

Note from Secretary: Faculty Senate voted to approve the following resolution at its regular meeting on 4 June 2018 (23 yes, 18 no, 3 abstain).

PSU Faculty Senate Resolution on the Renewal of PSU Confucius Institute 6.4.18

- WHEREAS, Portland State University executed a renewal agreement with Confucius Institute Headquarters/Hanban of the People's Republic of China on or about February 5, 2014 for a five-year term which will expire on February 5, 2019; and
- WHEREAS, the renewal agreement provides for either party to notify the other party of the termination of the agreement in writing during the ninety (90) days before the end of the Agreement, otherwise the agreement will automatically be extended for another 5 years; and
- WHEREAS, the renewal agreement also provides that either party can terminate the agreement if either party notifies the other of the intention to terminate with at least six (6) months' notice in advance of their intention to termination; and
- WHEREAS, the two termination clauses of the renewal agreement require that the University provide notification of the intention to terminate on or before August 5, 2018 and then again on or about November 5, 2018; and
- WHEREAS, the Portland State University Faculty Senate was never consulted and never reviewed the creation of the Confucius Institute; and
- WHEREAS, the American Association of University Professor's Committee A on Academic Freedom and Tenure issued a statement in June 2014 recommending all universities in the United States sever their ties with Confucius Institute Headquarters/Hanban unless the agreements are renegotiated because the Confucius Institute's agreements often include nondisclosure clauses that are anathema to the faculty role in our universities, and which specifically permit Confucius Institutes to control the recruitment and control of academic staff, and to control the choice of curriculum, all of which may have a chilling effect on free academic inquiry; and
- WHEREAS, the Portland State 2014 renewal agreement contains the provisions mentioned above; and
- WHEREAS, the AAUP Committee A statement further asserts that "allowing any third-party control of academic matters is inconsistent with principles of academic freedom, shared governance, and the institutional autonomy of colleges and universities;" and
- WHEREAS, the instructors in the PSU Confucius Institute are not Portland State University employees, but are employed by the Chinese government for their placement in their instructor positions at Portland State University, are recruited and trained by Confucius Institute Headquarters/Hanban or by units that it designates, have no guarantees of academic freedom through their employing institution, and are not included in the AAUP bargaining unit, and therefore lack the basic protections enjoyed by PSU Faculty; and
- WHEREAS, the Faculty Senate finds the arrangement inconsistent with its responsibilities for faculty welfare, for its power to act upon matters of educational policy including the establishment of new programs, curricula and courses of study, for its obligation to safeguard the academic freedom of the Faculty, and generally unacceptable.

IT IS THEREFORE RESOLVED that the PSU Faculty Senate calls on the President not to renew the contract between Portland State University and Confucius Institute Headquarters/Hanban University unless the contract stipulates:

1. That Portland State University has unilateral control, consistent with the principles of AAUP's *Statement on Government of Colleges and Universities*, over all academic

matters, including the recruitment of teachers, determination and oversight of curriculum and choice of texts, and

2. That Portland State University affords Confucius Institute teachers First Amendment rights; the same academic freedom rights and the same collectively bargained protections afforded regular faculty members at Portland State University, and
3. That the new agreement is to be placed on a public website and made available to all members of the University community.
4. That there will be appropriate review by EPC and the Senate prior to signing and execution of the renewal agreement.

To provide background for discussion, two points

PSU Faculty Senate Authority

CONSTITUTION OF THE PORTLAND STATE UNIVERSITY FACULTY

ARTICLE III. FACULTY POWERS AND AUTHORITY Section 1. Faculty Powers The Faculty shall have power, subject to legal limits, to take action to promote faculty welfare. The Faculty shall have power to act upon matters of educational policy, to enact such rules and regulations as it may deem desirable to promote or enforce such policies, and to decide upon curricula and new courses of study. This power shall include, but not be confined to, action upon the establishment, abolition, or major alteration of the structure or educational function of departments or of programs which include more than one department or instructional unit of the University. The Faculty will normally exercise this power through its representative, the Senate.

The creation of the Confucius Institute at PSU never went through EPC review, as required for the creation, alteration, and termination of centers and institutes.

Whether the Confucius Institute facilitates credit or non-credit bearing courses and offerings, it benefits from the association with our academic institution; our institution gives the Confucius Institute academic legitimacy in the eyes of our students and the public, and it is therefore the responsibility of the Faculty of PSU to exercise due diligence in preserving the integrity of our academic enterprise by ensuring the Confucius Institute operates in keeping with our standards.

General Recommendation from the plenum of National AAUP (in response to a Committee A Report):

[These guidelines were written to be general enough to cover all possible institutional variations. Therefore, specific resolutions at any university will have to elaborate on them to capture local institutional facts.]

(1) The university has unilateral control, consistent with principles articulated in the AAUP's [*Statement on Government of Colleges and Universities*](#), over all academic matters, including recruitment of teachers, determination of curriculum, and choice of texts.

(2) The university affords Confucius Institute teachers the same academic freedom rights, as defined in the [*1940 Statement of Principles on Academic Freedom and Tenure*](#), that it affords all other faculty in the university.

(3) The university-Hanban agreement is made available to all members of the university community.