

Report of the ad hoc Committee to Review the University of Kentucky Confucius Institute

Given the recent nationwide attention and selected campus controversies directed towards Confucius Institutes that operate at nearly 100 universities and colleges across the United States and Canada, UK's Associate Provost for International Programs and the Director of University of Kentucky's Confucius Institute (UKCI) requested that Senate Council form an ad hoc committee to review the UKCI. The motivation to request such a review was to ensure that the UKCI is sufficiently transparent, has sufficient oversight by non-UKIC faculty, has sufficient autonomy vis-a-vis the Confucius Institute Headquarters of China (HANBAN), and does not impinge upon academic freedom.

Wide criticism and debate about Confucius Institutes was sparked by a June 2014 statement of protest by the American Association of University Professors (AAUP). Chief among the AAUP's concerns is that "...the Confucius Institutes function as an arm of the Chinese state and [is] allowed to ignore academic freedom...North American universities permit Confucius Institutes to advance a state agenda in the recruitment and control of academic staff, in the choice of curriculum, and in the restriction of debate."¹ The ad hoc Review Committee was charged by the Senate Council with conducting an analysis of these concerns, investigating how they relate to UK's CI, and recommending any steps necessary to preserve academic freedom.

The UKCI Review Committee members include the following UK faculty:

Walter Ferrier (chair), Associate Professor, Gatton College of Business & Economics
Ernest Bailey, Professor, Department of Veterinary Science
Anna Brzyski, Associate Dean, Professor, College of Fine Arts
Liang Luo, Associate Professor, Department of Modern & Classical Languages
Katherine McCormick, Professor, College of Education
Ernest J. Yanarella, Professor, Department of Political Science

The Review Committee was provided with a wide range of materials -- facts, opinions/news, staffing, programs, budgets, structure, leadership, etc. -- related to CIs, in general, and the UKCI, in particular. The Review Committee subsequently met with and interviewed UKCI Director, Dr. Huajing Maske, and UK Associate Provost, Dr. Susan Carvalho. The Committee Chair, Prof. Ferrier, subsequently met with Dr. Carvalho to glean additional information and insights.

In an effort to ensure that UKCI's academic and non-academic programs and activities (whether conducted on or off campus) sustain principles of academic freedom in relation to third-party (HANBAN) influence, the Review Committee provides the following observations, analysis, and recommendations. This report focuses on the following issues, and is principally concerned with the University of Kentucky's Confucius Institute, and not CIs in general:

1. Transparency
2. Faculty Oversight
3. Political Interference
4. Coursework and Instructional Staffing
5. Budgetary Autonomy

¹ AAUP Statement, June 2014: <http://www.aaup.org/report/confucius-institutes>

ISSUE 1 -- TRANSPARENCY

The AAUP statement on CIs directs attention to agreements/contracts between HANBAN and some host universities that "...feature non-disclosure clauses and unacceptable concessions to the political aims and practices of the Government of China..." that severely limit transparency and compromise academic freedom.² Further, critics of CIs likewise call attention to the likelihood that "...China-studies faculty may be unaware of the negotiations to establish a Confucius Institute in charge of teaching Chinese language and culture in their own university...."³

Observations

A review of published literature and materials suggests that these conditions appear to be limited to some private universities and special cases (e.g., prohibition of Falun Gong-sympathetic staff members at a Canadian university) that are not generalizable to other universities (particularly state universities).

The agreement between HANBAN and UK is publicly and freely available, and does not appear to contain concepts, language, or covenants -- explicit or implied -- that could be construed as a non-disclosure agreement, a restriction of academic freedom, or as support for the political aims of the Chinese government.

Also, owing to the fact that membership of UKCI's Steering Committee (to be discussed more fully below) has been drawn from departments of language, education, and art, UK faculty in these areas are likely to have been fully aware of UK's initial negotiations and ongoing relationship with HANBAN. Mechanisms to ensure greater transparency and awareness however should be developed and enhanced by appropriate administrators overseeing the UKCI.

Recommendations

In an effort to strengthen transparency and institutional awareness, the Review Committee recommends the following:

- ***Future HANBAN-UK agreements should maintain the intent and spirit of the language articulated in the 2010 agreement signed by then-president Lee Todd***
 - Yet, although the exact language and use of contractual terms may vary...
 - Future agreements shall not contain non-disclosure covenants
 - Future agreements should contain language to provide safeguards to academic freedom
- ***The UKIC Director shall provide faculty in the core academic areas -- language, education, and art -- with an annual update and status report of relevant UKCI activities in department- and/or college-level faculty meetings***

² AAUP Statement, June 2014: <http://www.aaup.org/report/confucius-institutes>

³ Chronicle of Higher Education, July 2014:

<http://chronicle.com/blogs/letters/penumbra-of-silence-often-surrounds-confucius-institutes>

- ***The UKIC Director shall provide relevant University Senate committees -- Programs Committee and Academic Planning and Priorities Committee -- with an annual update and status report of relevant UKCI activities.***
- ***UKCI shall publish a list of faculty affiliates, and UK faculty having taught in China in UKCI-linked programs***
 - see for example should UK's Center for Poverty Research faculty affiliates
<http://www.ukcpr.org/about-us/faculty-affiliates>

ISSUE 2 -- FACULTY OVERSIGHT

With specific regard to the preservation of academic freedom of CIs operating within U.S. universities, the AAUP statement recommends that host institutions have complete control over all academic matters, including recruitment of instructors, determination of curriculum, and choice of texts. A critical mechanism for institutional control is to establish strong faculty oversight and governance.

Observations

In contrast to UKCI's Board which is largely responsible for UKCI's broad agenda and priorities, and provides general oversight, the Steering Committee is responsible for a wide range of programmatic and operational functions that include, but are not limited to: staffing, campus and off-campus programs and activities, budgetary decision, etc. It currently consists of seven members: three UK faculty-administrators, two UK faculty, and two public school administrators.

Beth Goldstein Associate Professor, Chair of Department of Education Policy, College of Education
 Anna Brzyski, Associate Dean, College of Fine Arts
 Susan Carvalho, Associate Provost for Internationalization
 Jeanmarie Rouhier-Willoughby, Professor and Department Chair of Modern and Classical Languages
 Theodore Schatzki, Professor and Associate Dean, College of Arts and Sciences
 Jacque Van Houten, World Language Coordinator, Jefferson County Public Schools
 Alicia Vinsen, World Language Coordinator, Fayette County Public Schools

Recommendations

To strengthen faculty oversight of UKCI programs and activities, help integrate the UKCI into UK's overall academic enterprise, and broaden and diversify the Steering Committee's field of view and perspective for ongoing and future initiatives, the Review Committee recommends the following:

- ***Expand (to 9 members) and diversify Steering Committee membership to include more faculty and connections with relevant faculty governance bodies:***
 - One faculty member from each core contributing department: Art (1), Language (1), and Education (1)
 - Two members among service area K-12 school districts (2)
 - One member from UK's International Advisory Council's International Partnership Subcommittee (1)
 - One member from UK Faculty Senate's Academic Planning and Priorities Committee (1)

- UKCI's Director (1)
- UK Associate Provost for International Programs (1)
- ***Establish rotating membership:***
 - Formulate and implement committee service plan to establish overlapping two- or three-year terms (UKCI Director and Associate Provost exempt) to help prevent biases and inertia, and ensure representative diversity
- ***Faculty in the core academic areas -- language, education, and art -- should be provided with the opportunity to evaluate and endorse: (a) the hiring of instructional staff teaching UKCI for-credit courses; and b) proposals to develop (or offer) new UKCI-linked for-credit courses***
 - ***Senate Council review and endorse future UK-HANBAN agreements/contracts to ensure that future contracts contain sufficient, yet general language that preserves academic freedom***

ISSUE 3 -- POLITICAL INTERFERENCE OR MANIPULATION

The AAUP charges that through the CIs the Chinese government exerts “soft power” as an instrument of its foreign policy by restricting debate on college campuses over controversial or sensitive foreign policy issues. Hence, the concern remains as to whether there is evidence as to the degree of political interference or manipulation of UKCI by HANBAN exists.

Observations

On-campus Programs: UKCI has largely remained apolitical, but has included discussion of events such as Tiananmen Square and issues about the heavy-handed tendencies of the Chinese government without interference or repercussions from HANBAN. For example, the UKCI's Distinguished Scholar Lecture Series has included, on average, four presentations per year (2012-2014) by scholars from a variety of institutions -- from Harvard University to Hong Kong University to the U.S. Council on Foreign Relations -- to speak on a variety of topics and issues. Although most presentations center on art, culture, history, and education, others have highlighted, for example, China's growing hegemony in the science and technology spheres or U.S. policy toward the South China Sea. More importantly, each speaker and topic was proposed by UK faculty and subsequently approved by HANBAN without discussion or interference.

UKCI's campus-based activities and programming represents only a part of the university-wide portfolio of academic and non-academic programs about China. Indeed, UK has many other China-related programs, activities, and courses -- some China-positive, others China-critical -- that fall outside of the UKCI sphere. This sentiment is echoed by the vice provost for international affairs at the College of William and Mary that the CIs represent “...just one aspect of any university's wider programs on China, East Asia, and international affairs.”⁴ Hence, there is ample opportunity for university-wide, open dialog about all things Chinese at UK.

⁴ Inside Higher Education, July 2014:

<http://www.insidehighered.com/news/2014/07/24/debate-renews-over-confucius-institutes>

UK faculty teaching in China: During the summers of 2013 and 2014, forty-three UK faculty have taught courses in UKCI-linked programs in China representing a broad range of topics and disciplines: Art history, material science, applied health science, economics, entomology, political sciences, and many others. At issue is whether and by what means HANBAN exerts pressure on visiting faculty to avoid politically, culturally, or historically sensitive topics and issues.

The Committee did not reach a definitive consensus on this particular concern. On one hand, a political science professor who taught in China expressed deep concern about visiting faculty having been given a manual of *dos and don'ts* and having a HANBAN class monitor assigned to observe each class session. These mechanisms and other signals may create an environment that may motivate visiting UK instructors to “self-censor” in order to avoid conflict or penalties. On the other hand, a communications professor cast his teaching experience in a more positive light. Although he was given a teaching manual and assigned a classroom monitor, he found these to be limited strictly to helping him to address any obstacles in teaching effectiveness and outcomes (e.g., meeting academic standards, bridging language and cultural differences, helping with differences in teaching style and student etiquette, etc.).

In sum, it appears that HANBAN exerts little, if any, political influence on UKCI’s programming and activities, in particular, and does not restrict or harm academic inquiry and dialogue about China at UK, in general. However, the extent to which HANBAN exerts influence over content or pedagogy of courses taught by UK faculty in China is not well understood.

Recommendations

To limit political influence and preserve academic freedom, the Review Committee recommends the following:

- ***Maintain and strengthen independence and topical diversity of UKCI programming:***
 - Publicize and solicit nominations for Distinguished Scholar Lecture Series topics and speakers across a wider range of UK academic and non-academic communities.
 - Provide support for a wider range of UK China-related faculty to present research at a academic conferences

- ***Conduct an annual survey of UK faculty who have taught in China to determine:***
 - The overall perception of the extent to which HANBAN exerted political influence on content or pedagogy
 - The extent to which political influence varies by discipline (i.e., more influence over political science courses, less over material science)
 - The observed mechanisms by which HANBAN exerted political influence
 - The degree of (dis)satisfaction, anxiety, and compliance UK faculty experienced during and after their in-China teaching assignments.

ISSUE 4 -- UKCI COURSEWORK AND INSTRUCTIONAL STAFFING

The control over coursework -- for-credit coursework, in particular -- and hiring of instructional staff are arguably the most important questions of how CIs potentially impinge upon academic freedom. The current critical view may be summarized by the following statement that frames the problem as "...an attempt on the Confucius Institute's part to take over teaching of Chinese in the regular curriculum."⁵

A professor and executive director of global partnerships at Texas A&M University however provides a thoughtful counterclaim, saying: "Unthinking criticism of the CI as an instrument of the Chinese state reflects a shallow sense of causation; namely, that by offering Chinese language classes without concomitant and constant criticism of China's government, that U.S. universities have bought into China's nefarious schemes..."⁶ In this view, criticism of CIs is only relevant to how narrowly each CI defines its mission and mandate. Most CIs are indeed focused on Chinese language and culture (e.g., art, film, music, etc.). Thus, it's beyond the mandate of the vast majority of CIs in the U.S. to arbitrarily inject politics, military history, and social institutions into a course in, for example, Chinese music, in an effort to demonstrate autonomy and independence from Chinese government influence.

Observations

One of the core aims of the UKCI is directed towards K-12 education. Currently, UKCI provides teachers for K-12 Chinese language and culture classes in six Kentucky counties, and will expand to nine counties for the 2015-2016 academic year. For the 2015-2016 academic year, the UKCI will place 35 teachers in 27 different schools that reach over 20,000 students.

UKCI also offers non-credit courses to the Central Kentucky/Lexington community (including UK students). There are currently five teachers with 39 students enrolled in various non-degree courses.

Recently, two UKCI instructors have been hired to teach UK for-credit classes this year -- Chinese 302 and Art Studio 390 -- that have enrollments of 8 and 2 students, respectively. Although funded by UKCI, these instructors were hired by faculty in the China Studies Program. The syllabus and course content for these courses were also guided by faculty of the China Studies Program, not the adjunct faculty members themselves.

Recommendations

To help preserve faculty oversight and control of UKCI's academic activities, programming, content and the hiring of instructors, the Review Committee recommends the following:

⁵ Chronicle of Higher Education, July 2014:

<http://chronicle.com/blogs/letters/penumbra-of-silence-often-surrounds-confucius-institutes>

⁶ Inside Higher Education, July 2014:

<http://www.insidehighered.com/news/2014/07/24/debate-renews-over-confucius-institutes>

- ***Two-stage vetting process for nominations/candidates of instructors for for-credit courses at UK:***
 - Candidates to be reviewed by UKCI Steering Committee
 - Candidates to be reviewed, interviewed, and selected by faculty in the department that offers the course
 - e.g., CHI 302 governed by the Department of Modern and Classical Languages (including Chinese Studies faculty).

- ***Course content and materials for for-credit courses at UK:***
 - To be reviewed and approved by faculty in department that offers the course
 - e.g., CHI 302 governed by the Department of Modern and Classical Languages (including Chinese Studies faculty).

- ***Instructor performance and course quality for for-credit courses at UK:***
 - To be reviewed each semester by the Chair and faculty in Department of Modern and Classical Languages (including Chinese Studies faculty).

ISSUE 5 -- BUDGETARY AUTONOMY

A key mechanism through which HANBAN could potentially exert political control over academic processes, content, and staffing is the CI budget. At one extreme, critics charge that CIs serve as money-laundering mechanisms to help channel funds from the Chinese party's Office of Foreign Propaganda into "legitimate" U.S.-based organizations.⁷ Hence, a university that accepts funds to establish at CI is complicit in helping China to disseminate a highly biased, white-washed view of itself. At the other extreme, however, is the view that absent any influence on curriculum or staffing, a "...gift from HANBAN is like any other endowment or gift given to a university. We don't let them constrain our academic freedom," said the director of Stanford's CI.⁸ The implication here is that it is incumbent on universities to provide a thicket of safeguards to academic freedom and budgetary autonomy.

Observations

The UK-HANBAN agreement specifies that the UKCI is responsible for drawing up the annual budget proposal, with line items and the overall budget subject to approval by HANBAN. Upon examining the UKCI's 2013 and 2014 budgets and subsequently interviewing the UKCI director, the Review Committee found no evidence of undue political influence by HANBAN. In particular, discrepancies between the projected budget for specific line items and HANBAN-approved funding levels could not be plausibly explained as political influence. For instance, it would be difficult to cite political influence as

⁷ Shambaugh, David (2007). "China's Propaganda System: Institutions, Processes and Efficacy." *China Journal* (57): 49-50.

⁸ The Stanford Daily, October 2014:

<http://www.stanforddaily.com/2014/10/24/forbes-accuses-stanford-of-collaborating-with-chinese-spies-via-confucius-institute/>

the reason between the 2014 budget projection (\$10,760) for the Chinese Martial Arts series and the amount approved (\$8,480) for that activity. Likewise, factors other than political influence are likely explanations for not funding a new proposed initiative (Learn Culture from Chinese Stories) included in UKIC's 2014 budget.

Recommendations

To help preserve budgetary autonomy, the Review Committee recommends the following:

- *Maintain current language in the UK-HANBAN agreement that enumerates budgetary responsibilities*
- *Charge the Steering Committee with the responsibility of developing the annual budget*

SUMMARY STATEMENT

There is little doubt that the AAUP's statement and the subsequent public debate will have an impact on how CIs operate within and are governed by host universities. Indeed, "...I think having AAUP coming out this strongly certainly does get your attention," said Donna Wiseman, director of Maryland's CI and dean of the College of Education. Further, as articulated by Professor Bruce Lincoln, professor of religion at the University of Chicago and organizer of the anti-Confucius Institute petition at the university, "The AAUP statement may have had an impact on the administration's thinking...the changes they'll make [to the contract] will probably be improvements."⁹

The sentiments of the Review Committee are in line with these views—namely that the AAUP statement and subsequent debate have opened committee members' eyes to a range of issues regarding academic freedom, oversight of UKCI programming and staff, and how the UKCI contributes to the University's mission and priorities.

Overall, our review of the UKCI was decidedly positive. Still, we have offered a range of recommendations that may provide pathways to developing safeguards to academic freedom and may help strengthen UKCI as a contributing element of the University's China portfolio and broader academic enterprise.

One Review Committee member stated that our review "...left me with little doubt that UKCI is a positive influence on education and communication about China for our faculty and students. It improves us." Another UK faculty member not serving on the Review Committee commented publicly: "...the Confucius Institute does precisely what such institutes are supposed to do. It facilitates student and faculty travel to China, helps improve the breadth of Chinese language and cultural education on campus, holds regular co-curricular activities...and, in general, serves as a coordination space for the study of

⁹ Inside Higher Education, July 2014:

<http://www.insidehighered.com/news/2014/07/24/debate-renews-over-confucius-institutes>

China in the Commonwealth of Kentucky. From the point of view of faculty and administrators, there's almost nothing wrong with this; the CI brings money, expertise, and interest."¹⁰

Despite the positive tenor of our review, the Review Committee urges University administration, faculty in relevant departments, and faculty governance bodies to remain vigilant to ensure that academic freedom over and within all University programs, departments, and activities is established and preserved.

¹⁰ The Diplomat, October 2014:

<http://thediplomat.com/2014/10/american-universities-face-a-confucius-institute-dilemma>