

## Legal Responsibility for Academic Misconduct in Universities

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### Abstract

Order is important for human life in terms of social. Only does the development of the individual in the community need to get itself a collective sense of honor and sense of belonging. We should consider the order as a benchmark of human activity and community groups can be developed. The academic community is a platform for academic exchange and cooperation of people in the universities. In the academic development, we should embrace the concept of academic freedom and obey the responsibility of academic ethics. We should reasonably define the responsibility of academic misconduct. Academic misconduct has been tarnished Academic atmosphere of a big incentive

**Key words:** University; Legal responsibility; Academic misconduct

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### INTRODUCTION

Currently, the increasingly spread of academic misconduct, which was not only pernicious to the image of the academic community, but also seriously affected the construction of an innovation oriented country. Moreover, it has made social integrity problems worse. In

order to improve academic misconduct, first academic discipline should be respected. While in a society under the rule of law, which is apparently lack of self-discipline, the unavoidable heteronomy choice is to rule academic misconduct with law, and set the legal responsibility of academic misconduct.

### 1. THE REASON OF SELECTING THE TOPIC OF LEGAL RESPONSIBILITY OF ACADEMIC MISCONDUCT UNIVERSITY

University is an organic part of today's society system, the social development and human civilization, knowledge update. It plays an important role in the process. As is known to all, university is to explore the profound knowledge, the pursuit of universal truth, imparting knowledge, engaged in the important place of scientific research. Olga says, the function of university is to culture teaching, teaching, scientific research and the development of new scientist. University performs its functions and it trains people to become professional experts in all walks of life. At the university of these functions, it depends on a common topic: "academic". In quite a long time, people all believe that academic is that people tirelessly pursuit. It can bring people to the value of the high and holy. It has a strict scientific standard. And, in the university, people also often hear the solemn words—"academic freedom", which allows an extraordinary creative life for people with extraordinary creativity. A certain sense, academic freedom is a way of academic autonomy management. It means that academic responsibilities under the premise that observes academic order to explore the objective truth, knowledge and the right of speech. Academic freedom is by no means unlimited liberalization academic. It is an order by academic constraints "limited standard". John Mueller has said that the search for knowledge must be carried out in a

relatively free and compulsory, and undisturbed environment. But academic freedom also requires appropriate institutional and legal regulation, which can form correct academic attitude. However, since the 1990s, academics breeding plagiarism, fraud, plagiarism and other academic misconduct, have shaken people's confidence in the Chinese academic. People began to doubt the truth behind the "science", in memory of the academic people and "academic" to get along basic academic "etiquette" of crash. Beginning in the 1990s, the development of relevant academic ethics wagons, departmental rules of academic misconduct treated in 2009 after the university has also developed a relevant academic misconduct punishable normative documents. University academic community also continued to strengthen academic misconduct ethics regulations. But academic people appear plagiarism, falsifying fraud, illegal applied research funding and other academic misconduct repeated. This phenomenon was "wild fire, in spring" state of affairs at the university ivory tower. According to the constitution of the rule of law under the background, it is necessary to curb academic misconduct and need some necessary measures. Such as academic self-discipline, cooperative control laws and regulations. We should change the way in single ethical governance of academic misconduct monotonous fatigue mode. The key way to achieve academic misconduct university governance is to set reasonable legal responsibility, clear obligations and responsibilities and achieve a good run academic ecology. Treatment to the rule of law in the education of today, research university academic misconduct legal responsibility to establish a wide range of academic misconduct liability system will cause concern and attention, will become a new hotspot. Treatment to the rule of law in the education of today, research university academic misconduct legal responsibility to establish a wide range of academic misconduct liability system will cause the concern of scholars and research focus.

### **1.1 University Academic Misconduct Events Occur Frequently**

Academic misconduct and academic norms exist side by side. In recent years, China's well-known scholar, professor was exposed, frequently reported from other academic point of view, using scientific research funds and other academic misconduct, illegal by the social public condemnation. In 2006, BBS disclosed certain professor at Shanghai Jiaotong university, Tsinghua university invented "Chinese core" number one belongs to the academic misconduct. The professor bought chips from the United States, and then hired someone had wore off after original signs with their logo, evolved with independent intellectual property rights of "Chinese core" number one, succeed to defraud state funding up to hundreds of millions of Yuan. Fudan university in 2007,

"since the explosion door", dealing with three report copying foreign famous professor published some books, theft of misconduct. In 2009, vice President of Liaoning university and students signed article alleged much copying a school teacher in Yunnan. "Plagiarism door" well-known professor in Tsinghua university, Wuhan university sociology certain professor was exposed plagiarized others view, vice President of Southwest Jiaotong university for a doctorate from cancelled Ph.D., a researcher at the institute of geology and geophysics of the Chinese academy of sciences with fake bills for hundred million, a university of Hunan forged documents to nobble two teachers. A variety of academic misconduct caused the public academic spirit regression is yearning, lead to academic community members to reflect the relationship between academic freedom and academic responsibility. Also it causes the public questioned national ministries issued the relevant regulatory policies and regulations of the law of academic misconduct results and effectiveness.

### **1.2 Lack of Ethical Control and Moral Norms**

The academic misconduct, governance path is valid? The academic misconduct, governance path is valid. From the specification of system text moralizing on the members of the academic community, promote the academic authority of ethical spirit. But the reflection on the above of a large number of misconduct cases, we found that the final result of these cases have no conclusions. Ethical and moral regulation did not work and no one shall be investigated for legal responsibility of the person in charge of alleged misconduct not to mention bearing legal responsibility. With results even cheated the huge funding was just recovered, the original amount of money, and no one shall be investigated for their personal legal liability even cheated the huge funding, it just recovered, the original amount of money, processing the and no one shall be investigated for their personal legal liability. Even Ph.D. Thesis, just cancel the doctoral degree, but you can still stay continued to work, whether to remove the vice President is uncertain. Misconduct ethics weak control, moral norms reflects the importance of academic discipline. Morality and law are two core concepts of the rule of law concept, the two complement each other. We still need moral, ethical self-discipline and legal to regulate reasonable legal responsibility of academic misconduct.

Academic rule of law is not trespassing academic freedom, but standard academic common members of the academic behavior, prevent members each other in the academic activities of infringement or violation of public interests and national interests. Therefore, facing the limited strength of academic autonomy, damaged the interests of the state, the academic power and administrative power dissimulation the reality of the situation, we should start from the perspective of the rule of law to think about the university academic misconduct,

focusing on the overall interests, design scientific and reasonable legal rules, enhance the maneuverability of the rule of law, to seek a balance between academic autonomy and the rule of law, establish a clear legal responsibility system of academic misconduct, reveal law, good governance, to ensure the healthy and orderly development of the university academic.

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## **2. RESEARCH PURPOSES OF LEGAL RESPONSIBILITY OF ACADEMIC MISCONDUCT UNIVERSITY**

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The purpose of this study is set by the necessity of university academic misconduct liability, the possibility of academic misconduct and the analysis of the internal mechanism of the university liability. On the basis of clear elements of university academic misconduct liability on the other hand, we should inspect the legal responsibility of the university academic misconduct the real situation. Analyzing two levels of the university academic misconduct legal responsibility of the value and the fact and finding out the complete prevention of academic misconduct laws, regulations basis of Kam US Senate, the Netherlands and other countries, we should reflect on the underlying causes of the university academic misconduct liability flawed and thus providing a scientific and rational set of academic misconduct liability university path protection, to achieve the healthy functioning of university academic ecology, and eventually to the rule of law and the interests of academic expression of good governance and academic integration.

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## **3. RESEARCH SIGNIFICANCE OF LEGAL RESPONSIBILITY OF ACADEMIC MISCONDUCT UNIVERSITY**

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From the perspective of the existing legal practice, our academic misconduct penalties are too light and expose most academic misconduct cases are reported by the infringer, the media exposure. Rather than the determination of the investigation inspectorate “Intellectual Property Law”, exist a situation that “do not tell do not study, do not get to the bottom of the report”. Although the law clearly states that the infringement of copyright violators criminally responsible, but did not include plagiarism. The new penal code identified elements of the crime of copyright infringement are subjective intent and profitability, a number of plagiarism and other academic misconduct penalty are bound to be excluded from the scope of copyright law. Range in Sweden and other developed countries, any infringement of intellectual property rights belongs to the criminal act into law sanctions. It has some theoretical and practical significance to carry out the law of responsibility of academic research misconduct and set reasonable limits of

legal intervention of academic misconduct in the modern university.

### **3.1 The Theoretical Research Significance of Legal Responsibility of Academic Misconduct University**

From the theoretical sense, this study helps us to expand the horizons of academic misconduct theoretical study of the behavior in the University and also help us to explore the theoretical basis for building university academic misconduct legal liability system.

Firstly, this study helps us to expand the horizons of academic misconduct theoretical study of the behavior in the University. “Academic Misconduct” can be described as a historic topic. During the 1960s of the last century, it rises the movement of academic norms widely. Researchers mostly from the performance of academic misconduct, harm, forms of governance start to talk about academic misconduct. In terms of forms of governance, most researchers talk about academic ethics, moral discipline and regulation technology perspectives and a study of surface phenomena. But the effect of the governance is minimal. In this study, the author tries to avoid the underlying causes of the drawbacks of previous studies, based on the rule of law among academic ethics and academic to find a balance between legal theory and analysis of the academic misconduct university permanently. Management of academic misconduct first needs to be respected in the academic discipline. But in self manifestly inadequate rule of law, it will become an unavoidable law of choice of the academic misconduct legal rules to set academic misconduct liability and then expand the horizons of the field theory.

Secondly, this study helps us to explore the construction of the theoretical foundation of the university academic misconduct legal liability system. Not only does the academic misconduct violate the academic professional ethics, but also serious academic misconduct will violate the law, resulting to damage the national interests. However, traditional research lacks of a systematic study of the clear legal responsibility for academic misconduct and fails to break the traditional paradigm. This study is based on legislative principles, legal liability as the research focus from theoretical and legal point of view to build academic misconduct liability, reflecting the rights, responsibilities and obligations of the unity of the basic legal concepts. From a certain sense, carrying out law for responsibility of academic research misconduct in the university is good to explore the theory based on academic misconduct legal liability system.

### **3.2 The Practical Research Significance of Legal Responsibility of Academic Misconduct University**

From a practical sense, this research will help us to strengthen the rule of law in the construction of academic, providing a reference for national legislation; and

promoting academic spirit return responsibility for realizing the vision of social pluralism cohabitation. It also helps the university to restore good order academic in college and purify academic atmosphere.

Firstly, this research will help us to strengthen the rule of law in the construction of academic, providing a reference for national legislation. The rule of law in the academic governance of the road is still far from a long way off. China exists obvious limitations of legislation on academic misconduct. It mostly limits on the legal texts department level administrative rules, manifesting more substantive provisions, and procedural requirements. It only has a narrow range of administrative sanctions effectiveness. There are no academic misconduct legal procedures to make the system of accountability provisions. This creates a lot of trouble for practical level of punishment. Although universities enjoy academic freedom, in legal practice, which misconduct punishment dispute must be included in the scope of judicial review to become widely attention from all walks of life has not been determined. The United States and other developed countries in the mature experience of legislation and judicial practice and also provide experiences of academic legislation in our country. At the same time, carrying out this research can help us to strengthen the construction of academic law, administering education according to law, the state formulates higher levels of academic contributions to laws and regulations.

Secondly, this study is beneficial for the promotion of academic spirit return to realize social diversity and should be the responsibility of the vision. Academic spirit is the moral integrity that people who engaged in academic research should uphold. It also motivates people to seek the truth, and the ridge of the spirit of independent innovation. A variety of academic misconduct caused people to present material temptation, material benefit lost and lost the academic ethics. Aiming at the shortcomings of the academic ethics self-discipline management, we should find the way of academic law to clear academic person's legal responsibility and achieve academic governance legal system. It is the real picture of multiple work responsibility vision in modern society. Making a scientific guarantee of national force misconduct legal responsibility can promote the return of the academic people spirit, make people engaged in scientific research in the correct academic values and build a sound system of tort liability system. And it will protect the intellectual property rights system of responsibility for society to provide practical basis.

Thirdly, this study is good to explore the theory based on academic misconduct legal liability system. Through investing university academic misconduct legal liability system internal defect inspection and comb, fastidious the real shape of academic management in our country under the rule of law, we need dig deeper into foreign relevant academic basis, legal system and legislation to clear our

country university academic misconduct legal responsibility. Building scientific and reasonable university misconduct legal responsibility and clearing academic field substantive legal obligations are good to restore the university academic order and pure the academic atmosphere of the university. It has a realistic significance. Academic order is the guarantee of maintaining academic community work. The healthy development of the academic research needs academic norms. The root causes of frequent academic misconduct are different. Such as unclear responsibility identification, not strong enough tracing and the distortion of disciplinary measures. A good university scholar Dong Xie who majors in academic research has pointed out the university academic misconduct case. He says, the limitations of law put all the academic misconduct. The university academic fraud and other misconduct phenomenon intensified, regulators must be investigated negligence liability.

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## CONCLUSION

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Fallen education exacerbates the social atmosphere of corruption and decays social morality. Unlike general administrative corruption education officials of corruption, fallen education is a "source of corruption". Not only will it destroy social justice from social psychology, moral soul, but also will it exacerbate other more entrenched corruptions. To some alarming, the popularity of the fall of education has lost the entire community of self-purification capacity. From this perspective, I am afraid of any corruption in education the "one-vote veto".

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