

# The Practice of University Information Disclosure in the United States and Its Enlightenment to Chinese Universities—Illustrated by the Case of University of California

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## Abstract

The university information disclosure is an effective tool to promote transition the University from information closure to information sharing, to convey reveal its own actual situation to other individuals and groups inside and outside campus, to balance autonomy and public responsibility, and also an important means for the university to win external attention and resource investment. According to the reality current condition of information disclosure in Chinese universities, this paper takes the practice of information disclosure in the University of California as a sample, through tracing the legal source of information disclosure in American universities, elaborating on and analyzing the specific sample practice, and combining with the specific situation in China, and puts forward the following measures, including improving the system legislation, unifying the scope and content of disclosure, enriching the forms of disclosure, and improving the supervision, relief and guarantee measures, in order to provide some valuable research results for the further promotion of information disclosure in China's universities.

## Keywords

Higher education; Universities; Information disclosure; University of California.

## 1. Introduction

University information publicity is the balancer of many contradictions between university autonomy and public responsibility, the right to know and the right to privacy. As a *foreign product*, the university information disclosure in China started late, and there is still room for further improvement. In contrast, the development of relevant systems in foreign regions is relatively mature. The legal system and operation practice of university information disclosure can help the development and improvement of the university information disclosure system in China. Through the author's investigation of the university information disclosure system in other regions, to some extent, in areas where students can get quality higher education, the university disclosure system is usually more complete.

As stated above, this paper selects the information disclosure practice of the University of California in the United States to analyze and study its reference significance for the information disclosure work of Chinese universities. The reason for choosing the United States is that American higher education has always been in the forefront of the world. Under the mature legal environment, its higher education system, including the university information disclosure system, has developed relatively well, which is worth learning for reference. The University of California was chosen for the study because it is the largest public university system and the largest University Commonwealth in the world. Its universities are among the best by various academic standards and rankings. The study of the information disclosure system in the United States and the practical experience of the University of California has positive influence on promoting the development of higher education in China, improving the quality of higher education, and realizing the modernization of university governance ability and system as soon as possible.

## 2. Legal Origin of University Information Disclosure in the United States

There is no special legislation on the university information disclosure in the United States. The legal sources of university information disclosure I include statute law and case law. Statute law is mainly composed of federal law, state law and university rules and regulations. Both federal law and state law have general administrative laws and regulations, as well as special education laws and regulations.

### 2.1 Laws and Regulations Directly Related to University Information Disclosure

#### 2.1.1 Transparency in Higher Education Act

In 2011, the federal government issued the act, which requires "all universities except for medicine and dentistry should provide the public with information about each undergraduate course on the Internet", including syllabus, curriculum vitae of teachers, course budget, course cost, score distribution (10 or above). At the same time, the bill requires that the number of links from the official homepage of universities to the information disclosure homepage should not exceed three, the information disclosure homepage needs to include keyword and phrase search functions, and the whole process of information access does not need to registration or logging in.

#### 2.1.2 Transparency in Higher Education Act

In 2014, the federal government of the United States promulgated the act to release the data of more than 7000 universities nationwide to the public by building an official data platform, so as to help students and parents clearly understand the enrollment information of each college. The data required to be disclosed include the enrollment plan, graduation rate (required to have classified data of students), tuition, financial aid, part-time teacher information and proportion, as well as the conditions and process of applying for federal student funding.

#### 2.1.3 Community College Transparency Act 2019

In 2019, the federal government issued the act to release data by building a federal data platform. However, the act only applies to community colleges. At the same time, the bill particularly emphasizes the need for community colleges to publish data on the career choices of graduates of each class. The act also defines the responsibilities of the Federal Ministry of education, including writing reports covering enrollment, education expenditure, grants, enrollment rate, graduation rate and student academic achievements, providing classified data of students, and making these reports and data available to the public.

### 2.2 Laws and regulations indirectly related to information disclosure in Universities

#### 2.2.1 Federal freedom of Information Act

The statute was enacted in 1966 to make federal administrative procedures more transparent to the public and the media. The law and state laws enacted to varying degrees in accordance with the law establish the principle that all documents or records held by government agencies must be disclosed to the public in an active or applied manner, unless such information is an exception to the public for the following reasons: to protect confidential information, to protect personal privacy or trade secrets, or the information cannot be reported by the media. The federal freedom of Information Act applies only to federal government agencies, including the Ministry of education, but not to universities organized under state law.

#### 2.2.2 Higher education law

The higher education act was signed by President Lyndon Johnson on November 8, 1965 and amended by the Higher Education Opportunity Act in 2008. The new act significantly expands the scope of information that universities and the Ministry of education must provide to *consumers*, including students, parents, instructors, researchers, legislators and the general public.<sup>[1]</sup> The fourth part of the law requires that universities which legally receive federal student funding to be more transparent in their financial operations, including the obligation to set up a net fee calculator developed by the Ministry of education on their website to enable students to compare the cost differences between different universities.

### 2.2.3 Law on the right to family education and privacy

The act, enacted by the U.S. Congress in 1974, largely protects the records and privacy of students in order to prevent the increasing unauthorized disclosure of student information. The law sets the conditions for universities to obtain federal funding, that is, each school must be able to protect education records or identity information related to students' personal information, except for catalog information. The law broadly defines *educational records* that need to be protected, i.e. information directly related to students, such as student number, grade, examination score, GPA, social security number, parents' residential addresses and telephone numbers, course registration, admission score, etc. [2]

### 3. An analysis of the purpose of information disclosure in American Universities

The purpose of information disclosure is *accountability*, and the purpose of accountability is to improve *institutional effectiveness*. According to the research results of Wei and William knight, "College effectiveness" was first established by the Southern Association of colleges and schools (SACS). [3] SACS defines the efficiency of universities as "Universities define their goals and achieve the effectiveness of their own goals. "Obviously, the original intention of the university efficiency is to evaluate the efficiency and effect of universities in the realization of their goals after the universities have formulated clear running goals, so as to provide evidence for quality improvement. [4] When explaining IE, the American Council on Education (ACE) stressed that "The dynamic, instability and unpredictability of the current development trend of higher education will continue to have an impact on the future development direction of higher education. The degree to which a university uses to achieve its goals will depend on the clarity of its goal and the willingness to identify the priorities and solve the problems. At the same time, it is necessary to evaluate the current situation, redesign the reform procedures, and cultivate their determination to reform through comprehensive training of senior leaders in Universities. " [5] At the same time, ACE also emphasizes that in the constantly changing environment, it is an important means for universities to improve their *College efficiency* by *Evaluation, Reform* and other means to improve the utilization rate of resources. Obviously, the connotation of *College efficiency* has far exceeded the College goals, which reflects the organization and execution ability of universities.

*Accountability* is an important part of the quality assurance system of American universities, a means to improve the efficiency of universities, and also the purpose of information disclosure. *Accountability* stems from the query raised by taxpayers and investors, including the government, enterprises and institutions, alumni, donors, parents and students on the quality of running a university. [6] That is, taxpayers and investors are demanding universities to explain whether universities they are using their resources effectively for teaching, scientific research and public service activities, and more importantly, whether they are fulfilling their promises. *Accountability* is defined by the American Council of Education as "Demonstrate and explain to the public how goals have been achieved". [7] Of course, the purpose of accountability is not to punish and sanction, but to enhance the transparency of universities, find out existing problems, accept social supervision, determine what need to be improved, and finally improve the efficiency of universities, so as to successfully complete the mission of universities.

### 4. A study on the practice of information disclosure in American Universities – Illustrated by the case of the University of California

#### 4.1 Content and form of information disclosure

There are three ways of information disclosure in Universities. One is to issue annual information disclosure report (Accountability Report), the other is to establish information disclosure website, and the third is to collect data from universities and establish information disclosure platform. It should be noted that the three ways are not independent or contradictory. Some universities may adopt various or all ways to open information, but the most important one is the first one. Therefore, this

paper focuses on the analysis of the content of the annual information disclosure report, which is a way of information disclosure, and gives a brief description of the other two ways.

#### **4.1.1 Annual information disclosure report**

The annual information disclosure report of University of California mainly consists of Accountability Report, audit report, budget report, financial report, health system report, internal audit report, investment report, social donation report, retirement system report, income and expenditure trend report and other comprehensive reports. According to the importance of the report content, the first four reports are selected for brief introduction.

##### **(1) Accountability Report**

Accountability Report is an important part of the University of California information disclosure report, which aims to reveal the running state of the University. The report, published on the University of California Information Center website, enables the public to understand the leadership of the University of California, the University of California, and the strengths and weaknesses of each campus. The report covers personnel composition, administration, scientific research, teaching, students, public service, health, college performance, awards and honors.

##### **(2) Audit Report**

The purpose of the audit report issued by the University of California is mainly to improve the effectiveness of governance and risk prevention and control, to assist the leaders in performing its duties of supervision, management and operation, to assist the management in coping with major financial and operational risks of the University, and to provide risk response suggestions, to identify, assess and mitigate risks. The report mainly includes internal audit plan, audit plan of each branch, internal audit plan, etc.

##### **(3) Budget Report**

The budget report of the University of California first outlines the contribution of the University of California to the state in education and economy and the main sources of funding for the University of California; secondly, it discusses the details of budget design, covering teaching, research, social services, as well as the budget for various activities and student funded projects. In addition, teacher benefits, pension payments, and non-salary expenditure budget also accounted for a large proportion. Finally, the University of California also reviews the history of state funded universities in the past decades.

##### **(4) Financial Reports**

The financial report of the University of California includes financial audit report, bond information, audit financial report, donation report, medical center financial report, welfare plan report and income bond report. The report outlines basic information about the University (such as enrollment size, funding sources, major transaction flow expenses, infrastructure costs, etc.). It should be mentioned that in addition to the basic financial data information, the report also contains a large number of data analysis parts, such as the sustainable development analysis (net balance) of capital investment and liability information over the years, various risk assessments (investment risk assessment, credit risk assessment, interest risk assessment, etc.).

#### **4.1.2 Information disclosure website**

The University of California has set up a special information center website for all to view and use relevant data. The main contents include alumni information, faculty information, graduate information, university management information, scientific research information, 2030 development plan, etc. Among them, alumni information includes mobility analysis, job analysis, undergraduate graduation information, etc., which can directly reflect the future development status of students graduating from the University, and is great reference for students who are willing to study in the University and their parents; employee information shows in details the relevant information of full-time and part-time employees working in the University of California, which is for the teaching of the University. The full expression of scientific research and other forces. The postgraduate

information focuses on the transmission of all kinds of funding policies and study difficulty in the school, etc.

#### **4.1.3 Information disclosure platform**

With the development of network technology, many American higher education academic groups have developed the Network Accountability reporting system, among which the four most famous platforms are university and college accountability network, voluntary accountability system, voluntary accountability framework and University scorecard. Each of the above four platforms has its own focus, but what's important is to convey the unmodified and real university data to the public through the third party. Its purpose is to carry out the "transparent" transformation of university operation, so that the public can get an idea of the real state of the corresponding University at any time and in time, so as to eliminate the misunderstanding and prejudice of the public, especially the private university, so as to integrate the social resource for the University at a deep level and establish a positive image.

#### **4.2 Information disclosure organization and personnel**

The office of the president is responsible for the information disclosure of the University of California. Financial office, operation office, academic affairs office and external communication office are the four main bodies of the president's office. In addition, they include investment office, audit office, judicial office, medical health office, innovation and entrepreneurship office and national laboratory. Among them, the financial office is responsible for supervising the financial and capital project management of the campus, academic medical center and Lawrence Berkeley National Laboratory. Responsibilities include budget analysis and planning, accounting and financial control, risk management, capital market financing, capital resource management, strategic procurement and external relations with rating agencies, investment companies, banks, financial auditors and financial regulators; the operation office is responsible for supervising human resource management, information technology and other aspects of the University of California. The office of academic affairs is responsible for recruiting and renewing professors and providing assistance to them. At the same time, the Department is also responsible for undergraduate and graduate research projects to ensure that the University of California continues to be at the forefront of teaching innovation, and to transform the University of California and California to the engine of economic, social and cultural development; the office of external communication; the office of external communication is responsible for improving the public's understanding and guaranteeing public support of the University, and promoting the values of the University of California and the local community. The impact of life in California and across the country. The Department is also responsible for building and strengthening relationships with alumni, philanthropists, business and other external supporters, and coordinating with campuses.

### **5. Enlightenment from the practice of information disclosure in American Universities**

According to the above analysis of the practice of information disclosure in American universities, the work of information disclosure has good results: first, all kinds of Higher Education Societies have played a key role in the construction of undergraduate education efficiency accountability *transparency* project; second, the construction of education efficiency accountability project according to the categories of universities is conducive to the reference comparison between "companion" universities; third, the data displayed covering the whole process of higher education from enrollment to employment, the monitoring of higher education efficiency accountability is comprehensive and complete; fourth, it provides an effective window access for the public to understand and supervise universities. Compared with the practice of information disclosure in American universities, this paper gets the following enlightenment.

### **5.1 Further improve the legislation of information disclosure system in Universities**

In China, the relevant legislation and regulations of university information disclosure are mainly the regulations of the people's Republic of China on government information disclosure issued in 2008 and the measures for the implementation of university information disclosure issued by the Ministry of education in 2010, both of which have promoted the progress of China's University information disclosure work, but there are certain deficiencies. For example, Article 10 of the measures mentions that the contents that cannot be disclosed by the university may not be disclosed, which gives the University excessive freedom and makes the information disclosure of the University optional. In addition, due to the fact that the measures are departmental rules and regulations with little legal effect, the information disclosure requirements stipulated in the measures cannot be implemented. For example, the measures stipulates that universities should actively disclose their financial management system, asset management, annual budget plan, funding source and use, and other relevant information, but at present, few of the relevant information disclosed by Chinese universities is available. The above information, even if there is a catalog, is rarely detailed, and relevant laws do not have clear penalties for such acts. Therefore, in order to strengthen the practice of the information disclosure of Chinese universities, we need to further improve the relevant legislation.

### **5.2 Unifying and standardizing the content and scope of information disclosure in Universities**

Because we don't clearly stipulate the contents of information disclosure in relevant laws and regulations, universities have very limited ruling power, so at present, the information disclosure of universities is based on their own value judgment, rather than from the perspective of the public. This is mainly because Chinese universities have been using the top-down administrative management method for teachers on campus and people from all walks of life off campus. The willingness to respond is not strong. This leads to a fact that traditional management system of Chinese institutions of higher learning seems to be formal, but in fact, it is using its own subjective opinions to deal with the public, ignoring the real needs of the public, and damaging the rights and interests of the public. Therefore, we must speed up the development and improvement of the information disclosure system and determine the content and standard of information disclosure when we carry out the reform of the management system of universities, advocate the DE politicization of the management of universities, and expand the autonomy of running schools. In terms of legislative norms, the information disclosure standard is too general, and the independent decision-making power of the scope of information disclosure in Universities needs to be further more scientific, so it is necessary to further standardize information disclosure in Universities. At the same time, institutions of high schools and universities should also pay attention to the strict implementation of the information standards and standards that should be open to the public.

### **5.3 Enrich the forms of information disclosure in Universities**

At present, many universities in China still use traditional forms such as brochures, documents, bulletin boards as information disclosure carriers, and do not make full use of the developed computer network technology. For example, many universities have established information disclosure websites, but the website construction is relatively slow, with old information and slow update the content setting is unreasonable or missing incomplete, and the links are disordered, especially many universities have set up the right of access only for IP inside the school, which increases the difficulty for the external public to obtain the school information. The main reason lies in the lack of willingness and investment of information disclosure in Universities, so the construction of the actual carrier of information disclosure is not perfect, and the media and methods of information disclosure are not perfect, which further limits the process and actual effect of information disclosure in Universities.

### **5.4 Perfecting the system of supervision and relief system and safeguard measures of information disclosure in Universities**

The smooth operation of the information disclosure system is inseparable from the attention endeavors of universities and their governing bodies, and the awareness of actively disclosing information; at the same time, as the subject who has the right to apply for information disclosure,

the understanding and the grasp of their own rights and interests is also an essential help to promote information disclosure. When such disclosure demands cannot be met, how to protect the relief and ensure the information transmission, is an important problem faced by Chinese universities in information disclosure. From the current laws and relevant regulations in China, there is no clear regulation on the supervision and relief mechanism of institutions of higher learning institutes of higher education, nor the specific provisions on the responsibilities that should be undertaken for the failure to fulfill the obligation of information disclosure. Although the Ministry of education's measures for the information disclosure of institutions of higher learning points out that if the information disclosure system of institutions of higher learning does not conform to the provisions of the measures, it can be criticized and ordered to be corrected. If it infringes the legitimate rights and interests of the people, it also has to bear the corresponding civil liability, but there is no specific punishment measures. In practice, the corresponding supervision and relief mechanism is basically fictitious. Without supervision, we will not stick to our obligations. Without relief, we will have no rights. It can be said that only when a perfect supervision and relief system and safeguard measures are established can the information disclosure work in Chinese universities be further promoted.

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