The business of higher education has become a multifaceted, multimillion-dollar market. One of the ways a school makes money is by selling its licensed and trademarked property or permission to use it.

To make sure they’re not losing an opportunity to make money, schools hire private companies to monitor and secure their licensing and trademarks agreements. Some colleges, such as the University of Missouri, hire these outside companies not only to do the aforementioned task but also to create and shape the their licensed properties. They also have their own internal departments to work alongside the outside contractors.

For instance, Mizzou is partnered with Learfield Sports for multimedia rights. Learfield also manages the exclusive multimedia rights to 98 other collegiate properties. However, the university is partnered with Learfield through a subsidiary called Mizzou Sports Properties. MSP is the media rights holder for Mizzou that executes customized market strategies for the school with campaigns in radio, television, signage, print, social media and the website MUTigers.org.

Recently Learfield acquired the License Resource Group, a licensing, merchandising, brand management and trademark service. The group was founded in 1991 and represents more than 220 universities, colleges, athletic conferences and special properties nationwide.

Mizzou does not partner with Learfield or its subsidiary, MSP, for athletic licensing and its trademarked properties, such as athletic merchandise. The university uses the Collegiate Licensing Co. for that, along with the internal campus licensing office, Chad Moller, of Mizzou Athletic strategic communications.

Using the Tiger brand

CLC provides services for brand management, brand protection and brand development to more than 200 collegiate institutions throughout the country, according to its website, clc.com. It is the trademark licensing affiliate company of IMG College and has been in business for more than three decades. Its brands comprise nearly 80 percent of the $4.6 billion retail market for collegiate licensed merchandise.
Regardless of academic or athletic purposes, the university is very selective about using its trademarked logo. The college requires all individuals, organizations, departments and companies, both internal and external, to obtain prior approval before producing anything with the Missouri University indicia, according to its licensing information website, licensing.missouri.edu.

The licensed individuals who have permission to use Mizzou’s name or image are able to profit from their products, but they pay the university in the form of license fees or a percentage of the companies’ profits. Any unlicensed users of the MU trademark material will usually receive a cease and desist letter once they are discovered from the CLC. Some of the schools that have gotten this notice are Frenship Independent School District of Texas, as well as Green Forest Public School and Bentonville Public Schools of Arkansas.

The school has four trademarked helmet signs, three seals, eight tiger marks, multiple color combinations of gold and black and the mark of its mascot: not the ferocious looking tiger with fangs but the rendering of someone in a cartoonish tiger suit.

Licensing is not just the Mizzou name and merchandise but intellectual property, too. In recent years the university has spent hundreds of millions of dollars on commercial services, public service and contracts. Through this work the school has filed 365 U.S. patents and signed 227 options and leases for new technologies that MU faculty and students have invented and private companies have licensed and started making profits from.

“The goal is seeing these innovations benefit society,” says Chris Fender, director of the Office of Technology Management and Industry Relations. “Sometimes the best way to do that is to facilitate private investment in the development and commercialization of new products based on the technologies developed by academia. There are several products that we use every day that were developed by universities.”

Fender gave examples of products that were developed by universities such as Gatorade by the University of Florida and the process the University of Wisconsin has patterned to fortify milk with vitamin D.

**Licensing intellectual property**

The process for the school’s licensing of intellectual property from the academic departments is mostly done through Fender’s office, he says. First the school’s researcher fills out an investment disclosure form that is reviewed by the Office of Technology Management and Industry Relations.

The office analyzes several factors before making its final decision, such as where was the funding source used to create the researchers innovation, or is there anything prohibiting getting a patent? They also look at potential markets for the innovation and how much development will be required to produce a product.
Research and innovation in academia is slightly different from research done by a private company, Fender says. The college does the early stages, but once a properly vetted business is allowed to invest, it is responsible for product testing and trials. It also has a hand in developing the final product.

A license agreement just grants the company the rights to practice the intellectual property that surrounds a particular innovation developed by the school. But if the school has a patent on an item, then it has to grant the investing company the ability, or rights, to use, make and sell the item.

The school requires the investing company to have a good business plan to be able to purchase the license to use intellectual property. For example, if a company was investing in a pharmaceutical innovation developed by the school, then the company would have to file the new drug application to get some sort of regulatory approval authority so it could get to a phase one clinical trial. It would also need to agree to put the final product on the market in a certain amount of time or make a target number of sales before a certain amount of time.

“It is definitely an extensive process,” Fender says about licensing. “I think it’s a good source of revenue for the university. However, I think the No. 1 goal is to see that we can develop pathways to facilitate the commercialization of these innovations that are the result of the good work that our researchers do.”

Extending to high schools

High schools also have the same license and trademark agreements but not for their research as much as their athletic merchandise.

“This is the exact same thing Learfield and Mizzou Sports Properties do at the University of Missouri,” writes Collin See of Kelly Sports Properties in an email.

See defines intellectual property management as the management of an entity’s marks, logos, name and images in all tangible or intangible assets. This management is for the purposes of legal protection for the entity to provide a controllable environment through precise definition of policies, procedures and protocol for the use of said marks, logos, etc.

Kelly Sports Properties offers five-year contracts to schools’ athletics and activity programs or anything that falls under the Missouri State High School Activities Association. The company covers anything “from middle school track and band to high school football and debate,” See writes.

He also gives three reasons why the company provides its services to schools. According to See, the reasons are as follows, in order of importance: The first is it will allow a district to become more compliant and provide equity to all programs. Second, it provides the protection of the marks and logos in the area of licensing. And finally, the program will generate revenue at a level greater than the efforts of the past. If See’s reasons are to be taken seriously, then Kelly
Sports Properties is one of the few private companies whose foremost reason for existing is not to make money.

Hank Foley, the Man with the Plan

July 24, 2014  BY Nancy Yang
Photography by Anthony Jinson

When Beyond Meat opened its doors in Columbia, it was a shining example of business partnering with academic research. **Thanks to a united effort involving the University of Missouri, business and community leaders, the company moved its plant here from Maryland and brought with it jobs and an enterprising spirit.**

Several months later, Hank Foley, senior vice chancellor for research and graduate studies at MU, arrived with a plan to ride that spirit. Responding to a hypercompetitive market for federal research dollars, he developed a five-point strategy to increase academic research and bring more of it to the marketplace.

Foley moved to Columbia in August 2013 as UM executive vice president for academic affairs, research and economic development. Last March, he also took on his position at MU.

“The two roles are complementary,” he says. “Like two gears, they mesh together very nicely.” He is, after all, an engineer. With a master’s degree in chemistry from Purdue University and a doctorate in physical and inorganic chemistry from Penn State University, he has spent the whole of his academic career in chemical engineering.

Foley says that though the system doesn’t do research or teaching, the individual campuses do. “So as a leader, it actually helps me to have one foot in the campus, our largest campus in fact, where I’m not only talking about what we should do, but I’m trying to lead by doing.”

This practical approach is at the heart of Foley’s strategic plan. He says he crafted the plan before he arrived, after studying the university and what needed to be done. Since then, he has discussed it widely, sharing his vision of making the UM System a place that grows its own entrepreneurial communities.

**The five-point plan**
The first of the plan’s five points is collaboration across campuses. The initiative encourages all four members of the system to share best practices and is designed to keep competition outside the system rather than within.

The plan’s second point involves fostering entrepreneurship. A program slated to begin in January 2015 will help students take courses in entrepreneurship over and above their regular course loads, and the system will pay for the coursework.

“We’re going to select 12 students from around the system every year to do that and also provide them with an entrepreneurial internship,” he says. “We hope every year that a few of them may choose to stay in Missouri and start businesses and become serial entrepreneurs. If we could do that year after year, we could build a very strong entrepreneurial community here in Missouri near the four campuses.”

The third point is to revise the university’s policy on intellectual property, or IP. In a letter to faculty last May, Foley announced he was relaxing the common practice of guarding ownership of IP in industry-funded research. Allowing companies to have a stake in what they’re funding can pave the way for smoother negotiations and better partnerships that can provide even more funding and collaboration. He added that in many instances, faculty prefer to have “funding in hand” rather than lose it to failed negotiations over IP.

In his fourth point, Foley seeks to reward researchers for cultivating their products in the marketplace. A number of programs have already started and are in good shape, he says. One, Tech Expo, brings in venture capitalists to look at newly developed technology. Another, which is currently called “Fast Track 1,2,3,” recently completed its first round.

“This will perpetuate itself over time, and that’s one of the ways we hope to select new technologies from around the system that can be accelerated toward the marketplace,” he says. “Pending money, that will continue.”

The final point in the plan involves borrowing good ideas from other universities. Foley says he’s impressed with what’s happening at a number of schools. Purdue University’s efforts to accelerate the conversion of science and technology into new businesses are an example.

“A lot of the things that Hank has articulated in his five-point plan are areas where we are striving to move forward,” says Steve Wyatt, vice provost for economic development at MU. “So it’s very positive. We’re very happy about the expertise he’s brought with him to share with us.”

An ROI mentality

Wyatt, who represents MU on the board of Regional Economic Development Inc., works with Foley to attract companies to the area, help faculty with startups and facilitate licensing. He’s also involved in making sure students are prepared to meet the requirements of potential employers.
“The university is the engine that needs business and the community to move its research forward,” Wyatt says. Each knows what the other brings to the table, and like a team, they complement each other very well.

“Everybody’s beginning to move more to what I’d describe as an ROI mentality,” Wyatt continues. “What we’re doing is we’re making some changes. If a private company wants to contract with the university for research, the university can allow them to own that IP. That makes it a lot more conducive for companies to want to do business with the university.”

In his previous position at Penn State University, Foley had been at the forefront of adjusting IP practices, with the University of Minnesota making the change almost simultaneously. Since then, many other schools have gotten on board.

“There’s no laxity of care in what we’re doing with this new approach,” he says. “What we should be able to see is considerably easier negotiations with industry that wants to work with us and probably much happier faculty who want to do that kind of work.”

Foley says that the key is research independence. Strong academic values prevent potential abuses such as receiving corporate funds to prove a product’s superiority. There are plenty of good companies that support fundamental research for the sake of science, he says. And that’s the kind of funding the new practice is designed to attract.

“I support Foley’s vision,” writes Susan Nagel, a researcher and associate professor of obstetrics, gynecology and women’s health at MU, in an email. “Under his leadership we will strengthen areas that have been lagging at MU while other universities have been surging ahead.” She adds that research to generate basic knowledge is almost always the groundwork that gets translated into innovation.

**Driving research dollars**

An important factor driving Foley’s vision is the university’s status in the Association of American Universities. Currently, MU is ranked 32 out of the 34 public universities that are members. Foley’s goal is to move that ranking to 28 by 2018.

AAU membership carries a lot of clout in helping institutions receive federal research funding. Members have access to private meetings with leaders in government and business, and the AAU imprimatur can influence lawmakers, donors and other vital interests.

Membership to the private organization is competitive and by invitation only, and each school is ranked according to certain metrics. The most important is funding for competitive research. Others include faculty memberships in national academies, awards and fellowships and citations in important publications.

“The strength of the university is first measured by its ability to go out and compete nationally for federal research dollars, whether it’s in medicine, science or engineering,” Foley says. “That’s No. 1 out of four.”
Once attained, an AAU membership isn’t guaranteed. In 2011, the AAU voted to expel the University of Nebraska at Lincoln after it had been a member for 102 years. The move was unprecedented and sent shockwaves through academia, especially AAU schools with low rankings.

“The good news is that if the AAU problem were taken off the table, I wouldn’t change my strategic plan,” Foley says. “What I’m trying to do is increase the total dollar flow from the federal research agencies into Missouri. That’s good for the universities, but it’s also good for Missouri because that creates jobs immediately.”

**The Real Reason You Hate the Gym (And What To Do About It)**

By Corrie Pikul

**Who You Are:** You do not enjoy exercise. You hate to sweat. Endorphins don't work on you, either. (And, by the way, you are not fooled by the name “Zumba,” and see it for what it really is: aerobics.)

**What's Going On:** You may be genetically predisposed to couch-potato-ism.

**The Back Story:** Scientists at the University of Missouri wanted to find another explanation for why so few people exercise, despite being bombarded with messages about how wonderful it is for you. Sure, they're busy, but some of the busiest people in the world—surgeons, the president—still find time to squeeze in workouts. So, the researchers wondered, is there perhaps something else going on, something biological?

**What They Did:** A team led by Frank Booth, PhD, a professor of biomedical sciences at the University of Missouri, noticed that when rats were placed near an exercise wheel and left alone, there were some who ran for nearly all of their waking hours, while others showed no interest in running—or in any type of movement that wasn't critical to their survival. The scientists then bred these two different groups to make more runners and more non-runners and closely examined their brains—specifically the nucleus accumbens, which is the hub of the reward system in animals as well as in humans.

**What They Found:** The scientists found distinct differences in the genes of the Forrest Gump mice, and they also found that the running enthusiasts had more mature neurons in the nucleus accumbens than the couch potato mice. This would seem to indicate that the runners found this
activity to be innately rewarding, explains Booth. As for the couch potatoes: Running just didn't have the same effect on them—so why waste their energy doing it?

**What Else They Found:** In the final part of the experiment, the scientists encouraged the unmotivated mice to run by setting them on the wheels. After six days, this produced noticeable changes in their brains: Compared with sedentary family members, they had more mature neurons in the nucleus accumbus, making it seem like they were finding activity to be more rewarding. (Unfortunately, this didn't really translate into mileage: After six days, the unmotivated mice had only covered about 3.5 kilometers, compared with the whopping 34 kilometers covered by their jog-a-holic brethren.)

**Why You Should Still Try That Free Trial Membership At The Gym:** Research has shown that just a few minutes a day of exercise can bring significant health benefits. At the same time, you'll also be subtly reconfiguring your brain to enjoy it more.

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**COLLEGETOWN: Your guide to navigating life at MU and in Columbia**

Thursday, July 24, 2014 | 6:00 a.m. CDT; updated 6:57 a.m. CDT, Thursday, July 24, 2014

Truman the Tiger greets fans before the Missouri football against Georgia at Faurot Field in September 2012. | NAVEEN MAHADEVAN
BY MISSOURIAN STAFF

COLUMBIA — The Missourian's annual "Collegetown" edition is a guide for incoming freshmen and transfer students. It takes a look at what they will need to know to start the semester off right.
The publication is available in a downloadable e-book and in print. Here's a list of what you will find:

**ACADEMICS**

**Using MyZou:** MyZou is one of the most frequently used websites for MU students. [Here are a few tips to help you find the information you need efficiently.](#)
Textbooks: Once you've registered for classes and paid the tuition bill, there are still more costs. You'll need to make sure you get the right textbooks for class, and shopping around might help you get the best deal.

Campus: Both on and off campus, you have some options when it comes to studying. Here are some of the hidden places conducive to writing a paper or cramming for an exam. Exhausted from an all-nighter? Here are some places where you might be able to get some shut-eye during the day.

Class recommendations: Looking for a class to fill out your fall or spring schedule? We've got options. Interested in Harry Potter or movies? Here are some of the more interesting classes available.

Professors and advisers: Ultimately, college is about class, and showing up is key. What else do your professors want you to know? Here are five things. Also, the more organized you are at the beginning of the semester, the better you can plan when things get busy. Here are some do's and don'ts for success in your first semester and some tips for getting organized.

Resources: Various campus centers offer an assortment of resources for MU students that could make the college experience a bit smoother.

Exam strategy: Don't let finals week sneak up on you, especially if you have multiple exams on the same day. Here's a strategy for managing the final push.

Missouri residency: Out-of-state students, interested in reducing your tuition? Here's a guide to applying for Missouri residency.

SPORTS
Tickets: Find everything you need to know about getting tickets for Missouri athletics events.

Game day: In Columbia, football games are an all-day affair. Even before you get to the stadium, make sure you have the right attire and know the chants. If you really want to show your Tiger spirit, get involved with one of these spirit groups.
Traditions: Missouri football games are unique experiences filled with traditions, songs and cheers. Here's a breakdown of all the traditions that you'll want to take part in at the games.

HEALTH and FINANCES
Staying healthy: The MU Wellness Center has some advice about how to stay healthy in your freshman year. New to dorm food? Here's a few tips about how to eat healthy and avoid the "Mizzou 22." Getting sick? A doctor is not far away. Students can usually get in for an appointment the same day at the Student Health Center.

Mental health: College can be overwhelming and a major adjustment for freshmen. Don’t be afraid to ask for help. The MU Counseling Center offers counseling both individually and in groups — both are included in your student fees.

Fitness: The MU Student Recreation Complex has a lot to offer for students such as the whirlpool and sauna of Tiger Grotto and the running track or cycling classes in Tiger Lair. Here's what you need to know about the complex.

Running: If you enjoy running, there are a couple of running clubs in Columbia and plenty of races to challenge yourself.

Sticking to a budget: While credit cards are tempting, leaving college with extra debt is not the best way to start out in the real world. It's important to begin managing your finances from the start of your college career. There are several campus resources available to help.

Student loans: Most students need loans to make college a reality, but understanding the terms of your loans can save you thousands of dollars down the road.

LIFESTYLE and ENTERTAINMENT
Eating: Here is a guide to the menus, hours and secrets of MU's dining halls, along with some advice on choosing a meal plan. Don't want to make the trip to the dining hall? Here are eight quick food fixes you can make in your dorm room. Remember, EZ Charge lets you pick up food and other items at cafes and restaurants around campus. You can also find some good deals at restaurants close to campus.
Thrift stores: If you want to make your dorm room your own, there are some secondhand stores with unique offerings that won't cost a fortune.

Roommates: Dorm rooms are small, and living with someone else in the space can be a challenge. Here are some do's and don'ts for living in close quarters.

Twitter: If you want to be in the know, follow these Twitter accounts to stay up-to-date on the latest happenings around campus.

Embarrassment: There are certain mistakes and embarrassing moments that everyone will make in their first semester on campus. Here is your guide on how to recover.

Entertainment: You don't have to spend a lot of money to have fun in Columbia. Here's a guide to cheap entertainment and good places to take a date without breaking the bank. Under 21? No problem. Here are some fun things to do that don't require an ID.

Theater: From the professional to the academic, Columbia offers a wide range of venues for theatergoers to check out. Want to get involved? The theater and music departments at MU also have opportunities for your creative interests.

Online university to aid community college grads

JEFFERSON CITY, Mo. (AP) — Missouri's community colleges have a new tuition agreement with an online university.

The Missouri version of Western Governors University has agreed to provide a 5 percent tuition discount for community college graduates who take its online courses.
The Missouri Community College Association says the deal with WGU is the first such statewide agreement that the association has signed on behalf of its members. Community college graduates also will be eligible for special scholarships from the online school.

Gov. Jay Nixon has promoted Western Governors University as an alternative for working adults who have some college credits but have not completed their degrees.

Baby Steps for Higher Ed Act

July 24, 2014

By Michael Stratford

NO MU MENTION

WASHINGTON -- The U.S. House on Wednesday unanimously passed legislation boosting competency-based education and overwhelmingly approved an overhaul of how the Education Department discloses college data.

The votes marked the first time that a body of Congress has formally weighed in on the ongoing efforts to reauthorize the Higher Education Act, the massive law that governs federal student aid, which expires at the end of this year.

But reauthorization is still far off. Wednesday's bipartisan votes belied the stark divisions on Capitol Hill over key parts of the law that make it unlikely Congress will renew the Higher Education Act before year's end. Congress has rarely acted in recent years to reauthorize the law on time; the last reauthorization took five years.

House Republicans are moving ahead with a plan to rewrite the law in smaller pieces, which leaders said would attract more bipartisan support for the bills. Indeed the competency-based education bill was approved on a 414-0 vote, and the proposal aimed at streamlining college information disclosures was passed on a bipartisan basis on a voice vote.
Democrats supported the two measures up for a vote Wednesday, but several said they were disappointed that the bills do not go far enough in addressing rising levels of student debt and the growing price of college.

Republicans on Tuesday again rebuffed an effort to provide direct federal relief to existing student loan borrowers. House lawmakers rejected, by a 221 to 194 vote, an effort by Representative John Tierney, a Massachusetts Democrat, to provide students who took out a loan over the past year with a rebate for the amount they would have saved under lower interest rates. That’s a scaled down proposal from the Democrats’ student loan refinancing measure, which would have applied to all existing borrowers but failed to clear the Senate last month.

Meanwhile, Senator Tom Harkin of Iowa, the Democrat who chairs the Senate education committee, is in the process of soliciting comments on his 700-page comprehensive rewrite of the Higher Education Act. He has said he wants to move ahead with an all-encompassing bill rather than adopting the House’s piecemeal approach.

**Boost for Competency**

The politics of finalizing a new Higher Education Act notwithstanding, Wednesday’s vote represented a huge win for supporters of competency-based education.

Under the legislation passed by the House, the Education Department would allow federal student aid to flow to up to 30 academic programs that want to experiment with competency-based education. Those experiments could involve as many as several thousand students.

The legislation would go beyond the efforts of the Obama administration to provide waivers to some colleges that want to use competency-based education.

The Education Department announced Tuesday that it plans to use its authority under existing law to waive some federal aid regulations for colleges that want to experiment with a range of innovative educational models, including competency-based education.

For several hours on the House floor Tuesday, lawmakers from both sides of the aisle took turns praising competency-based learning as a way to help nontraditional students and lower the cost of higher education.
Representative John Kline of Minnesota, the Republican who chairs the House education committee, called the legislation a “good first step” to figuring out what works and doesn’t work for competency-based education.

Representative George Miller, the top Democrat on the House education committee, called competency-based education “one of the promising new innovations to help make college more affordable and more accessible.”

Miller specifically thanked “the leaders of this movement,” citing the Lumina Foundation, the New America Foundation, Southern New Hampshire University, Capella University and the California State University System.

**Overhaul in Information for Students**
Separately, the House passed legislation that seeks to streamline the information that the Education Department provides about colleges to prospective students and their families. The legislation would also eliminate the so-called “shame lists” that the Education Department has been required to publish for each of the past four years, highlighting the most and least expensive colleges. The bill would also do away with the department’s annual list that tracks state spending on higher education, which has plummeted in recent years.

**More Data About Adjuncts**
Part of the bill would also require colleges and universities to report the ratio of the number of courses taught by part-time instructors and full-time instructors. It would also require them to report the mean and median years of employment of their part-time instructors. The SEIU, a union that represents some adjunct faculty, praised that part of the legislation. “This important legislation gives students, faculty, lawmakers and the public more information about what’s happening in higher education,” the union’s president, Mary Kay Henry, said in a statement, adding that “it’s good to see Congress is interested in shining a spotlight on trends in higher education that have marginalized contingent and part-time faculty.”

The American Federation of Teachers also backed the measure, but the group said it had also wanted lawmakers to require more detailed information about the salaries of adjunct faculty.
**New Deregulatory Task Force**

The House also passed an amendment to the competency-based education bill that would form a federal panel to look at ways to deregulate higher education.

The sponsors of the amendment -- Representative Trey Gowdy of South Carolina, a Republican, and Representative Peter Welch of Vermont, a Democrat -- said it was aimed at reducing the burden of federal regulation on colleges, which in turn would provide savings for students.

Welch said his goal was to get college administrators more actively involved to make college more affordable and sustainable. He said many college leaders have told him that they are bogged down by federal requirements.

“Sometimes that can be an excuse,” he said. “But let’s take a look at them.”

The Gowdy-Welch proposal is the latest effort in Washington to deregulate higher education. Last year, a group of four Senate Democrats announced a task force of higher education leaders to identify which federal rules they’d like to see curtailed. The American Council on Education, the umbrella higher education lobbying group, is helping that effort, and the group plans to produce a report later this year.

Separately, Congress also last year gave the National Academies $1 million to study the topic.
The debate about whether North American colleges should host Confucius Institutes – centers for Chinese language and culture study funded by an entity of the Chinese government – has intensified in recent weeks. About 90 American universities and eight Canadian higher education institutions house Confucius Institutes, which are run in collaboration with Chinese partner universities and staffed, in part, by visiting language instructors hired by Hanban, the Chinese government agency that oversees the Confucius Institutes as well as a parallel program at the K-12 level, the Confucius Classrooms. Hanban also supplies Confucius Institutes with Chinese language textbooks and teaching materials.

Confucius Institutes, which have sprung up at hundreds of university campuses around the globe since the program’s launch in 2004, have been controversial almost from the start.

The resources they have provided to expand Chinese language teaching worldwide have been widely welcomed, but their rapid expansion has raised concerns about whether universities have entered into arrangements that could compromise their academic integrity and independence.

Critics have asked whether universities should be lending their imprimatur to institutes sponsored by a foreign government – and an autocratic one at that. The Confucius Institutes have often been likened to other foreign government outposts that promote language learning and positive, benign views of their respective cultures -- notably the British Institute, the Alliance Françaises and Germany's Goethe Institutes -- but the major difference, as critics of Confucius Institutes regularly point out, is that these other entities
are not housed in universities.

In June, the American Association of University Professors issued a statement asserting that “North American universities permit Confucius Institutes to advance a state agenda in the recruitment and control of academic staff, in the choice of curriculum, and in the restriction of debate.” The AAUP called on American universities to cease their involvement with Confucius Institutes unless they can renegotiate their agreements to ensure they have "unilateral control" over all academic matters -- including recruitment of instructors, determination of the curriculum and selection of texts -- and academic freedom for the Confucius Institute instructors. The statement also called for universities to make their agreements with Hanban public.

At least one institution, the University of Chicago, is currently renegotiating its Confucius Institute contract amid widespread faculty concerns about Hanban’s role in the hiring and training of instructional staff.

Outside higher education, at the K-12 level, the Toronto District School Board voted in June to delay any programming related to its Confucius Institute after parents and community members protested Chinese government influence in Canadian schools. The Globe and Mail reported last week that board members have asked staff to research their options for dissolving the institute, which was to begin offering Mandarin classes to the district’s elementary school students this fall.

The AAUP Statement

The recent AAUP statement follows on a similar one from the Canadian Association of University Teachers (CAUT), from December, which was even stronger in unequivocally urging the country’s universities to sever their ties with Confucius Institutes: “Simply put, Confucius Institutes are owned and operated by an authoritarian government and beholden to its politics,” the CAUT’s then executive director, James Turk, said at the time.

Henry Reichman, the chair of the AAUP committee that wrote the Confucius Institute statement and a professor emeritus of history at California State University at East Bay, said the Canadian statement got the topic on the AAUP’s radar screen, as did a long, highly critical article on Confucius Institutes that appeared last November in The Nation. The article, by the University of Chicago anthropologist Marshall Sahlins, is footnoted in the
AAUP’s statement.

In that article and elsewhere, Sahlins has identified a series of incidents that he argues provide reason to be concerned about censorship, discriminatory hiring and other infringements on academic integrity at institutions with Confucius Institutes. In a variety of interviews and media reports, Confucius Institute administrators have said that they do not see it as their charge to do programming on politically taboo topics in China like Tibet, Taiwan and Tiananmen Square (see, as just one example, this Oregonian article from 2011) and it’s been reported that the Hanban-hired instructors are trained to divert students away from these topics in the language classroom. One former Confucius Institute instructor at Ontario’s McMaster University who said she was trained in this way filed a human rights complaint saying that the Canadian university was “giving legitimization to discrimination” because her contract with Hanban prohibited her participation in Falun Gong; McMaster has since closed its Confucius Institute due to concerns about its Chinese partner’s hiring practices.

The North American Hanban office did not return requests for an interview about the AAUP statement. However, an article in Chinese state media panned it as xenophobic and intended to smear the Communist Party of China: “The great Chinese sage Confucius might have pardoned the American Association of University Professors (AAUP) for their criticism of Confucius Institutes might come from either fear of other cultures or ignorance -- or both,” the article, in Xinhua, said.

"The shaping of traditional Chinese culture in the past thousands of years hardly has any direct relations with communism or its ideology, and those seeking to stem Confucius Institutes as disseminators of world culture are trying to hold back a pure form of human communication."

Reichman stressed that the AAUP’s concern is not with the Chinese government – “they are doing what they’re doing” – but with American universities. “An academic program or institute in the United States needs to be governed by American standards of academic freedom,” he said.

Edward A. McCord, an associate professor of history and international affairs at George Washington University who helped negotiate the Confucius Institute contract there, takes issue with the AAUP statement and its assertion that "Most agreements establishing
Confucius Institutes feature nondisclosure clauses and unacceptable concessions to the political aims and practices of the government of China.” It’s true that many of the agreements are confidential, he said, but he questioned the factual basis for the statement that “most” agreements include such concessions.

McCord believes there are many misconceptions about the ways Confucius Institutes work. The CI boards tend to have 50-50 representation from the American university and its Chinese partner university, and an American director and Chinese co-director. “There’s no way that our CI is getting orders from Hanban and then carrying things out,” he said. “What we decide to do with the CI is our decision, the director is our dean, and from the other side the subordinate director comes from our partner university, Nanjing [University]: this is not someone appointed by Hanban to our CI,” he said.

“We can do what we want, essentially, but I don’t think we think that doing a whole series of political programs is an appropriate thing for a language and cultural program. Does that mean we don’t want to do those things? No, we do it elsewhere in the university where it’s appropriate,” said McCord, who’s an expert on Taiwan.

In a way, McCord said, Confucius Institutes can’t win. If they avoid controversial political topics they’re accused of censorship or self-censorship. However, if Confucius Institute instructors or administrators express political views in line with Chinese government positions they’re liable to be condemned for spreading propaganda. McCord stressed that the CI instructors’ own academic freedom to determine the appropriate topics of discussion for their classrooms must be respected. Many of the language instructors are young, he said, and having grown up in China, they simply aren’t comfortable talking about politics.

Others point out, however, that politically charged topics come up naturally in the language classroom. “If you compare it with other language training programs, you do get into these things,” said the AAUP’s Reichman. “Could you imagine a class in Arabic today where people could not discuss the Israeli-Palestinian dispute or could not discuss the question of Sharia law or the Sunni-Shite division? To discuss language and cultural instruction in China without discussing China’s unique political system and the questions that arise, it would seem strange to me.”

Reichman said he would no more wish to say that a Confucius Institute must sponsor a public program on Tibet than he would say that they shouldn’t address the subject. But he
does think that as institutes at North American universities it’s important that they be free to cover Tibet (and any other hot-button topic they might choose) as it arises as part of their educational mission.

“We have never argued in the AAUP, and I hope never will, that all public programming in the university has to somehow be balanced -- this notion that you can’t have one point of view unless you have the opposing point of view somewhere. In that sense the Confucius institutes have the right to choose the programming they want to choose,” he said.

“However, if there are guidelines -- most egregiously written guidelines, but even if they’re unwritten guidelines -- that basically say these points of view are off-limits, that’s a problem.”

**A Narrow Mandate or a Smaller Picture?**

Some of the debate over CIs hinges on just how narrowly you define their mandate. McCord emphasizes that they focus on language and culture, with culture quite narrowly defined as traditional (rather than contemporary) culture. Individual Confucius Institutes might focus, say, on Chinese opera or classical poetry.

"Each Confucius institute has its unique character,” said Tan Ye, a professor of comparative theater and the director of the Confucius Institute at the University of South Carolina. “Mine is about Chinese films: we collect films, so I’ve been busy with cataloguing and restoring film reels and translating. That’s my business.”

The Confucius Institute at the University of Maryland at College Park is, like many Confucius Institutes at public universities, focused largely on K-12 outreach and support for Chinese language teacher training. “I think having AAUP come out this strongly certainly does get your attention,” said Donna L. Wiseman, the Confucius Institute director and dean of Maryland’s College of Education. “But one of the things that I think about the Confucius institutes is that each of them is very different, in very different contexts, and I think these concerns may apply in some contexts and not in some others.” For example she said the issues regarding control of the curriculum are different in cases where Confucius Institute instructors teach non-credit classes and in K-12 settings (as in Maryland’s case), as opposed to cases in which they teach credit-bearing Chinese language courses.

“This is only a very, very tiny sliver of the campus’s entire Chinese initiative,” Wiseman said. “Campuswide more broadly of course we’ve got a variety of lectures and performances
and debates and of course we have many Chinese professors who are not impacted, I don’t see how they could be impacted, by the CI in any way.”

A number of prominent scholars recently weighed in on the propriety and role of Confucius Institutes on campuses in a discussion published by the Asia Society’s ChinaFile blog. As part of a broader critique of the AAUP statement, Stephen E. Hanson, the vice president for international affairs at the College of William and Mary, similarly emphasized that one point that is often lost in these discussions is “that Confucius Institutes are just one aspect of any university’s wider programs on China, East Asia, and international affairs.”

“Lectures and conferences on such subjects as the Tiananmen Square protests of 1989, the status of Tibet and Taiwan, or the legitimacy of groups such as Falun Gong take place all the time on our campuses — just not with direct Hanban funding. And this seems like a quite reasonable arrangement: it allows universities to take advantage of Hanban’s generous support for expansion of programs on Chinese language and culture, without restricting freedom of inquiry for our scholars and students to investigate potentially sensitive political and historical topics,” Hanson wrote.

In another contribution to the ChinaFile discussion, Alan R. Kluver, the executive director of global partnerships and projects and an associate professor of communication at Texas A&M University, wrote, “I would like to contribute respectfully to this debate by going to the heart of the argument: does Hanban inappropriately limit, either by proscription or staffing, the discussion of sensitive political discussions? There is little doubt that China’s government wants the CI movement to enhance its ‘soft power,’ but just because Beijing wants that to happen doesn’t make it true. Only in the most general sense could this possibly be true, in that as people learn Chinese, they are able to access more information about China itself, as well as Hong Kong, Taiwan, or other Chinese language communities. Unthinking criticism of the CI as an ‘instrument of the Chinese state’ reflects a shallow sense of causation; namely, that by offering Chinese language classes without concomitant and constant criticism of China’s government, U.S. universities have ‘bought into’ China’s nefarious schemes for global dominance.”

Kluver wrote that his university's Confucius Institute has in fact hosted events on such topics as Taiwan, economic growth and stagnation, and (“yes, believe it or not”) Tiananmen. But others participating in the ChinaFile discussion raised concerns about the risk of self-censorship and the narrowing of the scope of inquiry. The China scholar and
Princeton University emeritus professor Perry Link observed that the visiting Chinese instructors are not able to voice positions critical of their government -- even if they might wish to -- without risking potentially steep penalties.

And of his colleague Steven I. Levine's largely futile attempt to prevail upon Confucius Institutes to offer programming on Tiananmen, Link wrote, "I will not be persuaded by an objection that says the June Fourth example is an extreme, and therefore negligible, case, and that there are plenty of other things to talk about in bustling Big China. I will not be persuaded because, if we rule out not just June Fourth but all the other 'sensitive' issues -- Xinjiang, Tibet, Taiwan, Falun Gong, Occupy Central, the Nobel Peace Prize, the spectacular private wealth of leaders’ families, the cynical arrests of rights advocates and sometimes their deaths in prisons, and more -- we are left with a picture of China that is not only smaller than the whole but crucially different in nature.”

Levine, who coordinated an awareness campaign known as the Tiananmen Initiative Project, said he recently wrote to more than 200 Confucius Institutes asking that they mark the 25th anniversary of the Tiananmen Square massacre with a public event of some kind, only to receive one positive response. A retired history professor at the University of Montana who helped establish the Confucius Institute there, Levine said in an interview with Inside Higher Ed that what he has since come to realize is that institutes such as Montana's "were presenting a false view of what the Chinese state was really about. It's not just pandas and chopsticks; this was a repressive regime."

Levine recalled how Montana's CI once sponsored a booth at the state fair in which they taught passersby how to pick up gummy bears and M&Ms with chopsticks and handed out "chopsticks proficiency certificates."

"A good time was had by all" Levine said, but it occurred to him later that "what we were doing really is acting as entertainment specialists, if you will, for an agency of the Chinese government.”

**Confucius Institute at Chicago**

As the Confucius Institute debates continue, many are watching the case of the University of Chicago closely. Chicago's Confucius Institute primarily functions as a research institute, but it also has three visiting language instructors who teach credit-bearing classes in the
East Asian languages department.

More than 100 faculty members signed a petition last spring calling for the termination of the university’s contract with Hanban. The petition raised concerns about “the dubious practice of allowing an external institution to staff academic courses within the University” and stipulated that “[a]mong the problems posed by Hanban’s control of the hiring and training of teachers is that it thus subjects the University’s academic program to the political constraints on free speech and belief that are specific to the People’s Republic of China.” (In an interview with Inside Higher Ed in May, a former chair of the East Asian languages department emphasized that departmental faculty interview and vote on the hires proposed by Hanban, and that the instructors teach in the regular Chinese language program under the supervision of and using the materials of the department).

Chicago’s current contract with Hanban expires Sept. 29. An ad hoc committee of three Chicago faculty members charged with evaluating the Confucius Institute issued a report advocating for renewal of the contract for another five-year term, “but only if some serious changes are made.” Among the most significant of the changes the committee proposed: making explicit that Hanban does not have a line item veto over the Confucius Institute’s annual budget requests and replacing the three instructors hired through the Confucius Institute and Hanban with instructors hired directly by the East Asian languages department.

“We found no reason to share the concern that U of C had lost control of its language program to an outside entity,” the committee members wrote, noting that they had confidence in both the sources from which the instructors are drawn and in their training and supervision once they arrived on campus. However, the report describes a high administrative and supervisory burden on the East Asian languages department in regards to the visiting instructors and concludes that “a permanently renewable and adequately large group of locally hired, trained, and supervised Chinese language instructors would be preferable to these temporary, 'outsourced' teachers.”

The committee found, in short, that the use of "outsourced" language instructors "is often more trouble than it is worth."

Bruce Lincoln, the Caroline E. Haskell Distinguished Service Professor of the History of Religions at Chicago and an organizer of the anti-Confucius Institute petition drive, said that
in a Faculty Council meeting in which this issue was discussed the chair of the committee backed away from the recommendation on language teaching. Asked about whether she stood by the recommendation, the committee chair, Judith B. Farquhar, the Max Palevsky Professor of Anthropology and of Social Sciences, said via email, "The committee report is the committee's report. I personally don't see any particular problems with continuing to accept teachers from the Hanban, with or without a CI agreement covering their appointment. Apparently those we've had have been very effective and much appreciated by students. The committee was impressed with what seemed to be extra trouble for the East Asian Languages and Civilizations Department, but that situation could be easily improved; and we did not think that there are any problems of principle involved in staffing some of our Chinese languages classes with well-supervised professional language teachers from China, chosen from a Hanban list."

The director of Chicago’s Confucius Institute, Dali Yang, declined an interview request for this article and a Chicago spokesman, Jeremy Manier, said that the university provost and chair of the CI’s board of directors were not available for interviews. In a written statement the university confirmed that it is in the process of negotiating a new agreement, though Manier declined to answer questions about the specifics of the discussions: "The University of Chicago and the Confucius Institute have begun discussions about a new agreement,” the university statement said. "As always, the University is guided by its core academic values, and in this case, by the faculty leadership in the Confucius Institute at the University of Chicago. We hope to have more to share later this summer."

Lincoln believes the AAUP statement may have had an impact on the administration’s thinking. “I think that transformed this from a local debate in which people they didn’t really like were telling them something they didn’t want to hear, to something that was part of a major national issue,” he said.

“The changes they’ll make [to the contract] will probably be improvements,” Lincoln said. “I’d prefer to see the whole thing terminated – and I don’t think that’s likely – but if they’re negotiating they’re at least trying to make some improvements. How far they’ll go it remains to be seen.”

Marshall Sahlins, the Charles F. Grey Distinguished Service Professor of Anthropology emeritus and the author of the influential Nation article on Confucius Institutes, described the AAUP statement as “a turning point in the acceptability of this.” The CIs and the many
hundreds of K-12 Confucius Classrooms that are already in existence likely won’t be going away any time soon, he said, “but I think it might change the momentum. I think it might slow it down and some places might opt out.”