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Testimony of

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**“Is Academic Freedom Threatened by China’s Influence on U.S.
Universities?”**

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Chairman Smith, Ranking Member Bass, Congressman Sherman, and distinguished Members of the subcommittee,

Thank you for inviting the Congressional Research Service to testify today.

In 2003, China began explicitly encouraging its universities “to cooperate with renowned foreign institutions of higher learning in running schools.”¹ Its stated objective in doing so was the need to improve the quality of higher-level education to meet the workforce needs of China’s growing economy. China’s National Plan for Medium and Long-term Education Reform and Development (2010-2020), issued in July 2010, reiterated the government’s interest in encouraging such partnerships, exhorting Chinese universities to become “world-class” in part by establishing “international academic cooperation organizations” and setting up research and development centers with “high quality educational and scientific research institutions from overseas.”²

In such a context, China’s Ministry of Education indicates on its website that it has so far approved 11 U.S. universities and one U.S. individual to work with Chinese partners to cooperatively run 14 university campuses in China. The Ministry has granted three of those campuses independent legal person status, which may give them some greater autonomy in their operations than those without such status. My fellow panelists include the Vice Chancellor of the first U.S.-China joint venture university to be granted independent legal person status, NYU Shanghai, a partnership between New York University and East China Normal University.³ My fellow panelists also include the President of Fort Hays State University, which is involved in partnerships in three Chinese provinces to run campuses that do not have independent legal person status.⁴

In addition, the Chinese Ministry of Education has approved a broader set of U.S. universities to work with Chinese partners to offer degree programs on campuses operated solely by Chinese partners: more than 80 U.S. universities are involved in partnerships to offer undergraduate degrees in China under such arrangements, and more than 30 U.S. universities are involved in partnerships to offer graduate degrees in China under such arrangements. The Chinese Ministry

¹ Regulations of the People’s Republic of China on Chinese-Foreign Cooperation in Running Schools,” 2003, available at www.crs.jsj.edu.cn/index.php/default/news/index/3.

² 国家中长期教育改革和发展规划纲要(2010-2020年) (Outline of China’s National Plan for Medium and Long-term Education Reform and Development (2010-2020)), Xinhua News Agency, July 29, 2010, http://www.gov.cn/jrzq/2010-07/29/content_1667143.htm.

³ The other two U.S.-China joint venture campuses with independent legal person status are Duke Kunshan University and Wenzhou Kean University.

⁴ The website of Ministry of Education of the People’s Republic of China carries lists of approved Chinese-foreign educational partnerships, including detailed information about their legal status and other matters. See “本科中外合作办学机构与项目(含内地与港台地区合作办学机构与项目)名单” (“Undergraduate Chinese-Foreign Cooperation in Running Educational Institutions and Projects (Including Cooperation in Running Educational Institutions and Projects Between the Mainland and Hong Kong and Taiwan): A List”), <http://www.crs.jsj.edu.cn/index.php/default/approval/orglists/2> and “硕士及以上中外合作办学机构与项目(含内地与港台地区合作办学机构与项目)名单,” (“Graduate-level Chinese-Foreign Cooperation in Running Educational Institutions and Projects (Including Cooperation in Running Educational Institutions and Projects Between the Mainland and Hong Kong and Taiwan): A List”), <http://www.crs.jsj.edu.cn/index.php/default/approval/orglists/1>. These lists may not be complete. For example, since 1986, Johns Hopkins-SAIS has operated a center on the Nanjing University campus offering M.A. degrees, but the collaboration does not appear on these Ministry of Education lists.

of Education website indicates that universities from 36 of the 50 U.S. states are involved in approved partnerships either to jointly run campuses or to offer degree programs on Chinese-run campuses, or both.⁵

U.S. university administrators cite a variety of benefits from their partnerships in China. Some of those cited benefits include the potential for significant revenues from full fee-paying Chinese students on China-based campuses, who may later become alumni donors; the potential for a higher profile in China translating into the recruitment of more full fee-paying Chinese students to home campuses in the United States; and the cachet of operating in a country with rapidly growing economic power and global strategic clout. In the case of partnerships to establish new joint campuses, U.S. universities also cite benefits in the form of generous funding from the Chinese side, typically covering all campus construction costs and some or all operating costs; opportunities for new global research collaborations; and opportunities for students on the universities' home campuses to broaden their education through study abroad. Fostering interactions among Chinese students and American and other non-Chinese students, supporters argue, increases mutual cultural understanding and contributes to the development of an informed global citizenry.⁶

Critics of U.S. educational collaborations in China have focused on several areas of concern. The most prominent relates to the compromises U.S. universities may be forced to make with regard to academic freedom, the subject of this hearing. Other concerns voiced by critics include that universities operating campuses in China may be straining faculty resources needed to maintain educational standards at home.⁷ Critics warn, too, of possible reputational damage to U.S. universities from the more limited range of course offerings at their Chinese campuses, as compared with their home campuses in the United States; the difficulty some U.S. universities face in attracting high-quality faculty to their Chinese campuses; academic ethics challenges common in China; and association with an authoritarian Chinese government that routinely restricts freedom of expression.⁸

All institutions in China, including those with U.S. partners, are subject to a set of Chinese laws, national-level administrative regulations, Ministry of Education rules and regulations, Ministry of Education guidance documents, and various national and local measures pertaining to their implementation and interpretation. The key national laws include the 1995 Education Law of the

⁵ Ibid.

⁶ On financial benefits from such partnerships, see comments by Kean University President Dawood Farahi in Nic Corbett, "Kean University gets approval from Chinese government to build degree-granting campus," *The Star-Ledger*, December 21, 2011, http://www.nj.com/news/index.ssf/2011/12/kean_university_gets_approval.html. On the goal of creating global citizens, see the website of NYU Shanghai, which says that the university seeks "to create a cross-cultural learning environment that will help students become global citizens." Accessible at <https://shanghai.nyu.edu/about>.

⁷ See concerns raised by the Kean University Federation of Teachers when Kean won preliminary Chinese government approval to establish a degree-granting campus in China. Nic Corbett, "Kean University gets approval from Chinese government to build degree-granting campus," *The Star-Ledger*, December 21, 2011, http://www.nj.com/news/index.ssf/2011/12/kean_university_gets_approval.html.

⁸ For a broad discussion of all these issues, see Anya Kamenetz, "Should Top U.S. Colleges Expand Overseas?" *Newsweek/The Daily Beast*, March 5, 2013, <http://www.thedailybeast.com/newsweek/2013/03/04/should-top-u-s-colleges-expand-overseas.html>. See also Letter from the American Association of University Professors (AAUP) New York University Chapter to the New York University Board of Trustees, September 3, 2013.

People's Republic of China and the 1998 Higher Education Law of the People's Republic of China.⁹

Several provisions of the Higher Education Law have implications for academic freedom on campuses with U.S. partners, including provisions relating to the role of the Communist Party on campuses and the use of ideological and political performance metrics for faculty and staff personnel decisions and decisions about student eligibility for graduation. As I will discuss later, however, not all these provisions appear to be uniformly enforced.

Article 10 of the Higher Education Law stipulates that “the state safeguards the freedom of scientific research, literary and artistic creations and other cultural activities in institutions of higher learning according to law,” but also that, “Scientific research, literary and artistic creations and other cultural activities should abide by law,” potentially limiting such freedoms.

Article 39 of the law outlines the leadership role of Communist Party committees in state-run higher education institutions. It states that Communist Party committees “exercise unified leadership over the work of the institutions” and that the committees’ duties are, “to adhere to the lines, principles and policies of the Chinese Communist Party, to keep to the socialist orientation in running the schools, to provide guidance to ideological and political work and moral education in the institutions, to discuss and decide on the internal structure and directors of departments of the institutions, reform, development and basic management systems of the institutions and other important matters, and to ensure fulfilment of all the tasks centering on the training of students.”

Article 51 of the law stipulates that “the basis for appointment, dismissal, promotion, reward and punishment” of faculty and administrative personnel should be “ideology and political performance,” first, followed by “professional ethics, professional skill and actual achievements.”

In a similar vein, Article 58 of the law stipulates that students should be permitted to graduate if they, first, “are qualified in their ideology and moral character,” and secondarily, “have completed study of the courses required...and have passed the examinations or got all the credits required.”

Finally, Article 53 requires that students of institutions of higher learning should, “build up their physiques and the concepts of patriotism, collectivism and socialism, diligently study Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping Theory, have sound ideology and moral character, [and] grasp a comparatively high level of scientific and cultural knowledge and specialized skills.”

In 2003, China’s State Council promulgated Regulations of the People’s Republic of China on Chinese-Foreign Cooperation in Running Schools, specifically addressing collaborations with foreign partners in education.¹⁰ The regulations bar foreign partners from involvement in military

⁹ Higher Education Law of the People’s Republic of China, adopted 1998 and effective as of January 1, 1999, available in English translation on the Ministry of Education website at http://www.moe.edu.cn/publicfiles/business/htmlfiles/moe/moe_2803/200905/48454.html.

¹⁰ Regulations of the People’s Republic of China on Chinese-Foreign Cooperation in Running Schools,” promulgated 2003 and effective as of September 1, 2003, available on the Ministry of Education website at http://www.moe.edu.cn/publicfiles/business/htmlfiles/moe/moe_2803/200905/48454.html.

academies, police academies, and political education (Article 6.) They also bar foreign religious organizations, religious institutions, religious colleges and universities and “religious workers” from involvement in cooperative education efforts in China, and bar jointly-run campuses from offering religious education or conducting religious activities (Article 7). The regulations require that Chinese-foreign educational collaborations “not jeopardize China’s sovereignty, security and public interests” (Article 5), a broad requirement that Chinese authorities could use to rule out academic discussion related to Taiwan, Tibet, Uighurs, electoral reform in Hong Kong, the Falun Gong spiritual group, and other topics.

The regulations require the president or chancellor of jointly-run educational institutions in China to be a Chinese citizen, resident in China, who must “love the motherland,” usually interpreted in China as showing loyalty to the Communist Party of China (Article 25). Finally, the regulations require jointly run institutions to offer courses “on the constitution, laws, ethics of citizens and basic facts about China, etc., in accordance with the requirements by China for educational institutions of the same type at the same level” (Article 30). On solely Chinese-run campuses, such mandatory classes include a class in the principles of Marxist philosophy.

It appears that, in practice, the Chinese government has been willing to relax some of these requirements, particularly in the case of jointly-operated institutions with independent legal person status and significant numbers of non-Chinese students, such as NYU Shanghai and Duke Kunshan University, a partnership among Duke University, China’s Wuhan University, and the government of Kunshan Municipality in China’s Jiangsu Province. On the role of Party committees, a 2013 article in the *Global Times*, a tabloid affiliated with the Chinese Communist Party’s paper of record, the *People’s Daily*, cited unnamed “educators” as saying that, “...unlike Chinese universities, where administrative interference is considered one of the biggest problems with the education system, the Party committees in these branch campuses usually don’t have a say in academic affairs....”¹¹ Indeed, NYU Shanghai’s Chancellor, Yu Lizhong, told a Hong Kong newspaper in 2012 that the NYU Shanghai campus would be run by a board of directors, rather than a Communist Party committee.¹² Currently, the only mention of the board of directors on NYU Shanghai’s Chinese-language website is in Chancellor Yu’s biography, which lists him as the board’s chairman.¹³ The website contains no reference to a Party committee. Public reports of the Communist Party activities of NYU Shanghai staff relate to their participation in Party bodies and activities not at NYU Shanghai, but at NYU Shanghai’s academic partner, East China Normal University (ECNU). NYU Shanghai’s head of human resources, for example, is identified on ECNU’s website as serving concurrently as head of the Party branch of ECNU’s Chinese-Foreign Cooperation Office.¹⁴

<http://www.crs.jsj.edu.cn/index.php/default/news/index/3>.

¹¹ Xuyang Jinjing, “Bringing the Ivy League to China,” *Global Times*, August 26, 2013, http://www.globaltimes.cn/content/806445.shtml#_UhuCpj-rF2A.

¹² Raymond Li, “NYU Shanghai as a study in globalisation,” *South China Morning Post*, May 26, 2013, <http://www.scmp.com/news/china/article/1246326/study-globalisation>.

¹³ Chancellor Yu’s Chinese-language biography is posted at <https://shanghai.nyu.edu/cn/leadership-render/nojs/2416>.

¹⁴ “研究生院党支部参观上海纽约大学 学习和交流管理经验” (“Party Branch of the Graduate School Visits NYU Shanghai to Study and Exchange Management Experiences”), website of East China Normal University, January 8, 2015, <http://zzb.ecnu.edu.cn/s/98/t/416/e0/99/info123033.htm>.

As noted earlier, the three campuses jointly run by Fort Hays State University do not have independent legal person status. One of those campuses, Henan Province-based Sias International University, openly lists information about its Communist Party Committee on its Chinese-language website. The website lists the school's Party Secretary and Deputy Party Secretary as among the nine members of the school's leadership group and includes an organization chart showing Party structures across the university, including Party groups in the university's business school, law school, school of international education, and nine other schools.¹⁵

On the scope of permitted expression, U.S. media reports indicate that academic discussions on campuses in China jointly operated by U.S. partners do sometimes stray into topics that would be taboo on other campuses in China, especially when the joint campuses include significant numbers of non-Chinese students. Such campuses may also have arrangements allowing their students unfettered access to the Internet, including to sites that are usually blocked in China, such as Google, Gmail, Facebook, Twitter, and YouTube.¹⁶

Such allowances may contribute to greater levels of overall academic freedom on such campuses than China normally tolerates. The legal guarantees underpinning such zones of free speech remain ambiguous, however, raising questions about the long-term sustainability of such zones. Some observers have also noted that because joint campuses in China tend to be heavily subsidized by the Chinese government, the government may have significant leverage if serious disputes over academic freedom issues should arise in the future.

My fellow panelists are the experts on how their institutions operate within the broad legal and regulatory framework for institutions of higher learning in China and within the context of their individual partnership agreements and their legal person status. I look forward to learning from them.

Thank you again, Chairman Smith and Ranking Member Bass, for the opportunity to testify about these issues. As you know, as an employee of the Congressional Research Service, I am confined to speaking about the technical and professional aspects of the issues under discussion in this hearing, and to answering questions within my field of expertise. With that understanding, I look forward to your questions.

¹⁵ Website of Sias International University, <http://www.sias.edu.cn/channels/3004.html>.

¹⁶ Lillian Foote, "American Universities Opening Up Shop in China—Sino-Foreign Joint Education Ventures," The Huffington Post, May 10, 2015, http://www.huffingtonpost.com/china-hands/american-universities-ope_b_7250306.html.