

unrelated. “How much of the interference is the result of the Confucius Institute, or the other links and investments in China, or the number of Chinese students coming to your institution? How to disentangle these?”

The interconnectedness of these relationships makes any decision to withdraw from the CI complicated and potentially dangerous, according to this professor. “We don’t know” if closing the Confucius Institute would necessarily jeopardize all other relationships with China, said this professor, who requested anonymity because of the sensitivity of the subject. “But it would be seen as a hostile action. Once you have a Confucius Institute, closing it down is a very major decision.” He noted that “the university has very extensive relations with and enormous direct investments in China. You can imagine, they would be looking at many potential hostages in China.”³⁰²

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Confucius Institute Case Studies

We examined twelve Confucius Institutes—each one in New York and New Jersey. Below we describe some of the largest Confucius Institutes on which we were able to obtain the most information. We asked about classes offered, textbooks used, other gifts received from China, hiring policies, funding, intellectual freedom, contractual language on forbidding the Institute from “tarnishing the reputation” of the Hanban, the role of Chinese law, and the transparency and openness of the Confucius Institute.

BINGHAMTON UNIVERSITY

Binghamton University’s Confucius Institute of Chinese Opera opened in November 2009 in partnership with the National Academy of Chinese Theatre Arts (NACTA) in Beijing. A member of the Binghamton University theatre department, Qianghua Wang, who was born in China, had previously helped develop a partnership with NACTA. When NACTA suggested a Confucius Institute might further their relationship, Wang and the rest of the theatre department enthusiastically agreed. In the spring of 2009, Wang, History Professor John Chaffee, and Asian and Asian American Studies Professor Zu-yan Chen traveled to China to meet with officials from the Hanban to discuss opening the first Confucius Institute focused on classical Chinese opera. Chen has served as director of the Confucius Institute from its opening in 2009 to the present.



Figure 7 The Confucius Institute of Chinese Opera at Binghamton University

³⁰² Rachele Peterson, Skype interview with anonymous professor at a university with both a Confucius Institute and extensive ties to Chinese universities.

Binghamton University's CI relies on individual academic departments to offer and oversee the for-credit CI courses. Because the Institute focuses on opera, many of its courses were initially housed within the Theatre Department, which maintained primary responsibility for overseeing teachers, syllabi, grades, and course materials. Associate professor of theatre Don Boros oversaw these classes. But as classes began to fill with non-theatre majors, primarily foreign students from China or Americans of Chinese descent, the Theatre Department found that the CI was no longer a major asset to theatre students. In February 2013, following a discussion within the Theatre Department, Boros urged Chen to move the academic responsibility for these courses from the Theatre Department to the Department of Asian and Asian American Studies. CI opera classes remain cross-listed as Asian and Asian American Studies classes, as well as either Theatre or Music.

The board of the Confucius Institute of Chinese Opera still includes some representatives of the Theatre Department, including the theatre chair, but the department retains only a nominal role in the direction of the CI. Barbara Wolfe, theatre department chair and a board member of the CI, declined our request for interviews on the grounds that she had little to do with the CI and sat on the board because "it's part of my job." One board member, John Chaffee, told us that several board positions came automatically with other jobs at Binghamton University. There are fifteen board members in total: 8 from Binghamton University, and 7 from NACTA.

The primary authority of the Confucius Institute rests with Zu-yan Chen, the senior professor in Department of Asian and Asian American Studies and the director of the CI, and Donald Nieman, who is executive vice president, provost of the university, and chairman of the CI board. Several people described a close relationship between Chen and Nieman, and portrayed the Confucius Institute as a tight-knit clique that enjoyed the special attention and favor of the university administration.

"The university administration loves it," said one former professor at Binghamton University, describing the Confucius Institute's relationship with the university as "sycophantic." "It features it [the CI] on its webpage. It's championed by the university. As a consequence, it enjoys a kind of autonomous celebrity."³⁰³

"The university administration loves it," said one former professor at Binghamton University, describing the Confucius Institute's relationship with the university as "sycophantic." "It features it [the CI] on its webpage. It's championed by the university. As a consequence, it enjoys a kind of autonomous celebrity."

303 Rachele Peterson, phone interview with anonymous former Binghamton University professor, October 3, 2016.

We were not able to verify Provost Nieman’s disposition toward the CI because Nieman did not answer requests for comment. Zu-yan Chen agreed to a conversation when Rachelle Peterson visited Binghamton University, but five days before her visit said by email that he and the rest of his staff “will not be available for interviews” because “we have various other commitments that we need to tend to.”³⁰⁴ He directed all further inquiries to the University’s legal office.

It became clear to us during our research that the Confucius Institute at Binghamton University is the subject of much controversy. In part, this is because of the CI’s ties to the Chinese government. Several professors and the library’s Asian and Asian American studies librarian expressed doubts about the wisdom of partnering with the Hanban. But some of the controversy also stems from the heavy-handed way in which the CI seems to operate. The CI has aggregated a substantial amount of power, and those wielding it are not afraid to use that power to their own advantage.

CLASSES

Binghamton University’s CI offers for-credit courses on topics including Chinese opera performance, music, face painting, and opera costume design. These are coded as theatre courses, count for two credits, and are taught by CI teachers from China. Students may take these courses as part of their regular class schedule, and the courses are included in regular tuition fees. The teachers for these courses come from NACTA via the Confucius Institute.

The Confucius Institute’s website lists several visiting instructors of Chinese who teach language courses, though no languages courses are listed on the CI website.³⁰⁵ None of the classes on the university’s 2016-2017 course bulletin list these visiting instructors.³⁰⁶

Some professors at Binghamton University noted several concerns about the courses offered at the CI. One said every course in the CI seemed to be “an easy A.” He also expressed concern that some of the teachers may have been appointed on the basis of personal ties to the Hanban, rather than expertise for the job. He said a visiting professor from the Shanghai Theatre Academy, with whom the Binghamton University theatre department has also worked in the past, found some of the CI courses poorly taught. When performance reviews and disciplinary issues came up, he also found one CI teacher preoccupied about “what will she be thought of in China” rather than what needed to be done at Binghamton.³⁰⁷ Such behavior is in keeping with the agreement Binghamton University signed with the Hanban, which requires the university to “accept the assessment of the Headquarters on the teaching quality.”³⁰⁸

304 Rachelle Peterson, email from Zu-yan Chen, September 16, 2016.

305 “Courses,” Confucius Institute of Chinese Opera, Binghamton University. <https://www.binghamton.edu/confucius-institute/courses.html>.

306 “2016-2017 University Bulletin,” Binghamton University. <http://www.binghamton.edu:8080/exist/rest/bulletin/2016-2017/index.html>.

307 Peterson, interview with anonymous Binghamton University professor.

308 *Agreement*, Binghamton University, Article 5.

One Binghamton University professor who requested anonymity said some faculty members had expressed concern that the Confucius Institute, once it attains “a critical mass of people,” could “influence the character or nature of Chinese studies at Binghamton.” He said he and other professors had felt no pressure to abide by any directives from the Hanban, and said the CI staff had not exerted pressure either. “It’s not like this strong institute that influences a lot of things, it’s really Zu-yan as the director, and he’s been our colleague for years.”³⁰⁹ Still, he noted the Hanban’s strictures on criticizing the Chinese regime could leave students misinformed about the nature of the Chinese government.

Students in CI courses are predominantly Chinese nationals studying in America or Chinese-Americans, according to several professors. Don Boros, who initially oversaw the Theatre Department’s CI classes, said that early on, the students were primarily theatre students. But few theatre majors had open electives, he said, leading theatre students to shy away from taking many courses in Chinese theatre. By the time the CI transferred to the department of Asian and Asian American studies, Boros said “at least half of the people [in the classes] were not fluent in English,” leading to courses being “conducted in Chinese with an English interpreter” for those who did not know Chinese.³¹⁰

TEXTBOOKS

The Hanban offers textbooks every year to the Confucius Institute, and to the Binghamton University library for the use of all students. The university’s agreement with the Hanban specifies that the Hanban will provide as many as “3,000 volumes” of Chinese books and other teaching supplements. The Hanban also agreed to “to provide teaching materials, courseware, and other books” for CI courses and “to authorize the use of online courses” at the CI.³¹¹

Julie Wang, the Asian and Asian American Studies Librarian, said the Hanban was very generous in its offers. Representatives of the Hanban “say they have a limit,” Wang recounted, “but every year you could request again.” But she said she had not requested books “for a couple years,” because she did not “see much to choose after the first year.” Early on, she chose dictionaries, books on paper cutting and Chinese medicine, movies on martial arts, and some materials teaching Chinese language. Wang found these “very good,” but others lacked academic credibility. “There was not really a lot I could put into our library.”³¹²

The librarian Wang found some books “very good,” but others lacked academic credibility. “There was not really a lot I could put into our library.”

309 Peterson, interview with anonymous Binghamton University professor.

310 Peterson, interview with Don Boros.

311 *Agreement*, Binghamton University, Article 6.

312 Peterson, interview with Julie Wang.

Wang was especially disappointed—though not surprised, she said—at the excision of the Tiananmen Square massacre from the books offered by the Hanban. Wang, who had a friend at Tiananmen Square, keeps a picture of Tank Man in her office—her “scar,” she says. “That gunshot really split me with the Communist Party.” Wang keeps the library well-stocked with books on the June 4th events—“I purchase as many books as possible on it”—but she finds that many students, especially Chinese nationals studying at Binghamton, “don’t know” what happened at the Square. When visiting professors from China come to Binghamton University, she offers them a tour of the library and tells them, “There’s censorship in China—you can take the opportunity to read here.” She said “some are shocked, I can see, by Tiananmen Square and Cultural Revolution.” But she finds it harder to reach the students.

Wang feels uncomfortable talking about Tiananmen, even at Binghamton University. “It’s taboo even here. My goodness, this is America! This is an academy here. But people don’t want to talk about it. They want to forget about it.” Wang attributes this in part to the growing Chinese “nationalism” she senses on Binghamton’s campus:

Chinese students and faculty here say China is economically powerful. People depend on China, like the Confucius Institute. The economic situation looks very good, so people then say, “why do you focus on thirty years ago, when now everything is perfect? Why do you try to pick out something bad against China?” People don’t like to hear [about Tiananmen Square]. A professor on Chinese modern history talked about Tiananmen Square. Students have a lot of questions, but they don’t believe that there are many people dead. “Not as many as you say,” they say. I have a book for them – there are more and more people standing up, person by person, saying my family member died there.³¹³

“[Talking about Tiananmen Square] is taboo even here. My goodness, this is America! This is an academy here. But people don’t want to talk about it. They want to forget about it.”



Figure 8 A Chinese opera costume on display in the Binghamton University library, courtesy of the Hanban.

313 *Ibid.*

Wang’s challenge is to get these students to read the books she selected for the library.

OTHER GIFTS

In addition to books, the Hanban has funded a large display of Chinese opera costumes and materials in the lobby of the Binghamton University lobby. Four custom wooden cases with glass doors hold full opera costumes—with intricate embroidery and painting—along with opera props and books. A flat screen TV on a stand in the corner offers passersby a glimpse into opera performances and other Chinese cultural activities. The Hanban offered these to Binghamton University for free as a “Chinese Cultural Experience,” Wang said.

The name of the display was the subject of much controversy. In early drafts of the display placards, the library described the cabinet contents as costumes and supplies for “Peking Opera”—the “original historical term, when it was introduced to the West,” Wang said. The Confucius Institute staff wanted the placards to reference “Beijing Opera,” the Hanban’s preferred term. “Peking,” the early phonetic spelling in Pinyin of the city Beijing, has fallen out of use in most places, but “Peking Opera” remains a common term, especially in academic circles. “A lot of books I display have the title ‘Peking Opera,’” Wang said, adding,

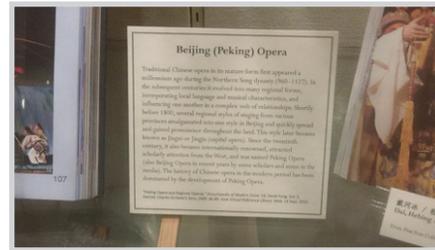


Figure 9 The Binghamton University library compromised with the Confucius Institute on the wording of signs displaying opera costumes from China.

I even Googled “Peking Opera,” and it had much more appearances than “Beijing Opera.” The National Performing Peking Opera – the #1 performance in China—still uses “Peking.” ...It’s a historical term.³¹⁴

Eventually the Confucius Institute and the library staff compromised by writing “Beijing (Peking) Opera” on most placards.

John Chaffee, Distinguished Service Professor of History and Asian and Asian American Studies and a member of the board at the Binghamton University Confucius Institute, said the name of the library caused a short “discussion,” but nothing major. He attributed the choice to use the term “Beijing” to the Confucius Institute, which made the “phonetically correct” decision, he said.³¹⁵

Wang said she took from this scuffle a lesson: Because “the Chinese government provided money, they have their own policy” that the university is loath to cross:

I know there are things they [the Confucius Institute and the Hanban] do not want to touch, so we try to not step on the bomb. So when I make plans to exhibit, I try to

314 *Ibid.*

315 Peterson, interview with John Chaffee.

*avoid controversial issues. I learned from this the lesson that one single term, not even technically political yet, gets this kind of reaction. I will stay away from that.*³¹⁶

Wang said the next display would look at the “lifecycle of a Chinese” person from birth to death: his or her birthday celebrations, school days, wedding, and funeral. That display would check off the “cultural” box (satisfying the Hanban), provide useful information to American students at Binghamton University, and avoid politically touchy subjects.

HIRING POLICIES

According to John Chaffee, a board member of the Confucius Institute, NACTA sends two faculty members to Binghamton University to teach theatre and music, and several language instructors to offer language courses. These teachers are paid by the Hanban, Chaffee said.³¹⁷

Binghamton University’s agreement with the Hanban specifies that the Hanban will “send numbers of Chinese instructors” according to the university’s need, implying that as elsewhere, CI teachers at Binghamton University are selected by the Hanban for yes-or-no approval by the CI director and board. The university’s agreement holds that the Hanban will fund teachers’ “airfares, health insurance, housing, and salaries.” The agreement also holds that “The institute must accept the assessment of the Headquarters on the teaching quality.”³¹⁸

Binghamton has considered partnering with local school districts to offer Chinese courses in K-12 classes, but the university “ran against school unions,” Chaffee said. The teachers from China “weren’t certified” according to the requirements of the districts.³¹⁹

We were not able to interview Confucius Institute teachers at Binghamton University. Several initially agreed to meet with Rachelle Peterson when she visited Binghamton University, but following CI director Chen’s decision to cancel all meetings at the CI, none showed up for the scheduled meetings or responded to follow-up requests for comment.

A professor in the Department of Asian and Asian American Studies and former CI board member, David Stahl, said the university had once proposed the Hanban fund a tenure-track professor, taking precautions that “we would have all the autonomy to search, hire, grant tenure, and to make sure that this would not be influenced unduly or controlled by the Hanban.” The Hanban agreed, but sent a template contract for a head language teacher instead. The university provost and lawyer have since been in negotiation with the Hanban for three years, Stahl said, and eventually produced a draft contract in which the Hanban would pay for the professor’s first five years of teaching, then half of the cost for five years, before transferring all financial responsibility to the university—“fantastic seed money,” to Stahl’s mind. But the contract never moved forward—whether because

316 Peterson, interview with Julie Wang.

317 Peterson, interview with John Chaffee.

318 *Agreement*, Binghamton University, Article 6.

319 Peterson, interview with John Chaffee.

the Hanban or the university balked, Stahl doesn't know—and he's beginning to lose hope that the Hanban will fund a regular tenure-track position. "It went into a black hole," he said of the negotiations. "It just seems to have fallen off the table. Everyone's gone silent."³²⁰

FUNDING

According to John Chaffee, a board member of the Confucius Institute, the CI's budget is "over \$100,000" per year. He declined to offer more specifics about Binghamton University's contribution, and no other CI board members responded to our requests for comment.

The University's agreement with the Hanban specifies that the Hanban will provide Chinese instructors, pay for "their airfares, health insurance, housing, and salaries," and provide teaching materials, including "3,000 volumes of Chinese books."³²¹

INTELLECTUAL FREEDOM

Our interviewees painted different pictures of the state of intellectual freedom within the Confucius Institute of Chinese Opera.

John Chaffee, the board member, said the CI was under no pressure to respect Chinese law or censorship sensitivities. "I would not read it in terms of political speech,"³²² he said of contractual references to "not contravene" Chinese or American law.³²³ He noted that "there are issues" in some other Confucius Institutes that touch on "areas of concern to [the Hanban]," including "Falun Gong and Tibet."

"Other institutions have programs along those lines, and the [Chinese] government gets upset," but at Binghamton University, "no one has proposed [such programs] in ten years. There's been no pressure from Beijing at all. Not that we try to avoid it, just hasn't come up." That's because "the special focus is purely cultural," Chaffee said, explaining that most Binghamton University professors were not eager to pick a fight with the Hanban. "There is little desire among the faculty to go into political challenges."³²⁴

Others described external pressures to avoid political topics they might otherwise have broached. "I self-censored myself," librarian Julie Wang said of her approach to working with the Confucius Institute, especially after the dispute over the term "Peking" opera. "We try to respect them," she

³²⁰ Peterson, interview with David Stahl.

³²¹ *Agreement*, Binghamton University, Article 6.

³²² Peterson, interview with John Chaffee.

³²³ *Agreement*, Binghamton University, Articles 5, 7, and 12. Note: Binghamton University's contract holds that the Confucius Institute "shall not contravene concerning the laws and regulations, both in the United States and China" (article 5). The agreement also holds (article 7) that "In the event of any dispute [over intellectual property], the two parties should consult with each other amicably or submit the matter to an appropriate jurisdictional body according to the relevant laws and regulations." In article 12, it holds that "In the event of any dispute, the two parties should consult each other amicably or submit to a jurisdictional body under whose authority this Agreement falls." The agreement does not specify what jurisdictional body has authority in such disputes.

³²⁴ Peterson, interview with John Chaffee.

said of Hanban officials. “Even in America, if you get their money, you can’t touch something they don’t like.” Wang said “it hasn’t limited my academic freedom—I could do something else [as a library] display if I really wanted to.” But she kept in mind that university faculty worked with the Hanban on a regular basis. “I don’t want to put them in an awkward position.”³²⁵

David Stahl, an associate professor of Japanese literature and cinema, said he hadn’t felt any pressure from the Confucius Institute, and that he was pleased with the teaching performance of the teachers sent from the Hanban. “I do know about the controversy” at other Confucius Institutes, Stahl said.

“If you get a critical mass of people” with one outlook on China, this professor said, it becomes easier to pressure other professors to adopt (at least in public) a similar position.

*But my sense is that our Confucius Institute is not really doing anything nefarious. I think it’s actually, given the terrible state of state funding for SUNY, it’s benefited us greatly.*³²⁶

Still, though he had “no concerns” about the CI teachers at Binghamton “doing something in the classroom to influence the students unduly or propagandize,” he was a bit uncomfortable with the strings China attached to the funds:

*My only thing is that they can’t be critical, they have to be positive. That’s a restriction that doesn’t sit really comfortably with me because I believe that one of the things we do as academics is that we will be critical of things we talk about.... If they talk about Tibet, things would be great, right? Of course, no country wants to air out their dirty laundry, especially if they’re paying for it. But that’s my main concern. No money could be spent on a speaker coming to campus to criticize the handling of Tibet. It cannot. It’s very clear that if there’s any politics involved or any critique of the state, the money cannot go there.*³²⁷

One professor at Binghamton University reported concerns among faculty members that the Confucius Institute might reach beyond its courses to “influence the character or nature” of the Chinese studies program at Binghamton. “If you get a critical mass of people” with one outlook on China, this professor said, it becomes easier to pressure other professors to adopt (at least in public) a similar position.

³²⁵ Peterson, interview with Julie Wang.

³²⁶ Peterson, interview with David Stahl.

³²⁷ *Ibid.*

TARNISHING THE REPUTATION

Binghamton University has agreed that the Hanban may close the CI “if the act of one party of the Agreement severely harms the image and reputation of the Confucius Institute.”³²⁸

LAW

Binghamton University’s agreement with the Hanban requires the CI to stay within the bounds of both American and Chinese law:

*The Institute activities must be in accordance with the Constitution and By-laws [of the Hanban], and also while respecting cultural customs, shall not contravene concerning the laws and regulations, both in the United States and China.*³²⁹

The document also specifies that in disputes over intellectual property³³⁰ and in all other disputes,³³¹ the two parties should “consult with each other amicably” or, if necessary, resort to “an appropriate jurisdictional body according to the relevant laws and regulations.”³³² It does not define which jurisdictional body would be “appropriate.”

As stated above, CI board member John Chaffee, said the CI felt no pressure from Chinese law, especially related to censorship. He said he would not read the agreement “in terms of political speech.”³³³

OPENNESS

Binghamton University’s Confucius Institute operates as a tight-knit clique, reacting with skepticism toward outsiders and reflexively protecting its privacy at the expense of standard public transparency. The Confucius Institute discloses nothing more than legally required, and resists even this gesture of transparency. It displays little respect for American norms of public accountability.

We rated each of our case studies on various measures of openness and transparency. For some Confucius Institutes, some categories were not relevant, and we omitted them. Our general rating system is:

Availability of university agreements with the Hanban: 2 points if publicly accessible, 1 point if accessible under Freedom of Information requests.

Willingness of the Confucius Institute director to be interviewed: 1 point.

Willingness of the board chairman to be interviewed: 1 point.

³²⁸ *Agreement*, Binghamton University, Article 11.

³²⁹ *Ibid.*, Article 5.

³³⁰ *Ibid.*, Article 7.

³³¹ *Ibid.*, Article 12.

³³² *Ibid.*, Article 7.

³³³ Peterson, interview with John Chaffee.

Willingness of board members to be interviewed: ½ point per member.

Willingness to let visitors sit in on a class: 1 point.

Binghamton University scored 1.5 points out of a possible 8.5 points.

Availability of university agreements with the Hanban: 1 point

Binghamton University does not publicly publish its agreements with the Hanban, and members of the CI staff did not respond for requests to share these documents. The university's legal office released copies of these documents after we filed a Freedom of Information request.

Willingness of the Confucius Institute director to be interviewed: 0 points

CI director Zu-yan Chen initially did not respond to multiple emails and phone calls requesting comments.

When Rachelle Peterson alerted him by email that she was visiting Binghamton University in September 2016, he responded favorably to her request to meet, writing that “I look forward to meeting you next week!” and inviting her to “feel free to let me know if you need any assistance in your visit.”³³⁴ Two days later, he wrote again that because he and his staff “are in an extremely busy season while our semester progresses” and have “various other commitments” pressing on their time, he no longer would meet with Rachelle, and would also cancel her meetings with Confucius Institute staff and teachers.³³⁵

When Rachelle arrived at the Confucius Institute, she found it locked with the lights off. One board member with whom she met, John Chaffee, expressed surprised that the CI was closed but offered no explanation.

Willingness of the board chairman to be interviewed: 0 points

Chairman of the board, provost Donald Nieman, did not respond to any emails or phone calls requesting comment.

Willingness of board members to be interviewed: ½ point

One board member, John Chaffee, agreed to meet with Rachelle Peterson for thirty minutes. A former board member, David Stahl, also agreed to speak by phone.

Willingness to let visitors sit in on a class: 0 points

The CI office administrator, Carrie Buck, initially confirmed to Rachelle Peterson by both phone and by email that she was welcome to visit one of the CI classes, a Wednesday afternoon course on the Chinese flute. When CI director Zu-yan Chen cancelled his meeting with Rachelle and forbade

³³⁴ Zu-yan Chen, email to Rachelle Peterson, September 14, 2016.

³³⁵ Zu-yan Chen, email to Rachelle Peterson, September 16, 2016.

his staff from meeting with her, he also cancelled the scheduled class visit, saying that “our teachers have also expressed that they feel a visit during class time would distract their students, and divert attention, on both the part of the teacher and students, from valuable class time.”³³⁶

UNIVERSITY AT ALBANY

The Confucius Institute for China’s Culture and the Economy, located at the University at Albany, opened in 2013. University at Albany partners with Southwestern University of Finance and Economics in Chengdu, China. Associate Professor of Chinese Studies Anthony DeBlasi set up the Confucius Institute and served as its director from its opening until fall 2016, when Youqin Huang, Associate Professor of Geography, became the director.

The faculty senate did not vote on the opening of the Confucius Institute, though the Department of East Asian Studies discussed the possibility of Professor DeBlasi pursuing the CI. According to one professor, the dean of the College of Arts and Sciences as well as the rest of the university administration were “very much in the loop” and “on board.” They were particularly pleased at the prospect of “external money coming in, especially in the arts and humanities.”³³⁷

The CI is guided by a board of directors, three of whom represent the University at Albany, and three of whom represent Southwestern University of Finance and Economics. The director, who is required to be a tenured professor from the University at Albany, is assisted by the Chinese director.³³⁸

According to the Feasibility Study that the university completed when applying to the Hanban for a Confucius Institute, the CI is a “university-level strategic initiative” that is “assisted by” but “independent of” the Department of East Asian Studies, the Economics Department, the School of Business, and the Office of International Education.³³⁹

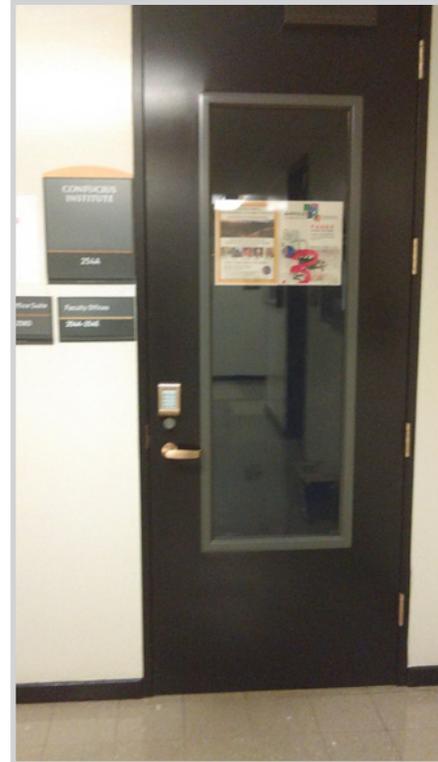


Figure 10 The Confucius Institute at the University at Albany was locked and dark when NAS visited.

³³⁶ *Ibid.*

³³⁷ Peterson, interview with anonymous University at Albany professor.

³³⁸ *Agreement*, University at Albany, Article 5.

³³⁹ *Feasibility Study*, University at Albany.

CLASSES

Albany's CI offers two courses, according to its website: "Advanced Chinese III" for three credits, and "Chinese Characters and Penmanship" for no credit and for free.³⁴⁰

One professor at the University at Albany said he was initially pleased to have additional teachers in the Chinese language programs, given growing enrollment numbers. But he was disappointed that the first teachers were not able to speak English and therefore unable to teach all but the most advanced American students studying Chinese. "We have not received the promised language teachers that were part of the original understanding," he said.³⁴¹ Since then, he said the quality of teachers had improved.

Courses must be approved by the board of directors,³⁴² but the university must also "be guided by the assessment" of the Hanban on "the quality of its teaching programs."³⁴³

"The understanding was that we would be involved in the selection of professional teaching Chinese as a second language educators from China, but it didn't turn out that way," he said. "That's been totally done from the Chinese side."

TEXTBOOKS

The Hanban is required to provide the University at Albany with "teaching materials, coursewares and other books as needed" for the Confucius Institute, as well "3,000 volumes of Chinese books, teaching materials, and audio-visual materials." It is also responsible to "authorize the use of online courses."³⁴⁴

HIRING POLICIES

The director of the CI must be a tenured faculty member at the University at Albany,³⁴⁵ one "with administrative abilities, who has been or is devoted to Sino-America cultural exchange and the establishment of the Confucius Institute."³⁴⁶

The Chinese Director is selected by Southwestern University of Finance and Economics.³⁴⁷

340 "Chinese Language Instruction," Confucius Institute, University at Albany, <http://www.albany.edu/confucius/LanguageL/F15LanguageL.shtml>.

341 Peterson, interview with anonymous University at Albany professor.

342 *Implementation Agreement*, University at Albany, Article 3.

343 *Agreement*, University at Albany, Article 5.

344 *Ibid.*, Article 6.

345 *Agreement*, University at Albany, Article 5.

346 *Implementation Agreement*, University at Albany, Article 3.

347 *Feasibility Study*, University at Albany.

According to the agreement between the two universities, Southwestern University of Finance and Economics is required “to provide one or two visiting scholars/instructors in Chinese language and culture each year.”³⁴⁸ The agreement does not specify how these instructors are selected.

James Hargett, professor of Chinese studies at the University at Albany, said he was led to believe faculty members at would play a leading role in selecting teachers for the Confucius Institute. “The understanding was that we would be involved in the selection of professional teaching Chinese as a second language educators from China, but it didn’t turn out that way,” he said. “That’s been totally done from the Chinese side.”³⁴⁹

Hargett said he was not the only one upset at the hiring procedures. “We were all disappointed,” he said of his fellow department members. “Originally when Tony [DeBlasi] got this going, the idea was that we would collaborate with Hanban in selecting the teachers. But that understanding fell apart completely.”³⁵⁰

FUNDING

A professor told us the university received half a million dollars at the opening of the Confucius Institute, though we are unable to verify this. The current and founding directors of the CI declined to speak to us, as did the Chinese director and board members.

The university’s agreement with the Hanban pledged the Hanban to provide “a start-up fund of U.S. \$150,000,” along with “an agreed-upon amount of funds annually according to need.” The Hanban also provides Chinese teachers and pays for their airfare and salaries.³⁵¹

The University at Albany agreed to provide funds matching the Hanban’s. The university’s investment includes “a fixed office place and appropriate sites for teaching and other activities of the Confucius Institute,” as well as the salaries for “necessary administrative personnel.”³⁵²

An agreement between the University at Albany and Southwestern University of Finance and Economics outlines five sources of funding: “1) support from UA; 2) support from the Confucius Institute Headquarters; 3) Support from SWUFE; 4) Tuition fees from the programs of the Confucius Institute; 5) Donation [sic] from the community.”³⁵³

³⁴⁸ *Implementation Agreement*, University at Albany, Article 5.

³⁴⁹ Peterson, interview with James Hargett.

³⁵⁰ *Ibid.*

³⁵¹ *Agreement*, University at Albany, Article 6.

³⁵² *Ibid.*

³⁵³ *Implementation Agreement*, University at Albany, Article 6.

INTELLECTUAL FREEDOM

As with all Confucius Institutes, the University at Albany’s CI is bound to “the Constitution and By-laws of the Confucius Institutes,” which pledges fidelity to Chinese law.³⁵⁴ The university’s agreement with the Hanban also holds that the

*The Institute activities must be in accordance with the Constitution and By-laws of the Confucius Institutes, respect cultural customs of the United States and China, and shall not contravene any relevant laws and regulations of the United States and China.*³⁵⁵

This language is an improvement from many university contracts with the Hanban. Where most cite the importance of not contravening “any laws and regulations” of the U.S. or China, the University at Albany inserted the word “relevant”: “relevant laws and regulations of the United States and China.” It is unclear which laws the university or the Hanban consider “relevant” to the CI, but this added word offers marginally more protection from the possibility that the Hanban might try to hold the CI to all Chinese law.

Still, the impreciseness of the language and the Hanban’s history of meddling in academic affairs leaves room for improvement. One professor expressed concerns about improper pressures stemming from the Confucius Institute. “I have an issue with the government and the Chinese party – they’re one the same. The idea of taking their money,” he trailed off. “Really the CI is a foreign policy tool of the Chinese government. The US has its foreign policy tools abroad as well. I’m not opposed to foreign policy tools, but I’m opposed to them when they come from China.”

James Hargett, Professor of Chinese Studies at the University at Albany, said he had witnessed one example of improper curtailment of speech. When Hanban officials visited the University at Albany, a Chinese language lecturer whose office abutted the CI found that her banner for National Taiwan University had been taken down, along with some Chinese calligraphy. The director of the

When Hanban officials visited the University at Albany, a Chinese language lecturer whose office abutted the CI found that her banner for National Taiwan University had been taken down, along with some Chinese calligraphy. The director of the CI had arranged for the temporary removal of the banner, without the knowledge of the lecturer who owned the banner, in case the reference to Taiwan might offend the Hanban representatives.

354 *Agreement*, University at Albany, Preamble.

355 *Ibid.*, Article 5.

CI had arranged for the temporary removal of the banner, without the knowledge of the lecturer who owned the banner, in case the reference to Taiwan might offend the Hanban representatives.

It is “very legitimate” to be concerned about “abridging university autonomy,” Hargett said. “I don’t think the autonomy of the university is compromised with a scholar from a foreign country,” citing the university’s past positive experience with international Fulbright scholars. But if “that person is a mouthpiece for the government,” that crosses a line.³⁵⁶ He said he did not consider CI teachers mouthpieces, and he had no evidence that they propagandized students, but he was concerned that the Hanban’s speech codes improperly gagged the teachers on some topics.

TARNISHING THE REPUTATION

The University at Albany’s contract holds that the Hanban can cancel the CI and hold the university liable for an action that “harms the image and reputation” of the Hanban. The University at Albany has added a corollary: it, too, can hold the Hanban responsible for action that harms the university’s reputation. The full policy reads that the contract may be broken “if the act of one party of the Agreement severely harms the image and reputation of the other party.”³⁵⁷ This is an improvement in the language, though it does not fully remove the lever by which the Hanban may try to pressure the university to obey its preferences.

LAW

As stated above, Albany’s CI

*must be in accordance with the Constitution and By-laws of the Confucius Institutes, respect cultural customs of the United States and China, and shall not contravene any relevant laws and regulations of the United States and China.*³⁵⁸

The addition of the word “relevant” somewhat improves upon template text in many universities’ contracts.

OTHER GIFTS

The Confucius Institute at the University at Albany is part of a set of other gifts and opportunities for Albany students and professors.

The University at Albany and SWUFE enjoyed a working relationship prior to the development of the Confucius Institute. In 2010, the university hosted a visiting scholar and had previously welcomed delegations from SWUFE. In 2011, Albany sent its own delegation to SWUFE.³⁵⁹

³⁵⁶ Peterson, interview with James Hargett.

³⁵⁷ *Agreement*, University at Albany, Article 11.

³⁵⁸ *Ibid.*, Article 5.

³⁵⁹ *Feasibility Study*, University at Albany.

The Confucius Institute has opened new partnerships and funding opportunities for the University at Albany. The university's partner university, Southwestern University of Finance and Economics, agreed in its contract to "receive the student study groups from the Confucius Institute" who travel to China, and provide instructors for these students. The Confucius Institute would cover all expenses for the trip.³⁶⁰

The Confucius Institute also promised to provide "scholarships and grants" for "student and faculty exchanges between UAlbany and SWUFE." The Feasibility Study, completed as part of the university's application to the Hanban for a CI, also outlined plans to create a "competitive scholarship program" to send New York students to SWUFE, paid for by the Confucius Institute via the Hanban.³⁶¹

The Feasibility Study noted various benefits that China may receive in exchange. For instance, it observed that the university's location in the New York state capital would give the CI access to a seat of "political importance" and "a hub of high-tech economic activity." It described the university as enjoying "influence in both state government and among upstate businesses" and the university administration as being "in continuous contact with the state legislature, the governor's office, and the departments of the state government." Such government ties, it hinted, may be of use in China.

The university also noted that the CI would encourage New York businesses to invest in China, especially near the site of a recent Chinese earthquake in Sichuan, the province where SWUFE is located. The university promised that the CI "will facilitate New York business investment in the region and encourage New York citizens to patronize Sichuan business through increased tourism."³⁶²

In early communications with the Hanban, the University at Albany observed that its location in the New York state capital would give the CI access to a seat of "political importance" and "a hub of high-tech economic activity." It described the university as enjoying "influence in both state government and among upstate businesses" and the university administration as being "in continuous contact with the state legislature, the governor's office, and the departments of the state government."

³⁶⁰ *Implementation Agreement*, University at Albany, Article 5.

³⁶¹ *Feasibility Study*, University at Albany.

³⁶² *Ibid.*

OPENNESS

The University at Albany scored 1 point out of a possible 4 points on openness and transparency.

Availability of university agreements with the Hanban: 1 point

The university does not publicly publish its agreements with the Hanban. The university's legal office released copies of these documents after we filed a Freedom of Information request.

Willingness of the Confucius Institute director to be interviewed: 0 points

CI director Anthony DeBlasi did respond to our emails requesting comments, unlike many other CI directors, but he declined to speak to us. He said that because his term as CI director was coming to a close, he did not feel comfortable speaking about the CI to an external reporter.

In the fall, when new CI director Youqin Huang took office, she initially agreed to receive a visit from Rachele Peterson. Shortly after Binghamton University CI director Zu-yan Chen wrote to Rachele cancelling her meetings at Binghamton, Huang also wrote to Rachele, cancelling the meeting previously scheduled with Huang and with CI Chinese director Dejun Cao. Huang offered the excuse that because the university had already provided copies of its contracts in response to our Freedom of Information request, and because "I am new in the position," she did "not really have much more to tell you than what you have already known." She also said "my schedule has just changed this week and I have to be out of the town."³⁶³

Huang did not respond to follow-up emails or phone calls.

Willingness to let visitors sit in on a class: 0 points

No CI staff responded to multiple attempts by phone and email to learn about the location and schedule of CI classes, and whether a guest might sit in on one.

UNIVERSITY AT BUFFALO

The Confucius Institute at the University at Buffalo opened in 2010 and was renewed again in 2015. It operates in partnership with Capital Normal University in Beijing. UB has had a longstanding relationship with Capital Normal University dating back to 1980, making Buffalo the first American university to develop such a partnership following the normalization of relations between the US and China in 1979.

Kristin Stapleton, an associate professor of history who focuses on Asian history, began working to set up the CI in 2007, three years before the final agreements were signed. She served as the founding director. Until recently, China-born philosophy professor Jiyuan Yu served as director, until his death in November 2016. The position of director is unfilled, as of this writing.

363 Youqin Huang, email to Rachele Peterson, September 19, 2016.

In 2016, the Hanban named the University at Buffalo's CI the Confucius Institute of the Year.³⁶⁴ Stephen Dunnett, Vice Provost for International Education of the university and chairman of the CI board, received the award at a ceremony in China. Liu Yandong, the vice premier of the State Council and chair of Confucius Institute Headquarters Council, presented the award.

The CI offers not-for-credit courses at the university, and has one teacher who trains graduate students in an M.A. program in teaching Chinese. The CI also oversees 15 Chinese teachers at Confucius Classrooms in local K-12 schools.

CLASSES

The Confucius Institute is authorized by the Hanban to “offer Chinese language and China-related courses for both the university and community” with the help of a visiting professor from Capital Normal University.³⁶⁵ Junhong Li currently fills this role, serving as a Research Assistant Professor in the Chinese Language Program.³⁶⁶ According to Stephen Dunnett, Li helps train MA candidates in teaching Chinese as a second language.

The University at Buffalo specified in its contract with Capital Normal University that all teaching candidates must meet the university's regular teaching requirements and will be supervised by the chair of the department in which they work.³⁶⁷ Emails between Dunnett and Yu at UB and members of the Hanban staff show that this extra clause was the subject of much discussion between Capital Normal University, the Hanban, and UB, though the Hanban did permit the clause to remain. (For more, seeing the section “Hiring Policies,” below.)

The Confucius Institute lists on its website several not-for-credit, fifteen-week courses in Chinese language. When Rachele Peterson visited the University at Buffalo in September 2016, she attempted to sit in on an evening Chinese class, but learned that the course had been cancelled due to low enrollment. Dunnett told her the CI typically needs 6-8 registrants in order for the class to proceed.



Figure 11 The Confucius Institute at the University at Buffalo.

364 Bert Gambini, “UB’s Confucius Institute Receives Top Honor,” *University at Buffalo News Center*, December 23, 2016. <http://www.buffalo.edu/news/releases/2016/12/026.html>.

365 *Renewal Agreement*, University at Buffalo, Article 5.

366 “Guest Teachers,” Confucius Institute, University at Buffalo. <https://confuciusinstitute.buffalo.edu/people/guest-teachers/>.

367 *Renewal Cooperation Agreement*, University at Buffalo, Article 2.

Most of the CI's teaching takes place at regional K-12 schools. Fourteen guest teachers from China instruct school children at 11 local schools.³⁶⁸ Stephen Dunnett estimates that 3,000 school children study under one of these teachers.³⁶⁹

In addition, the CI has received funding from the Hanban to support the university's new master's degree in Chinese language education. Graduates of the program will be certified to teach Chinese language in New York state. The goal, according to Stephen Dunnett, is to "put [the Hanban] out of business." Hanban director general Xu Lin was at first taken aback by the proposal, Dunnett said, but agreed because she recognized the Hanban may not have the funds to be able to "do this forever." The Hanban has agreed to fund the first four years of this program, after which time the University at Buffalo will pick up the tab.³⁷⁰

*Confucius Institute
teachers instruct
more than 3,000 K-12
students in and around
Buffalo, NY.*

Teachers at the Confucius Institute and its Confucius Classrooms receive feedback from the university, the host K-12 schools, and the Hanban, and the CI is to be "guided" by the assessments of all three parties, according to UB's agreement with Capital Normal University.³⁷¹ This language gives additional authority to the University at Buffalo. Most template contracts say only that the CI must "accept the assessment" of the Hanban.

TEXTBOOKS

The Hanban is obliged "to provide teaching materials, textbooks, and other books as needed, to authorize the use of online courses, and to make contributions of Chinese materials to the UB Libraries on a regular basis."³⁷² Capital Normal University has also offered to "strengthen UB's library holdings for research and instruction on China" by "provide a visiting Chinese language librarian."³⁷³

UB has recently significant numbers of books from China, including a 2005 donation of 500 books from the Chinese Ministry of Education, at the time headed by a graduate of the University at Buffalo.³⁷⁴ In its original proposal to open a CI, the university noted that it was eager to receive books from China, as its library "has failed to keep up with the tremendous growth in book publishing that has occurred in China in recent decades." UB said it would form

³⁶⁸ *Ibid.*

³⁶⁹ Peterson, interview with Stephen Dunnett.

³⁷⁰ *Ibid.*

³⁷¹ *Renewal Agreement*, University at Buffalo, Article 5.

³⁷² *Ibid.*, Article 6.

³⁷³ *Renewal Cooperation Agreement*, University at Buffalo, Article 1.

³⁷⁴ *Proposal for the Establishment of the Confucius Institute at the University at Buffalo, a Partnership Between the University at Buffalo, State University of New York and Capital Normal University*, University at Buffalo, 2008, pg. 13.

a committee and work with Capital Normal University in order to “become a carefully targeted repository for Chinese materials that can serve all of Western New York.”³⁷⁵

Dunnett told us that all books used at the University at Buffalo are selected by UB faculty members. He also pushed back against those who find the Hanban’s books propagandistic or uniformly positive about China. “I wish you could see the materials I used teaching overseas” fifty years earlier, Dunnett said. He called the materials the US State Department put out at the time “blatant propaganda. You would think everyone was white, middle class, and lived in the suburbs.” He said it was “absurd” to think, as he said some do, that the CI is engaged in the “stealthy spread of Communism in schools.”³⁷⁶

HIRING POLICIES

The University at Buffalo enjoys more authority in hiring CI staff and teachers than any other Confucius Institute among our case studies.

The university requires the director of the Confucius Institute to be a tenured professor. The Dean of the College of Arts and Sciences, with the assistance of the Vice Provost for International Education, selects and appoints the director, who is subject to the formal approval of the CI board of directors.³⁷⁷ The director reports to the board of the directors and the dean of the College of Arts and Sciences.³⁷⁸ The specification of the dean as the direct supervisor of the director is an improvement over vague language in other universities’ contracts citing the board of directors as the providing the primary oversight.

At UB, the Confucius Institute also has an American associate director who handles administrative duties and oversees the Confucius Classrooms. This person is an employee of the SUNY Research Foundation (“a civil servant-type role,” according to board chairman Stephen Dunnett). He is nominated by the director and must be approved by both the Dean of the College of Arts and Sciences and the board of directors.³⁷⁹ His immediate supervisor is the director of the CI.

The Chinese associate director is nominated by Capital Normal University, approved by the Hanban, and then approved by the CI board of directors.³⁸⁰ This employee also reports directly to the director.³⁸¹

All CI teachers, whether placed at the University at Buffalo or at regional K-12 schools, are nominated by Capital Normal University and sign contracts with the Hanban. Those nominated for positions

³⁷⁵ *Ibid.*, pg. 20.

³⁷⁶ Peterson, interview with Stephen Dunnett.

³⁷⁷ *Renewal Agreement*, University at Buffalo, Article 5.

³⁷⁸ *Renewal Cooperation Agreement*, University at Buffalo, Article 2.

³⁷⁹ *Renewal Agreement*, University at Buffalo, Article 5.

³⁸⁰ *Ibid.*

³⁸¹ *Renewal Cooperation Agreement*, University at Buffalo, Article 2.

at the university are interviewed by CI staff along with representatives of the academic departments in which the teachers would be placed. Accepted candidates are then supervised by the chair of that academic department, and remain “subject to UB academic regulations, policies, and procedures.” The University at Buffalo is the only university among our case studies that specifies that CI teachers are subject to the university’s regular policies and are directly supervised by tenured professors.

Those teachers nominated for positions at K-12 schools surrounding Buffalo follow a similar hiring procedure. Candidates nominated by Capital Normal University are screened by the Hanban, then selected by CI staff and “subject to final approval” by the principals at the host schools in New York.³⁸² The two associate directors from the University at Buffalo and Capital Normal University supervise these teachers.³⁸³

Emails between members of the university and Hanban staff show that UB’s decision to include in its renewal agreement specific hiring procedures that place CI staff under the policies of the University at Buffalo sparked some discussion at the Hanban. In an August 2014 email from CI board chairman Stephen Dunnett to Capital Normal University associate dean Han Mei, Dunnett notes that the university proposed new language on hiring policies in order “to address some of the concerns about CIs which have been voiced by some professional academic associations and individuals in North America.”³⁸⁴ In September, after Han protested that some of the policies detailing UB’s role in the hiring process did not belong under the Hanban’s own responsibilities, Dunnett wrote back reaffirming the importance of giving Buffalo control:

*our provost wanted an explicit statement in the agreement that makes clear faculty members from CNU sponsored by the Hanban or brought to UB under the auspices of the Confucius Institute are subject to UB academic policies and procedures etc. This is in response to recent criticisms about Confucius Institutes in the USA, of which I think you are well aware.*³⁸⁵

In the end, the Hanban agreed to keep the language holding CI teachers to University at Buffalo policies, on the condition that it be moved to a different section of the agreement.

Nevertheless, Buffalo remains dependent on the Hanban to nominate prospective teachers and a Chinese associate director. One email exchange indicates that UB was prepared to hire a new CI teacher, who was then denied by the Hanban. In July 2014, Dunnett inquired about a teacher, Bao Xiaoying, that the university had interviewed and offered a position teaching in the MA program in teaching Chinese. “I am thinking we should start the visa process soon, but don’t want to do that until she is approved” by the Hanban, Dunnett wrote.³⁸⁶ The university’s Capital Normal University

³⁸² *Renewal Agreement*, University at Buffalo, Article 6. *Renewal Cooperation Agreement*, University at Buffalo, Article 3.

³⁸³ *Renewal Cooperation Agreement*, University at Buffalo, Article 6.

³⁸⁴ Stephen Dunnett, email to Han Mei, August 22, 2014.

³⁸⁵ Stephen Dunnett, email to Han Mei, September 2, 2014.

³⁸⁶ Stephen Dunnett, email to Han Mei, July 1, 2014.

contact, Han Mei indicated that in reply that the professor had failed to pass some Hanban requirement, and UB should select another candidate from the slate of three Hanban proposed:

*I believe Maggie has told you about Dr. Bao Xiaoying's result of Hanban interview. I am sorry for that. If you do not want to take Dr. Lv Yulan, one of the 3 interviewees when you were in Beijing last time, we can wait until next year for other candidates.*³⁸⁷

FUNDING

The Confucius Institute is funded half by the Hanban and half by the University at Buffalo, accorded to Dunnett, though he did not specify what amounts each contributed. He offered a rough estimate that the university fulfilled up to 60 percent of its quota by in-kind contributions, including office space, classrooms, administrative staff, graduate assistants, and an immigration attorney who provides services for the Chinese teachers.³⁸⁸

An email in 2014 from CI director Jiyuan Yu responding to questions from Hanban staff member Mengmeng indicates some of what the University at Buffalo provides for the Confucius Institute:

1. *The salary and benefit of UB executive associate director: \$85,000*
2. *Office space, utilities, telephone, etc. \$40,000/year*
3. *Director of board 5%, director of UBCI 20%, secretary of board and office assistants 10%, totally about \$50,000/year*
4. *The matching fund to specific activities and events.*³⁸⁹

The Hanban provides operating funds and pays the salaries of the teachers at the university and surrounding school districts. It also provides funds for the master's program in teaching Chinese language. The Hanban will fund the first four years of the program, according to Dunnett, before the university absorbs the costs.

UB specifies that it has "sole responsibility for its operating budget."³⁹⁰

The funding from the Hanban is not extraordinary, Dunnett said, though it is a vital resource to help replace the 30 percent reduction in state funding that UB has received in the past eight years. Contrary to "allegations" that the Hanban richly rewarded its partners, the CI cost the University at Buffalo money, he said: "I wish the Chinese shoveled money in here." Still, the funding was sufficient to fill various gaps in university funds, he said, noting that some Asian studies professors and historians of Asia had retired, and their positions were unlikely to be filled. "If the state of New York would fully fund study abroad," there would be no need to partner

387 Han Mei, email to Stephen Dunnett, July 9, 2014.

388 Peterson, interview with Stephen Dunnett.

389 Jiyuan Yu and Qiaomei Lu, email to Mengmeng, September 10, 2014.

390 *Renewal Agreement*, University at Buffalo, Article 5.

with the Hanban, Dunnett said, though even then, the university would likely “do something like” the Confucius Institute.³⁹¹

INTELLECTUAL FREEDOM

While UB discussed opening a Confucius Institute in the mid 2000s, some faculty members raised some concerns, said Kristin Stapleton, the founding director. But they were “vague and general – about getting influenced from abroad, as I recall.” But the fact that the director is a tenured faculty member, and that the board is weighted 5-4 to the university, helped calm fears that China might start pressing in on academic freedom.³⁹²

Dunnett, the board chairman, said UB would not tolerate undue interference from the Hanban and has set up the structure so that the Hanban has few levers to pull. The contracts state that the University at Buffalo enjoys full proprietorship of the Institute and that Buffalo professors oversee and direct all CI teachers. The teachers, too, are contractually guaranteed be “subject to UB academic regulations, policies, and procedures,” meaning that UB says it formally offers them academic freedom protections.³⁹³ “They’re subject to all our policies,” Dunnett said, “not just academic freedom policies, but also other academic protections.” He said the fact that teachers’ contracts and payments were from the Hanban did not subject them to improper academic constraints. “The fact that they’re paid from the outside – many, like the National Institutes of Health funding for the research hospital are like that.”³⁹⁴

As discussed above, these policies sparked some surprise within the Hanban, which did eventually sign off on Buffalo’s proposed control of the CI hires.

Dunnett said he had once sat in on a class in which a student raised a question about Tiananmen Square. “The Hanban teacher who answered it was pretty objective,” he said, noting that if that question had come up in China, some would “fire back with how we treat Native Americans, women, minorities.” Dunnett said he was not sure whether the Hanban trained teachers to answer sensitive questions with stock answers, but said it was common for governments to prepare teachers to handle difficult questions while traveling abroad: “When I was in the Peace Corps, we also put out a guide for how to deal with [questions about] social inequality.”

“When I look at Hanban, I don’t know what lies behind it, so I can only judge what they do, and that is admirable,” Dunnett said. “They have never done anything out of line, unethical, out of character

391 Peterson, interview with Stephen Dunnett.

392 Peterson, interview with Kristin Stapleton.

393 *Renewal Agreement*, University at Buffalo, Article 5.

394 Peterson, interview with Stephen Dunnett.

with the higher education. Maybe they hold their noses and wish they could do something else with us, but I can only speak to what they do. They respect us when we're there. They don't brainwash us. They might have a point of view, just as we do, but no one comes out saying so."³⁹⁵

TARNISHING THE REPUTATION

The University at Buffalo's contract with the Hanban does hold that the Hanban can terminate the agreement if "an act of one party to the Agreement severely harms the image and reputation of the Confucius Institute."³⁹⁶

LAW

UB has agreed that the Confucius Institute must "not contravene the relevant laws and regulations of the United States and China," having added the qualifier "relevant" to the template text on the Hanban's website. Dunnett said he was not sure what counted as a "relevant" law or regulation but thought the policy was meant to make it clear that "once [Confucius Institute teachers are] here, it's US law that governs. I'm sure China would agree." Although "Chinese law might not allow for some things that they can do here, that law doesn't apply extra-nationally."

Dunnett noted that China does retain the authority to call its citizens back to China, as it tried to do when a McMaster University CI teacher went public about her participation in Falun Gong. "China wanted to force her back because she's a criminal there" under Chinese law banning Falun Gong, Dunnett acknowledged. "The Chinese have the right to recall their citizens, just as I have the right to recall an American employee. But they can't expect us to enforce their laws, just as they don't enforce ours." Dunnett said the Hanban had never attempted to recall a CI teacher from Buffalo. "They work with very good behavior and their comportment is above reproach," Dunnett said in praise of the teachers.³⁹⁷

UB's contract also specifies that "All Institute activities involving UB courses, curricula, and faculty and staff will be subject to the relevant UB administrative and academic policies, procedures, and approvals."³⁹⁸

The contract also holds that in disputes over intellectual property, both parties should "submit to the judgment of the legal body with jurisdiction according to the relevant laws and regulations."³⁹⁹

OTHER GIFTS

The Confucius Institute has led to or assisted the university in obtaining additional funds and benefits for its Asian studies program. These have been essential, Dunnett says, in offsetting the

³⁹⁵ *Ibid.*

³⁹⁶ *Renewal Agreement*, University at Buffalo, Article 11.

³⁹⁷ Peterson, interview with Stephen Dunnett.

³⁹⁸ *Renewal Agreement*, University at Buffalo, Article 5.

³⁹⁹ *Ibid.*, Article 7.

reduction in state funding, down 30 percent over the past eight years, and he says the benefits aren't tied only to Buffalo. "It's enriched our Asian studies and Chinese language and culture programs in a way we couldn't do otherwise. I would say it's true elsewhere. The Chinese deserve some credit for that."⁴⁰⁰

Through the CI, professors have obtained funding to hold academic conferences. This is provided for in the university's Renewal Cooperation Agreement, which authorizes the CI to support "lectures, discussion sessions, research seminars, and international academic conferences on-campus and off-campus to advance understanding of China and promote U.S.-China exchange."⁴⁰¹ The agreement authorizes a broader list of topics than many CIs: "Chinese language, culture, history, politics, international relations, economics, business society, philosophy, and other topics that are of substantial significance and popular interest."⁴⁰² Capital Normal University also agreed to "publicize and support" Buffalo student and faculty applicants for fellowships and scholarships to study abroad in China, especially those applying through the "Confucius New China Study Plan." In addition, Capital Normal agreed to organize visits, seminars, and business exchanges between the US and China.⁴⁰³

Kristin Stapleton organized one such conference in April 2016 at SUNY Geneseo, on China from 1915-1945, funded by both the SUNY Arts and Humanities Network of Excellence⁴⁰⁴ and the UB Confucius Institute.⁴⁰⁵ Stapleton said the additional funding helped bring non-SUNY scholars to the conference.

The CI sponsored a 2012 conference, "Beyond New Confucianism: Confucian Thought for Twenty-First Century China."⁴⁰⁶

"When I look at Hanban, I don't know what lies behind it, so I can only judge what they do, and that is admirable. They have never done anything out of line, unethical, out of character with the higher education." – Stephen Dunnett, Vice Provost for International Education, University at Buffalo

400 Peterson, Interview with Stephen Dunnett.

401 *Renewal Cooperation Agreement*, University at Buffalo, Article 1.

402 *Ibid.*

403 *Ibid.*

404 "2015-2016 Research Projects," The State University of New York. <https://www.suny.edu/noe/aah/summary-of-research-projects/>.

405 "China and the World: 1950s Urban Culture and Planning," Confucius Institute, University at Buffalo, April 29, 2016. <https://confuciusinstitute.buffalo.edu/event/china-and-the-world-1950s-urban-culture-and-planning/>.

406 Patricia Donovan, "International Conference on the Revival of Confucianism in China to be Held at UB," School of Dental Medicine, University at Buffalo, April 20, 2012. <http://dental.buffalo.edu/about-us/the-buffalo-niagara-region.host.html/content/shared/university/news/news-center-releases/2012/04/13373.detail.html>.

The CI is also authorized to fund competitions on the Chinese language and other “China-related topics.”⁴⁰⁷

A third area of increased cooperation is in promoting study abroad. Dunnett says the university has tripled the number of students studying abroad in China thanks to the Confucius Institute. “We didn’t have enough funds of our own,” he said. The Hanban also provides funds for ten students from the MA program in teaching Chinese to spend a summer in China.⁴⁰⁸

This increase in study abroad is in keeping with Buffalo’s agreement with Capital Normal University, in which Capital Normal said it would recruit Buffalo students to study abroad there. Presumably Buffalo faculty encourage students interested in studying in China to select Capital Normal University.⁴⁰⁹

OPENNESS

The University at Buffalo displayed a grudging willingness to work with us. Board chairman Stephen Dunnett, vice provost for international education, did agree to spend an hour and a half with Rachelle Peterson. Dunnett said that the university president, Satish Tripathi, also expressed interest in meeting with NAS but was scheduled to make an appearance at another event in Buffalo. We give UB a score of 4 out of 9.

Availability of university agreements with the Hanban: 1 point

The university does not make these agreements publicly available, and our initial requests for information went unanswered. The university did release these agreements after we filed a Freedom of Information request.

UB’s agreement with the Hanban, signed at the renewal of the CI in 2014, omits explicit pledges to keep the document confidential—a policy that the Hanban initially insisted on. Emails preceding the renewal signing ceremony indicate that UB refused to sign a nondisclosure pledge in order to assuage worries about “secret agreements” and to comply with state Freedom of Information laws. This sparked some controversy within the Hanban, delaying the finalization of the agreement until immediately before the renewal ceremony.

After the Hanban initially balked at UB’s proposed language, which contradicted its own template agreement calling for both parties to sign nondisclosure agreements, Dunnett explained that

Both New York State and US Federal law on transparency and freedom of information do not permit us to accept this article [from the Hanban’s template agreement].... As you know there has been allegations (sic) that some North American universities have signed so called “secret” agreements with the Hanban around their Confucius

⁴⁰⁷ *Renewal Cooperation Agreement*, University at Buffalo, Article 1.

⁴⁰⁸ Peterson, interview with Stephen Dunnett.

⁴⁰⁹ *Renewal Cooperation Agreement*, University at Buffalo, Article 1.

*Institutes. I personally don't believe this, but I do know that UB cannot agree to a confidential agreement that cannot be disclosed to the public. I hope you can help the Hanban to understand this issue.*⁴¹⁰

Han Mei, the Capital Normal University dean, responded that she learned from a Hanban official that “the renewal agreements would be examined by their lawyer, and she is not sure whether it can be approved without this Article 14 [requiring nondisclosure], although she will try to have the agreement approved ASAP.”⁴¹¹ Two days later Han told Dunnett she was “very glad that Hanban did not insist on our keeping the last clause [on nondisclosure] in their agreement templet (sic).”⁴¹² But two weeks later, the Hanban had reinserted the nondisclosure clause, prompting CI director Jiyuan Yu to write to Han that the new draft “raises some serious problems, and the confidentiality clause was added back.”⁴¹³

In another email, Yu explained to the Hanban official Mengmeng the importance of authorizing UB to share the agreement in response to Freedom of Information requests:

*UB cannot renew the CI if this Article has to be included, for at least the following two major reasons: (1) This is a clear violation of the US “Freedom of Information Act” (FOIA) and similar regulations at the State and SUNY levels. (2) This “confidentiality clause” has precisely been one of the central controversial points in the debate on CI in the US. The American Association of University Professors (AAUP) June 2014 Statement claims that “Most agreements establishing Confucius Institutes feature nondisclosure clauses...” It claims that these clauses make universities compromise on issues of academic freedom and transparency, and uses it as one main reason to demand US universities to cut ties with CI. Correspondingly, many defenders of the CI have been contending by dismissing this “confidentiality clause.”*⁴¹⁴

UB’s current contract, signed in 2014 and in effect for five years, says nothing about disclosure requirements, neither pledging to keep the agreement secret nor formally stating its intent to comply with state transparency laws. We note that UB did release these documents to us in response to Freedom of Information requests, though it delayed doing so until several months after our initial request.

Willingness of the Confucius Institute director to be interviewed: ½ point

Director Jiyuan Yu was unable to meet with us, in part due to his cancer treatments. Professor Yu passed away a month and a half after Rachelle Peterson visited UB and a new director has not yet

⁴¹⁰ Stephen Dunnett, email to Han Mei, September 2, 2014.

⁴¹¹ Han Mei, email to Stephen Dunnett, September 3, 2014.

⁴¹² Han Mei, email to Stephen Dunnett, September 5, 2014.

⁴¹³ Jiyuan Yu, email to Han Mei, September 14, 2014.

⁴¹⁴ Jiyuan Yu, email to Mengmeng, September 16, 2014.

been announced. Because Professor Yu faced unusually difficult circumstances, we cannot evaluate how willing he would have otherwise been to cooperate with our research.

UB associate director Bruce Acker did agree to spend a few minutes answering questions when Rachelle Peterson arrived at the Confucius Institute.

Willingness of the board chairman to be interviewed: 1 point

Stephen Dunnett, chairman of the University at Buffalo CI board, spent more time with us than any other person we interviewed anywhere, and agreed to answer a number of questions.

Willingness of board members to be interviewed: ½ point

George Lee, an emeritus professor of engineering and a board member of the CI, spent about 30 minutes with Rachelle Peterson.

Willingness to let visitors sit in on a class: 1 point

Stephen Dunnett called the Confucius Institute on Rachelle Peterson's behalf to inquire about visiting a class. The advertised course was cancelled, though, due to low enrollment.

ALFRED UNIVERSITY

We had access to very little information on Alfred University, a private university. It refused to release copies of its agreements with the Hanban and its partner university since 2008, China University of Geosciences in Wuhan. The Alfred University president and provost also ignored our requests for information, as did members of the Confucius Institute. When we reached a CI teacher and received her permission to visit her course, provost Rick Stephens interrupted the class to call out Rachelle and ban her from visiting campus.

CLASSES

Alfred University has a three-course series of Chinese 101, 102, and 201, all offered to students for credit and at the regular course fee.

OPENNESS

Alfred University offered the least transparency, not only declining to respond to questions but actively preventing external review of its Confucius Institute. We give Alfred University 0 points on transparency.

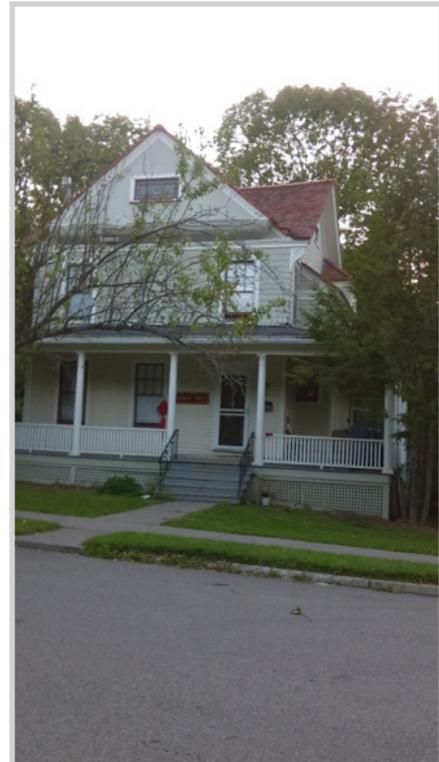


Figure 12 The Confucius House, where CI teachers live and teach at Alfred University.

Availability of university agreements with the Hanban: 0 points

The university does not make these agreements publicly available, and no CI staff member or university administrator answered our requests for information.

Willingness of the Confucius Institute director to be interviewed: 0 points

Wilfred Huang, director of the CI, did not respond to multiple requests for comment. We reached one teacher, Lanfang “Haley” Gao by phone, who welcomed Rachele Peterson to sit in on her class.

Willingness to let visitors sit in on a class: 0 points

Chinese teacher Lanfang “Haley” Gao told Rachele Peterson by phone that all CI classes were open for visitors to sit in on one sample class, and welcomed Rachele to visit the CI and her Wednesday night Chinese 101 class. At the beginning of class Rachele introduced herself to Professor Gao, who proceeded to lead her students in a lively reading of classical Chinese poetry.

Midway through class, Alfred University provost Rick Stephens, clad in a hooded sweatshirt and basketball shorts, interrupted class to call Rachele outside. He said he’d received worried phone calls he’d received from the Confucius Institute director, who had learned Rachele was on campus. Stephens ordered her to leave “right now,” no matter what Professor Gao had said. Provost Stephens and a Confucius Institute teacher escorted Rachele, one on each side, directly to her car a few blocks away and stayed to watch her unlock it. In parting, Provost Stephens banned Rachele from returning to campus and instructed that she should email him alone with future questions. He would decide “if it was worth the time” to answer.

*Alfred University
Provost Rick Stephens
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PACE UNIVERSITY

The Confucius Institute at Pace University opened in 2009, at the impetus of Pace University president Stephan Friedman.⁴¹⁵ Friedman had learned about Confucius Institutes at an international conference and came back urging the dean and vice president of international exchanges to pursue opening one at Pace.

The opening of CI was in keeping with Pace’s efforts to “internationalize the curriculum,” according to CI director Joseph Tse-Hei Lee, also a professor of history and co-director of the Global Asia Studies program at Pace. After the September 11, 2001 attacks on the World Trade Center, just a

415 Peterson, interview with Joseph Tse-Hei Lee.

few blocks from Pace’s campus, the university “realized students needed to learn more about global cultures,” Lee explained. The university opened several new programs, including a major in Global Asia, which Lee directs.

Pace partners with both Nanjing Normal University and Phoenix Publishing and Media Group, making it the first Confucius Institute with two partner organizations. Nanjing Normal University sends teachers and a Chinese director and receives visiting students and professors. Phoenix Publishing helped the Pace CI release a new Chinese language textbook, available first as an app.

Lee and the CI’s Chinese director Wenqin Wang oversee two Pace University staff members, five teachers, and one graduate assistant. The board consists of seven members: three from China (two from Nanjing Normal University and one from Phoenix Publishing and Media Group) and four from Pace University. According to an unsigned draft contract between Pace and Nanjing Normal University, the position of the board chairman rotates every two years between Pace and Nanjing Normal University, with Wang Jian, vice president of Nanjing Normal University, serving as initial chairman.⁴¹⁶

CLASSES

The Confucius Institute offers non-credit courses to students and community members. These courses are available at a “low, symbolic” fee meant to cover the textbooks, Lee said.⁴¹⁷

Lee said the “agenda is set by Pace University professors,” not the Hanban, a policy echoed in an unsigned draft of Pace’s agreement with Nanjing Normal University. (Pace did not release signed official copies of its agreement, and as a private university is not subject to Freedom of Information requests for public information.) In the draft contract, Pace specified that

*Notwithstanding anything to the contrary contained in this Agreement or in the Headquarters/Pace/PPMG [Phoenix Publishing and Media Group] Agreement, all parties acknowledge and agree that all decisions on teaching and research are subject to Pace University’s sole and exclusive right to determine and control teaching and research conducted on its campuses.*⁴¹⁸

Elsewhere the contract reiterates that

*Notwithstanding anything to the contrary contained in this Agreement, curriculum approval and content of courses offered for Pace University credit rests solely and exclusively with Pace University.*⁴¹⁹

⁴¹⁶ Agreement, Pace University, Part 1.

⁴¹⁷ Peterson, interview with Joseph Tse-Hei Lee.

⁴¹⁸ Agreement, Pace University, Part 1.

⁴¹⁹ Ibid., Part 2.

The CI is required to submit annual plans to the Hanban, and implement them “as approved by the Confucius Institute Headquarters of China under Article 4 of the Headquarters/Pace/PPMG agreement.”⁴²⁰ We did not have access to this document and cannot assess in what ways the Hanban is involved in vetting the Pace CI’s annual plans.

CI teachers also run language labs for students in Pace’s regular credit-bearing Chinese 101 and 102 courses. With the creation of the CI-run lab, Pace has made its Chinese courses count for four credits, up from three, according to Lee. Lee said CI teachers observe a “strict division of labor,” in which only Pace professors offer credit-bearing courses. The CI has no plans to add its own credit-bearing courses, he said, because the CI “can’t” under its founding agreement, which respected “university curriculum rules” against outside instructors teaching Pace University courses.⁴²¹

The CI also offers a testing center at which students from New York, Connecticut, and New Jersey can take the HSK Chinese proficiency test. Lee said Pace tests about 150 people each session and operates one of the busiest testing centers in the area.

The CI courses operate much differently from similar courses in China, according to Wenqin Wang, the Institute’s Chinese director. She noted that in the US, “Students tend to ask questions, whether it is relevant or not,” while in China “the speaker will talk for 90 percent of the lecture.” She said she advises CI teachers to adjust to the different classroom expectations and remember that “any questions are appreciated here.”

Wang said the Hanban also operates training camps for Chinese teachers and directors, primarily to ensure they are “skilled in Chinese culture, paper cutting, tai chi, because when you’re here, you represent China.” She said there were also seminars on teaching Chinese to foreign students and on Chinese calligraphy and painting. Her training camp lasted for three weeks, and had about 160 participants.⁴²²

TEXTBOOKS

The Confucius Institute receives “a lot” of textbooks from China, Lee said, but uses only a few, primarily for beginners, because “the quality is varied.” Instead, the Pace CI created its own textbook with Phoenix Publishing. Written by a CI teacher in consultation with Lee and the CI Chinese director Wang, the textbook is available as an app for use in CI courses. Lee said all Pace University credit-bearing courses use textbooks selected by faculty members and were typically published by Princeton or Columbia university presses.

Lee said he informed the Hanban when the CI decided to develop its own textbook, and when the app was complete he invited Hanban officials to try it and consider promoting it to other Institutes. No one took interest, he said. “The Chinese Ministry of Education functions like a superstructure,”

⁴²⁰ *Ibid.*, Part 1.

⁴²¹ Peterson, interview with Joseph Tse-Hei Lee.

⁴²² Peterson, interview with Wenqin Wang.

Lee explained. Many people “think it’s spread far, they are everywhere, even in different parts of the world. Horizontally it looks very impressive.” But “on the ground,” there aren’t enough resources or people to pay attention to each CI.⁴²³

HIRING POLICIES

The director is selected by Pace University and confirmed by the board of directors. According to Pace’s draft contract, the director enjoys “full responsibility of operation and management, financial management, interview, assessment and hiring of staff members,” subject to the review and approval of the board.⁴²⁴

All new CI directors are to attend a special training program in China, typically held in the summer, Lee recounted. He said travel and attendance costs are built into every CI budget, and the Hanban strongly encourages each director to attend. Lee said he was loath to give up his summer break and to travel to China during its hottest months, so he skipped the conference. The Hanban “would like you to go,” he said, but did not compel him to attend.

The Hanban hosts another annual conference in December for all CI directors, regardless of their tenure as director. Lee attended once—again, the costs are built into the CI budget—but decided against attending future conference. He said the set-up was typical of “big conferences: you go from panel to panel and run all the time. There is a lack of serious conversation.”⁴²⁵

The Chinese director, “appointed by Nanjing Normal University,” is responsible for assisting the director with “enrolling students, administrative work, equipment maintenance, logistic support, etc.,” according to the draft agreement.⁴²⁶ Lee described Wang, the CI director, as Pace University’s “liaison” to the Hanban, handling reports, email correspondence from Hanban officials, and training for Chinese teachers.

Wang, a professor of English at Nanjing Normal University, where she focused on linguistics and cross-cultural communication, said she applied for the position with the Hanban. All candidates were required to hold the position of professor or associate professor, demonstrate capability for administration and cross-cultural communication, and pass an English language test. The system is that “Pace tells Hanban, which tells Nanjing Normal University, to find someone. Hanban selects me, but they have requirements and a test. Then Pace says yes,” according to Wang.

She was drawn to the challenge of living “totally cross-cultural,” and excited to live among native English speakers after having learned English pronunciation from a textbook, she said. Previously she had spent a year as a visiting professor at the University of Arizona, and a second year at the

423 Peterson, interview with Joseph Tse-Hei Lee.

424 Draft *Agreement*, Pace University, Part 1.

425 Peterson, interview with Joseph Tse-Hei Lee.

426 Draft *Agreement*, Pace University, Part 1.

University of Alberta, and welcomed the opportunity to move to New York City for two years. Her husband meanwhile remains in China.

Wang said that like Lee, she was invited to a training camp in China, though hers appears to be mandatory. The training lasted for three weeks. Wang estimated 160 new Chinese directors attended the training with her.

Teachers at Pace University are proposed by Nanjing Normal University to the Hanban, which passes on candidates to Pace. Lee said the Hanban maintains a “database” of qualified teachers, from which it proposes two or three candidates for every opening. He said he reviews candidates’ resumes, research records, and sample papers, and asks interview questions in both English and Chinese. He has always had success in finding a good candidate among those proposed by the Hanban.

Chinese teachers stay at Pace University for two years. On occasion, Lee will request a one-year extension, as he did for the teacher working on the new textbook app. Upon finishing their terms at the CI, the teachers tend to return to their previous positions in China, Lee said.

FUNDING

The Hanban contributes approximately \$100,000 to the CI each year, Lee said, enough to cover the salaries for CI teachers and the Chinese director, and some extra lectures and public events. Lee estimated that Pace contributed “equally” by providing office space, classrooms, occasional access to a theatre, electricity, water, and some portion of the salaries for Pace staff members. (In Pace’s draft contract, it committed to provide “space, support (water electricity, telecommunication, cleaning, equipment maintenance, and security).”⁴²⁷) The Hanban is “smart and careful about finances,” Lee said, and looks closely at projected budgets and proposals to “make sure you have a final product” that is worthwhile.⁴²⁸

Pace prepares annual reports on its budget and programs for review and approval by the CI board and by the Hanban. It also sends proposed budgets and projected programs for the upcoming year to both the board and the Hanban.⁴²⁹

INTELLECTUAL FREEDOM

Lee is aware of China’s ability to use Confucius Institutes to signal national power and cultivate its image among youth. “The CI is a symbol for China to project itself to a global war,” he said candidly. “China can’t use Mao as the new symbol. The only symbol available is the traditional culture of China.” He observed that whereas Japan and Korea have popular music and other media that appeal to an international audience, China is “at a real disadvantage to compete with neighbors in culture.” That makes Confucius Institutes, he acknowledged, “part of China’s long-term

⁴²⁷ Draft *Agreement*, Pace University, Part 3.

⁴²⁸ Peterson, interview with Joseph Tse-Hei Lee.

⁴²⁹ *Ibid.*

people-to-people cultural diplomacy,” in which China “engages future generations of Western elites to explore Chinese culture firsthand.”

Whatever China’s goals in launching Confucius Institutes, Lee says they can still provide a valuable education for students, giving an “advantage” to Americans who learn to speak Chinese and making “a positive contribution in terms of humanistic endeavors” for those who want to become well-rounded academically. Further, Lee thinks CIs can be run in a way that does not compromise the institutional autonomy of the university or the academic freedom of professors and CI teachers.

The CI had sparked no concerns among faculty members, Lee said, because “Pace still sees the cultural benefits of having a CI.” He also cited the “diversity” among Confucius Institutes across the country, which he attributes to the flexibility in the CI model that adapts to “the internal structure of the home institution” hosting it.

The Hanban takes a hands-off approach, according to Lee, in part because of its thin “superstructure” that gives the appearance of “being everywhere” though it lacks the staff to monitor CIs closely. “The American side still has lots of control,” according to Lee.

*It’s within an American university. The Chinese director defers to the American side. In any agreement, Pace has absolute authority to continue or discontinue the relationship.*⁴³⁰

Lee said that he and his staff were “not afraid to engage in controversial subjects,” citing his own research on the church-state relationship in China, and recent CI lectures about Christianity in China, Chinese-Japanese relations, Muslim minorities in China, and Tibet. “The individual CI directors have lots of autonomy to decide and dictate their own agenda,” Lee said.⁴³¹

Wenqin Wang, the Chinese director, echoed Lee on the university’s independence from the Hanban, saying that “events are not run by Hanban first.” She said she had never heard instructions from the Hanban to avoid certain topics, but added that “we try not to say anything that interconnects with politics. Hanban didn’t tell us this, but I know.” She said a student had never asked her about an issue censored in China, such as Tiananmen Square, but if such a question came up, “I would tell them what I know.” She said if Taiwan came up, she should respond that “Historically and even now it is part of China,” but said “I don’t know” how to answer questions about Falun Gong.⁴³²

TARNISHING THE REPUTATION

Pace’s draft agreement, like many, holds that the CI may be closed “If the act of a Party severely harms the image and reputation of the Confucius Institute.”⁴³³

430 Peterson, interview with Joseph Tse-Hei Lee.

431 *Ibid.*

432 Peterson, interview with Wenqin Wang.

433 *Draft Agreement*, Pace University, Part 4.

LAW

Lee said there are no topics the CI is barred from discussion, and that he considers speech restrictions in China “completely ludicrous” and “stupid.” Though Chinese bureaucrats “have yet to learn to respect the diversity of legal structures in other countries,” he had not felt the Hanban imposing Chinese law or sensitivities on the CI. He said US law alone applied within the Confucius Institute at Pace.

In the case of legal disputes, Pace’s draft agreement holds that the parties should “consult each other amicably” or else resort to litigation in “a court of appropriate jurisdiction.” This jurisdiction is not specified in the draft document we reviewed.⁴³⁴

OTHER GIFTS

Because of its partnership with Nanjing Normal University, Pace is able to send one or two students to study there each year. The CI uses scholarships from the Chinese Ministry of Education as well as a Confucius Institute Scholarship, Lee said. The students pay for anything not covered by the scholarships.

Lee said the primary benefit he sees in the CI is that it “expands conversations about China” on campus, and allows the university to “bring the Chinese to the US.” That enables Pace to “bring China to the whole debate about what it means to be an educated person.”

OPENNESS

Pace University CI directors Joseph Tse-Hei Lee displayed a willingness to work with NAS, and invited us to attend CI events. He also arranged for us to interview the Chinese director, Wenqin Wang, and provided an unsigned draft copy of the university’s agreement with Nanjing Normal University.

Availability of university agreements with the Hanban: ½ point

The university does not make these agreements publicly available, but CI director Joseph Tse-Hei Lee shared with us an unsigned draft copy.

Willingness of the Confucius Institute director to be interviewed: 1 point

Lee was among the most open of all CI directors we spoke to. He spent more than an hour with Rachelle Peterson, introduced her to the Chinese director (and helped arrange an interview with her), and invited Rachelle to attend CI lectures and events.

Willingness to let visitors sit in on a class: 1 point

Lee permitted and welcomed Rachelle to attend CI lectures and events.

434 *Ibid.*, Part 7.

STONY BROOK UNIVERSITY

The Confucius Institute at Stony Brook University operates in partnership with Zhongnan University of Economics and Law in China. The CI opened in 2009 with a ceremony featuring Liu Yandong, State Councilor of the People’s Republic of China.⁴³⁵ Liu, now vice premier of China, is a member of the Politburo of the Communist Party of China.



Figure 13 The Confucius Institute at Stony Brook University.

The founding director of the CI, William Arens, also served as professor of anthropology and dean of International Academic Programs at Stony Brook University. The Confucius Institute is currently directed by E.K. Tan, an associate professor of cultural studies and comparative literature. The Chinese director, Shijiao Fang, is a professor of environmental economics at Zhongnan University of Economics and Law.

The Institute originally used office space in the university library, but now enjoys a home in the Charles B. Wang Center, a large office suite, museum, and block of classrooms dedicated to Asian studies.

In his “director’s message” on the Stony Brook CI website, Tan described the Institute as having a “strong relationship with the Consulate General of the PRC in New York,” enabling it to be “a platform for Chinese cultural diplomacy” for the university and surrounding area.⁴³⁶

Tan told us the university particularly valued the CI’s contribution to cultural diversity: “The Confucius Institute gathers the Chinese diaspora.” He said the administration had launched more than 40 campus centers devoted to various types of diversity, many focused on different cultures. The Confucius Institute was “central” to the university’s “celebration” of diversity, he said, “so losing any center would be a loss.”⁴³⁷

Another purpose of the CI, according to Fang, is to introduce Americans to authentic Chinese culture. “We feel we know about American culture more than Americans know about Chinese culture,” Fang said, citing the popularity of American movies, music, and books in China, and noting that in China, her kindergarten-aged daughter is learning English in school. “Some foreign people –the questions—they ask if Chinese people still have the pigtailed. China has changed and they don’t know. We want to communicate with the US a lot.”⁴³⁸ Tan added that at one event, someone asked if all Chinese people use chopsticks. “That was eye-opening for me,” he said. “Understanding the

435 E.K. Tan, “The Director’s Message,” Confucius Institute, Stony Brook University. <http://www.stonybrook.edu/commcms/confucius/about/DirectorsMessage.html>.

436 *Ibid.*

437 Peterson, interview with E.K. Tan.

438 Peterson, interview with Shijiao Fang.

culture is better than exoticizing it. If Americans learn the language, they can better understand than to ask about pigtails and chopsticks.”⁴³⁹

Soft power is a topic Tan spends much time thinking about. He is aware that China benefits from students taking an interest in its culture. “American soft power is everywhere, by Dr. Fang’s example” of widespread familiarity with American culture in China. “My position is always about questioning power” and criticizing cultural imperialism, no matter where it comes from, Tan said. “We don’t speak for a country [at the Confucius Institute] but we do use the resources to make it work for us.”⁴⁴⁰

CLASSES

The Confucius Institute offers non-credit courses for Stony Brook University students, staff, faculty members, and members of the local community. On average, the university offers five courses per semester, according to Tan, each one capped at about 20 students. Tan says most classes reach or come close to capacity each semester.

Classes attract about half their students from within the university, and about half from outside, according to Tan. Community members who register for CI courses have a variety of interests, Fang says:

*Some have a Chinese girlfriend and want to communicate with her. Some have a son in China going to marry a Chinese girl. Some – we had a student almost 80 years old, he heard that Chinese language is very complicated, and wanted to challenge himself and avoid dementia.*⁴⁴¹

Fang thinks the fact that the courses do not count for college credit makes them more appealing to potential students, some of whom appreciate the low risk and pressure associated with non-credited courses. The Institute has no plans to offer credit-bearing courses, primarily because of university regulations on who can teach such classes. Tan said it is the CI’s mission to “work with the expectations of the university,” which already has sufficient for-credit courses on China, and requires teachers “be certified” according to New York state guidelines. “We keep our classes strictly noncredit to not interfere with the Chinese classes” at the university, Tan said.⁴⁴²

All courses are on the Chinese language, though the CI offers occasional seminars and standalone lectures on other topics related to China. Though Stony Brook’s partner institution is Zhongnan University of Economics and Law, and though CI Chinese director Fang is a professor of environmental economics there, the CI has no plans to offer lectures or courses on either the Chinese economy or law. “My biggest concern is how many will sign up,” Tan said,

439 Peterson, interview with E.K. Tan.

440 *Ibid.*

441 Peterson, interview with Shijiao Fang.

442 Peterson, interview with E.K. Tan.

noting that the Asian studies department already “has that.” The Asian studies department also already has courses on Chinese language.

Tan emphasized that the Confucius Institute is a center within Stony Brook University, granting the university full review and authority over all CI activities and courses. The university’s agreement with the Hanban gives the board of directors the responsibility for “decision-making on the significant issues including teaching, research and management.”⁴⁴³ The board comprises five professors from Stony Brook University (including Tan) and only one from Zhongnan, Chinese director Fang.

“Our agenda is on celebrating diversity, which is the main point of the university.” – E.K. Tan, director of the Confucius Institute at Stony Brook University.

The agreement does require the CI to “accept the assessment of the Headquarters on the teaching quality.” In the copy of this agreement released to us in response to our Freedom of Information request, someone had written in the margin next to this article the word “meaning*.”⁴⁴⁴ How Stony Brook University and the Hanban agreed to interpret this clause, we do not know.

Tan attributes the Confucius Institute’s success to the Hanban’s flexibility in bowing to Stony Brook University’s preferences, and Stony Brook’s interest in promoting cultural diversity. “We are not into taking strong political positions,” Tan said. “Our agenda is on celebrating diversity, which is the main point of the university.” He said approximately 30 percent of the student body is Asian, predominantly Chinese and Korean, giving the Confucius Institute a large audience to serve. “We are able to do well because we fit with what the university wants,” Tan said.

TEXTBOOKS

The Hanban agreed to send to Stony Brook University “3,000 volumes of Chinese books, teaching materials, and audio-visual materials” at the opening of the CI, and to continue to “provide teaching materials, coursewares, and other books” as “necessary.”⁴⁴⁵

HIRING POLICIES

The director of the Confucius Institute (in some documents called the “dean” of the CI), is required to be a Stony Brook professor who evinces “administrative abilities, who is devoted to the Sino-America cultural exchange and the establishment of the Confucius Institute,” according to Stony

443 *Agreement*, Stony Brook University, Article 5.

444 *Ibid.*

445 *Ibid.*, Article 6.

Brook’s agreement with Zhongnan University.⁴⁴⁶ The board of directors is responsible for selecting—and firing—the director of the Institute.⁴⁴⁷

Tan was hired to replace founding director William Arens, who retired in 2014. Fang, who has served as Chinese director under both Arens and Tan, said the CI board of directors formed a search committee headed by the interim dean of the international academic program. The search committee invited several Stony Brook professors to apply, including Tan, and reviewed applications and held interviews before selecting Arens’ replacement.

The Chinese director, a professor from Zhongnan University, must be “qualified in English, Chinese Culture,” and have “management and program coordination abilities.”⁴⁴⁸ Fang said when an opening arose at the Stony Brook CI, Zhongnan announced the position and invited professors to send a CV, interview for the position, and take a written test in English. She estimated that ten of her fellow Zhongnan professors applied for the position, making the job of “medium” competitiveness. The primary difficulty in attracting candidates, she said, was the hassle of moving overseas away from family, the requirement to speak English well (“we don’t have many chance to speak it” at Zhongnan, she said), and a rule that all professors must remain at Zhongnan for ten years before they are eligible for terms abroad. Fang had just received a promotion to full professor before she applied for the CI position, but others “need to focus on that” before spending time abroad, she said.⁴⁴⁹

Chinese teachers are “decided by my university,” Fang said of Zhongnan’s role in selecting instructors. She said applicants must be either associate professors or full professors, have administrative experience, demonstrate an interest in cross-cultural communication, and should have a background in Chinese linguistics or teaching Chinese as a foreign language. Stony Brook’s agreement with the Hanban adds that the Hanban is obliged to “send numbers of Chinese instructors,” presumably through Zhongnan University.⁴⁵⁰

The Confucius Institute will never hire Stony Brook professors to teach classes at the CI, according to Tan, because of university policy against externally funded courses. The Confucius Institute “cannot pay an employee on campus,” Tan explained, noting that he does not receive compensation from the Hanban for his work as CI director. “The university professor cannot be paid by a sponsor outside.”⁴⁵¹

446 *Agreement for the Implementation of the Hanban Confucius Institute at SUNY Stony Brook*, Stony Brook University, Article 2, April 13, 2009.

447 *Agreement*, Stony Brook University, Article 5.

448 *Implementation Agreement*, Stony Brook University, Article 2.

449 Peterson, interview with Shijiao Fang.

450 *Agreement*, Stony Brook University, Article 6.

451 Peterson, interview with E.K. Tan.

FUNDING

The Hanban agreed to provide \$140,000 for the launch of the Confucius Institute in 2009.⁴⁵² Since then, it has provided funding to pay for Chinese teachers' salaries and airfare to and from China, as well as general operating funds.⁴⁵³ Fang, the Chinese director, said she is paid by Zhongnan University, which receives funding from the Chinese Ministry of Education via the Hanban.

Stony Brook University agreed to open a separate bank account for the Confucius Institute "in the local Bank of China or other bank approved by the Headquarters."⁴⁵⁴

Stony Brook University is to provide "not less than one half" of the funding of the Institute, which as an independent nonprofit is responsible for setting course fees and assuming all profits and losses.⁴⁵⁵ Stony Brook is required to provide office space, classrooms, and administrative personnel,⁴⁵⁶ as well as transportation for Zhongnan teachers and the Chinese director between the university and New York airports. Stony Brook also identifies potential housing for them.⁴⁵⁷

INTELLECTUAL FREEDOM

Tan said he had heard of controversies surrounding Confucius Institutes, and that gave him some pause when the CI board invited him to apply to be director. "I had concerns even before I took over as director. I didn't know enough about the Confucius Institutes other than the controversy." Tan's research focuses on the Chinese Diaspora and aspects of Asian culture that are "not always under the big umbrella of China as a nation," and he felt it was important that he be able to speak about multicultural aspects of China.

Tan said he was ultimately convinced that the Confucius Institute served valuable purposes and permitted him the freedom to pursue his own research interests, although they might differ from the Hanban's. "I asked what it means to have the institute on campus. We have Italian studies, Indian studies, Korean studies, now Greek studies, and a lot more, some funded by governments from abroad. Why so much attention on Confucius Institutes?" He said a conversation with a former student convinced him that although the Hanban is "part and parcel of the imperialistic agenda of strong nations," it wasn't much different from American programs of "cultural promotion and brainwashing" in other countries. His former student, now a professor at New York University's Shanghai campus, noted that the Confucius Institute was "similar to satellite universities in other countries. What's the difference?" Whatever China's interests in funding Confucius Institutes around the world, Tan said it "comes back to how it's run" in determining whether intellectual

452 *Agreement*, Stony Brook University, Article 6.

453 *Ibid.*

454 *Ibid.*

455 *Ibid.*, Article 7.

456 *Ibid.*, Article 6.

457 *Ibid.*, Article 3.

freedom gets short shrift. “Since 2008, there’s been no controversy because we know we represent Stony Brook University and support diversity.”⁴⁵⁸

Tan said the CI at Stony Brook University is under the full control of Stony Brook, not the Hanban. “We are the Confucius Institute that belongs to Stony Brook University,” Tan said. “We belong to the Office of Global Affairs.” He said he and Fang “share responsibility” over the Chinese teachers, but “anything whatsoever the teacher does has to abide by [Stony Brook’s] rules.” The teacher is “accountable to China,” but “when she designs courses, it goes through us.”⁴⁵⁹

Tan and Fang agreed that if a student raised a question about Tiananmen Square—a theoretical scenario, Tan emphasized, since he had never heard of a student raising such a question in a CI class at Stony Brook—the teacher would redirect the conversation, not because of taboos on the topic, but because it had little to do with language instruction. “We’re not allowed to have any cultural classes, just language,” Fang said, so students “don’t have a chance to ask about that.”⁴⁶⁰

Tan said that when teachers previously tried to discuss Chinese culture, students complained that they received less class-time instruction on speaking Chinese. “That’s where Dr. Fang’s comment is coming from,” Tan interjected. “There’s no censorship, but it’s the responsibility of the teacher to say we need to go on with classes.” Fang added that teachers “don’t have time” to add superfluous discussions about Tiananmen Square, a topic so complicated that they “could only explain something like this in English,” a when the class is supposed to be conducted in China.

If a teacher decided to raise political issues in class, Tan said “I would support the teacher,” but remind her that class “shouldn’t be made into a political event,” one way or the other. He compared the Tiananmen Square massacre to the Orlando shooting at a gay nightclub in June 2016, just a few weeks before our conversation, an event that

“There’s no censorship, but it’s the responsibility of the teacher to say we need to go on with classes.”

– E.K. Tan, CI director

Although the Hanban is “part and parcel of the imperialistic agenda of strong nations,” Tan said it wasn’t much different from American programs of “cultural promotion and brainwashing” in other countries.

⁴⁵⁸ Peterson, interview with E.K. Tan.

⁴⁵⁹ *Ibid.*

⁴⁶⁰ Peterson, interview with Shijiao Fang.

he emphasized required sensitivity and empathy with the victims, rather than a willingness to use the event as a pretext for political battles. “To make it into a political statement where it’s only one issue against the other, I don’t think we should make it a political agenda for a certain group.”⁴⁶¹

Both Tan and Fang said they had never encountered questions or concerns about the Confucius Institute’s treatment of Falun Gong members, though Tan commented that “if they’re radical extremists, I don’t think any university would encourage that.”

Fang said the Hanban’s training for new CI teachers and Chinese directors emphasized the importance of following the guidelines of the host institution. “We were told different countries have different rules and regulations – and we should follow them.” Tan said “it’s important to remember the people doing the training are also US-trained students” who returned to China to take positions in the Hanban, bringing with them, he intimated, an understanding and respect for American values cultivated by living in the United States.

TARNISHING THE REPUTATION

Stony Brook University’s contract with the Hanban includes a line allowing the Hanban to terminate the agreement “if the act of one party of the Agreement severely harms the image and reputation of the Confucius Institute.”⁴⁶²

LAW

Stony Brook’s contract with the Hanban requires that

*“The Institute activities must be in accordance with the Constitution and By-laws, and also respect cultural custom, shall not contravene concerning the laws and regulations, both in the United States and China.”*⁴⁶³

It also holds that in disputes over intellectual property, and in all other disputes, the two parties must submit to the “jurisdictional organ” that is relevant to the case.⁴⁶⁴ In its arrangement with Zhongnan University, Stony Brook agreed that in disagreements with its partner university, parties should attempt “consultation.” If that does not work, then the “dispute shall be submitted for resolution to the appropriate forum.”⁴⁶⁵

⁴⁶¹ Peterson, interview with E.K. Tan.

⁴⁶² *Agreement*, Stony Brook University, Article 12.

⁴⁶³ *Ibid.*, Article 5.

⁴⁶⁴ In disputes over intellectual property, the parties must “submit to the jurisdictional organ according to the related laws and regulations.” Stony Brook University, *Agreement*, Article 8. In other disputes, the parties must “submit to the jurisdictional organ of which this Agreement falls within the competence.” *Agreement*, Stony Brook University, Article 13.

⁴⁶⁵ *Implementation Agreement*, Stony Brook University, Article 5.

OTHER GIFTS

Tan said the Confucius Institute is considering exchanging scholars in the fields of journalism, arts, and sciences with Zhongnan University. Stony Brook’s agreement with Zhongnan lays the groundwork for these additional programs. In that agreement, Zhongnan agreed to “receive the students [sic] study group from the Confucius Institute” and “assign instructors to help visiting scholars with their study and practice.” The agreement specified that “Incidental expenses incurred by visiting scholars shall be covered by the Confucius Institute.”⁴⁶⁶

In his “Director’s Message” on the Stony Brook CI website, Tan also pledged that the Confucius Institute would “implement new academic initiatives such as inter-college conferences, junior scholars’ symposiums/workshops, and doctoral students’ lecture series, etc., on a regular basis.”⁴⁶⁷

OPENNESS

Availability of university agreements with the Hanban: 1 point

Tan said he could not share these agreements with us, because “Unfortunately, those are university confidential documents. We do not have the right to show them with you.”⁴⁶⁸ The university eventually released them to us in response to a Freedom of Information request.

Willingness of the Confucius Institute director to be interviewed: 1 point

Tan and Fang spent about an hour and a half answering questions, and Tan answered several follow-up questions by email.

Willingness of board members and board chairman to be interviewed: 1 point

Tan and Fang, both members of the board, met with us.

466 *Ibid.*, Article 3.

467 Tan, “Director’s Message.”

468 E.K. Tan, email to Rachele Peterson, July 26, 2016.