavior. Every procedural step in the disciplinary process should reflect its educational intent. Sanctions must be appropriate in both form and severity, ensuring the effectiveness of the disciplinary outcome. Disciplinary actions

should not be pursued for their own sake, nor should they serve as an outlet for institutional frustration or merely as a symbol of strict governance. Likewise, the avoidance of disciplinary actions due to concerns over 'trouble' undermines the core purpose of discipline in education.

### **2.3. Ambiguity in the Identification of Authorized Disciplinary Actors Leading to an Absence of Accountability**

One significant issue in higher education institutions is the abandonment or neglect of the right to impose educational discipline. University faculty members often overlook their own authority and, perhaps unintentionally, relinquish their right to enforce disciplinary measures. However, the exercise of disciplinary authority by educators is one of the key mechanisms for safeguarding students' right to receive education. This is especially important in universities where collective activities are relatively limited and students enjoy greater autonomy. For students with weaker self-discipline, the classroom is the primary venue for learning. Without a well-ordered classroom environment, teaching can become inefficient or even ineffective.

For instance, one university experienced severe classroom disorder that seriously disrupted students' normal academic life. However, both the teachers and the university administration turned a blind eye. One teacher remarked, "I am only responsible for teaching; anything beyond that is none of my business." When students raised the issue with their counselor, the response was, "We're overwhelmed with responsibilities. It's impossible to monitor your classes every day. Go talk to your course instructor." This "buck-passing" between the university and its faculty meant the problem remained unresolved for a long time.

Analysis of this case reveals that neither the teachers nor the counselors were clear about their responsibility to exercise educational discipline. They ignored the classroom disorder, each believing the matter fell under the other's purview. Students' reasonable requests for intervention were left unaddressed, which severely undermined their learning experience. In an interview with Professor Pan from a university in Jiangxi Province, he commented: "To my knowledge, there is currently no specific law that explicitly grants higher education institutions the right to exercise educational discipline, nor does it authorize individual faculty members to do so. Even if we want to exercise such power, we have no legal basis. The school primarily relies on institutional rules to handle student misconduct. As for me, I carry both administrative and teaching duties. Normally, I report incidents and let the school follow procedures. But when it comes to classroom discipline, I really feel powerless."

This case illustrates that, in practice, the ambiguity surrounding the identity of those authorized to impose disciplinary measures can lead to a vacuum of authority. This lack of clarity contributes to an absence of action, damaging both the classroom environment and the overall educational process.

### **2.4. Lack of Standardization and Robustness in the Disciplinary System**

Educational discipline is an activity aimed at shaping student ideology and correcting behavior, and it must function as a comprehensive and systematic process. The increasing number of lawsuits filed by students in response to disciplinary actions not only demonstrates a growing awareness of legal rights, but also highlights deficiencies in the current disciplinary framework—indicating that it is neither standardized nor fully effective.

The primary issues within the current university disciplinary system include procedural irregularities and improper implementation. The entire process of educational discipline must be procedurally sound. Failure to follow proper procedure—or ignoring it altogether—can infringe upon students' legal rights and damage the university's credibility and authority in student affairs. Based on searches in PKUlaw and China Judgments Online, over 100 cases related to university discipline were identified in the past two years. Among them, 42% resulted in the university losing the case due to procedural violations. This statistic clearly

indicates that universities frequently fail to observe proper procedural principles when imposing disciplinary measures.

The main procedural issues can be summarized as follows:

First, conflicts between institutional regulations and higher-level laws. For example, in the 2016 case *Liu v. Sun Yat-sen University Xinhua College*, the court ruled that the university's disciplinary rules did not comply with the Degree Regulations of the People's Republic of China and had unilaterally imposed non-academic evaluation criteria. Consequently, the disciplinary action was deemed inappropriate and overturned by the court.

Second, lack of democratic participation in the formulation of disciplinary rules. As Dai Guoli pointed out in his article *An Analysis of Student Participation Rights in University Educational Discipline*, "In most countries around the world, student participation in university governance is regarded as an essential method of implementing democratic management, enhancing decision-making, and fostering civic awareness among students" [8]. Therefore, universities must actively involve students in the development of institutional rules—especially those concerning disciplinary actions—instead of making such decisions unilaterally.

Third, failure to provide students with the opportunity to present statements or defend themselves prior to disciplinary decisions. Article 55 of the Regulations on the Administration of Students in Regular Institutions of Higher Education stipulates that before imposing disciplinary sanctions, universities must inform students of the facts, reasons, and basis for the decision, and must afford students the right to make statements and present defenses. However, many institutions fail to uphold this requirement in practice.

Fourth, failure to inform students of their rights to remedies after disciplinary decisions are made, and failure to promptly deliver written disciplinary decisions. A landmark case in this regard is *Tian Yong v. University of Science and Technology Beijing*, in which the university failed to deliver the expulsion notice to the student in a timely manner, resulting in a court ruling against the institution. This case set a precedent in administrative litigation involving Chinese universities.

Fifth, inadequate appeal and remedy mechanisms for students. In most universities, disciplinary decisions for student misconduct are made through administrative procedures dominated by mid-level or senior administrators during meetings such as university president office sessions. Students have limited involvement in the decision-making or appeal process, and administrators often lack a thorough understanding of the students' individual circumstances. Under such conditions, the effectiveness of remedy and appeal mechanisms is severely compromised.

### **3. Optimization Strategies for Implementing Disciplinary Measures in Higher Education Institutions**

In the process of exercising disciplinary authority in higher education institutions, various problems arise. To address these issues and ensure the effective implementation of disciplinary measures, several strategies should be adopted. Firstly, legislative improvements are necessary—relevant laws and regulations must be strengthened to enhance their operability, promote the construction of a disciplinary system, and improve procedural mechanisms. Secondly, all stakeholders must adopt a scientific perspective on disciplinary education, recognizing that its ultimate goal is to foster moral integrity and character development. Lastly, both educators and students must enhance their own qualities and cooperate actively to optimize the implementation of disciplinary measures, so as to fully realize their intended effects.

### 3.1. Establish and Improve Institutional and Legal Frameworks for Student Discipline in Universities

At present, China's legal system lacks specific and clear regulations regarding the exercise of disciplinary authority in universities. This renders the practice a legal gray area within the educational legislative framework. To advance the rule of law in campus governance, universities should reform student management systems according to legal principles, improve internal regulatory frameworks, strictly enforce disciplinary protocols, uphold procedural fairness, establish effective remedies for student rights, strengthen legal education on campus, and enhance the legal awareness of both faculty and students [9]. Relevant authorities should accelerate the introduction of legislation specific to disciplinary authority in higher education, thereby ensuring that such authority is grounded in law and its legitimacy is clearly defined. Only through legislation can the legitimacy and standardization of disciplinary measures be ensured, thereby guaranteeing their appropriate application.

Firstly, the legitimacy of the entities involved must be explicitly defined through legal norms, confirming the authoritative role of universities in exercising disciplinary powers. Since universities consist of multiple departments and various types of disciplinary actions span across these departments, it is important to delineate responsibilities to avoid blame-shifting. For example, the Academic Affairs Office should handle cases involving absenteeism and exam violations, while the Student Affairs Department should manage other forms of misconduct, such as instances handled by counselors involving tardiness or early departure. Secondly, the scope of disciplinary measures must be clearly defined. The boundaries of disciplinary authority should be made explicit—corporal punishment, disguised corporal punishment, and actions that humiliate students' dignity must be strictly prohibited. It is important to differentiate between discipline, punishment, and abuse.

### 3.2. Improve the Construction of a Disciplinary System in Higher Education

The current disciplinary system in Chinese universities is still underdeveloped and incomplete. Improvement should focus on procedural norms and the establishment of supervisory systems. Firstly, procedural norms must be strengthened, and the student appeals system improved. Universities should raise students' awareness of rights protection mechanisms—for example, by publishing information on the location and members of the student appeals committee via university websites, student handbooks, or campus newspapers, providing the necessary support for students to seek remedies when their rights are infringed. Additionally, professional legal institutions and experts should be involved in student management processes, enhancing the legal soundness and legitimacy of decisions related to student violations, and enabling the university to better handle legal challenges such as student litigation. Furthermore, the implementation of student disciplinary hearing systems and student self-governance bodies should be considered. Hearings ensure transparency and openness in disciplinary processes, allowing problems to be identified and resolved in a timely manner, enhancing the legitimacy and procedural fairness of disciplinary actions, while fostering students' democratic participation and self-management capabilities.

Secondly, a supervisory system for the exercise of disciplinary authority must be established to regulate the use of power. As a form of public authority, disciplinary power should be subject to certain constraints and oversight, adhering to principles of legality and fairness. Chinese universities should create internal and external supervision mechanisms to ensure that disciplinary powers are properly exercised. Internally, educational authorities should establish supervisory bodies and feedback mechanisms, ensuring that disciplinary information is publicly disclosed and that direct communication channels between universities and regulators are maintained. This helps ensure that disciplinary actions are reasonable and lawful. Moreover, universities should implement supervisory mechanisms involving counselors and establish

student oversight committees, encouraging faculty-student collaboration and dialogue, thereby promoting the scientific, reasonable, and effective application of disciplinary measures. Externally, there is currently little involvement of third parties in supervising disciplinary actions in universities, and no external oversight exists for enforcement. To address this, mechanisms such as media supervision and parent committees can be introduced to provide third-party oversight and enhance accountability.

### **3.3. Foster a Scientific Understanding of Educational Discipline**

At present, the intended role of disciplinary measures in Chinese universities has not been fully realized, primarily because many educators lack a correct and scientific understanding of education itself and cannot accurately grasp the essence of disciplinary practices. In many cases, the implementation of discipline overemphasizes the authority and rigidity of institutional rules, while neglecting the humanistic care and developmental needs of students. As a result, the ultimate goal of discipline—educating and nurturing students—is often compromised [10]. Therefore, during the implementation of disciplinary actions, educators must always uphold the educational mission of fostering virtue and character. Discipline should be exercised with caution and restraint, avoiding misuse or overuse that could harm students' personal development. Educators must keep in mind that the targets of disciplinary action are university students—young adults with great potential for growth and development, not just rule violators. The fundamental aim of discipline is to educate and cultivate students, ultimately enhancing their moral character.

### **3.4. Enhance Educators' Professional Competence and Students' Legal Awareness**

As the two primary stakeholders in the disciplinary process—educators and students—both parties must improve their personal qualities and legal literacy to better understand and exercise disciplinary rights.

As executors of disciplinary authority, educators need to improve their ability to apply disciplinary measures. This can be achieved through professional training on the scope, process, and principles of disciplinary authority in higher education. More importantly, educators should enhance their overall professional competence, ensuring that each stage of the disciplinary process is guided by scientific judgment and educational principles. They should objectively assess the facts of each case, consult legal or psychological experts when necessary, and collaborate with students' families to ensure the legality and procedural fairness of disciplinary measures. In addition, educators must attentively observe the emotional and behavioral changes in students subject to discipline, providing psychological support and helping them manage negative emotions.

The effectiveness of disciplinary action is not only dependent on the educator's competence, but also on the student's awareness and engagement. First, students' legal education must be strengthened. Universities should include knowledge about disciplinary procedures in the curriculum, cultivating students' awareness of their rights and responsibilities, and encouraging them to proactively learn about the importance of discipline and the legal frameworks that support it. Second, students should develop a stronger sense of discipline and rule-following. They must be encouraged to reflect sincerely on their misconduct, willingly accept disciplinary outcomes, and engage in meaningful self-correction. Third, students should be encouraged to actively participate in the disciplinary process. Universities should create channels for students to express their opinions and be involved in governance, such as establishing student affairs departments or self-governance organizations focused on discipline-related issues. Student participation in disciplinary affairs promotes the democratization of campus governance, enhances students' sense of identity and belonging,

and helps them better understand the rationale behind school policies and regulations, thereby encouraging more self-disciplined behavior.

Ultimately, the purpose of disciplinary actions in higher education is not only to maintain teaching and administrative order, but more importantly, to serve as a unique educational tool aimed at human development. Therefore, the implementation of disciplinary measures must consistently adhere to the core value of moral education. Only by grounding disciplinary practices in legal norms and ensuring fair, reasonable procedures can higher education institutions fully realize the intended effects of student discipline.

#### 4. Conclusion

The standardized implementation of educational discipline in colleges and universities is essentially a practice that integrates the spirit of the rule of law with the essence of education. The existing problems such as ambiguous systems, misaligned purposes, absent subjects, and defective systems stem from the failure to form an organic unity between the legitimate boundary of educational disciplinary power and the educational core.

The solution path must adhere to the core logic of "laying the foundation with the rule of law and taking education as the soul": on the one hand, it is necessary to clarify the rights and responsibilities of disciplinary subjects and applicable boundaries through legislation, and eliminate ambiguity and arbitrariness with institutional rigidity; on the other hand, it is necessary to return to the fundamental position of fostering virtue through education, transform the disciplinary process into an opportunity for education, and avoid alienating it into a mere management tool. Only by making institutional norms serve educational purposes and adapting disciplinary measures to the growth needs of students can we maintain campus order while truly realizing the educational value of "punishing past mistakes to avoid future ones and curing the sick to save people", and provide a support with both rigidity and temperature for the modernization of university governance.

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