

September 3, 2013

To Members of the NYU Board of Trustees,

We are writing in the spirit of the Board's recent resolve to improve communications with faculty. As elected officers of the university's AAUP chapter, we are advocates for principles that are commonly recognized by U.S. colleges and universities as the gold standard of academic process. (See <http://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>).

As NYU-Shanghai is opening its doors, we are obliged to record some grave concerns expressed by our members about the prospects for academic freedom in China and at the new campus. These concerns have been triggered by recent arrests of Chinese academics, the removal from the classroom of a law professor for advocating a functioning constitution in China, and by top-level announcements about constraints--known as the "Seven Silences"-- now placed on academic speech in and outside of classrooms nationwide. The latter refers to broad topic areas that will be forbidden in classrooms in Chinese universities as well as in scholarly, internet, and mass media outlets, all but extinguishing the possibility of a learning environment governed by free inquiry. The press has reported that the American co-administrators of NYU-Shanghai have been given formal assurances that academic freedoms will be protected in classrooms and for our students (although the extent of those protections is not at all clear). However, it is difficult for us to imagine the campus can subsist as a bubble on an information landscape that is so severely constrained. Under such circumstances, self-censorship of instructors and students is certain, even if formal state surveillance can be kept at bay, at least within the confines of the campus.

Many of these concerns arise because, like NYU-Abu Dhabi, the Shanghai initiative was conceived and shaped with minimal faculty consultation and with few faculty concerns about freedoms permitted to enter the discussions. Even now, we have not been given any formal evidence of the kind of agreement signed between our NYU Administration and the Chinese authorities (national, municipal or district). Simple questions, such as whether Chinese students are exempted from the nationally-mandated ideological courses that all Chinese students must take to gain a Ministry of Education degree, have not been clarified. We have learned from press coverage that Chinese students will be forced to fulfill their first summer requirement to serve in military camps, and so we wonder if there are other provisions that treat Chinese and international students unequally. These are all questions and issues that should have and would have been raised had NYU-NY faculty with expertise in China and with longstanding experience of the Chinese education and research environment been part of the conversation about the Shanghai campus from the very beginning of its conceptualization.

As a result of these exclusions and black holes in our communication environment, both the NYU-AD and the NYU-SH campuses are widely viewed by faculty purely as administrative initiatives of John Sexton, rather than organic offshoots of the scholarly community that is the core of New York University. This outcome is unfortunate under any circumstances, but all the more so when the university's reputation, and all its employees, risk being tainted by association with rights violations in authoritarian countries like China and the UAE.

To some degree, the sullyng of NYU's name has already occurred, notably after the arrests of pro-democracy Emirati academics. Despite the urging of Human Rights Watch, and the AAUP, along with a hundred of our colleagues, there has been no public expression of concern from the NYU-Abu Dhabi administration. Not surprisingly, this refusal to comment on these flagrant assaults on academic freedom has been widely noted, and put down to fear of jeopardizing NYU's favorable financial arrangements with the Abu Dhabi government. Accepting vast sums of money from foreign governments puts NYU and every scholar affiliated with the University in a morally compromising situation, and academic freedom is usually the first casualty.

We fear that a similar pattern will develop in China. The Chen Guancheng affair shows how easy it is for the university's name to get entangled in a human rights imbroglio. Again, the public perception, accurate or otherwise, is that the NYU administration has made commitments in order to operate in China that cannot be imperiled. If that is the case, it is better to know about them now. As faculty, we are in the dark about such matters, though we trust that you are cognizant of them.

Academic freedom is not well-understood, and is often misconstrued by many academics themselves. At root, the protection of academic freedom is not confined to speech in the classroom alone. Like other professionals, faculty have an obligation to share their knowledge and expertise with the public, and it is this extra-curricular interface that is usually most in need of protection. Safeguarding that obligation is the true test of academic freedom and it is why universities cannot operate within a bubble, as they are obliged to do in countries that are hostile to free speech.

We bring these concerns to your attention as a matter of record, and with the open invitation to consult us further on these topics on which the AAUP has almost a century of active engagement.

In our experience, President Sexton has not been attentive to such concerns, and his public comments suggest that he favors a highly selective approach to the protection of academic freedom, invoking it only when it is convenient to do so.

There is a better way to pursue international education, based on initiatives that are guided by faculty interests, faculty expertise, and faculty concerns rather than by administrative fiat. We urge you to advocate for that better way.

Yours respectfully,

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