First Reading: September 15, 2015

Second Reading: September 22, 2015

Pass: YES

Other:

Resolution 2-15-F: Resolution to Disapprove of the Procedure by which the Model Confucius Institute at Western Kentucky University was Effectuated

PURPOSE: For the Student Government Association of Western Kentucky University to express disapproval of the nontransparent procedure with which the proposal to construct the Model Confucius Institute at Western Kentucky University was presented and approved.

WHEREAS: The Model Confucius Institute at Western Kentucky University (hereinafter referred to as “the Model Confucius Institute”) is a project deal Dr. Gary A. Ransdell, President of WKU, made on behalf of the university with Hanban, a language-teaching institution affiliated with the Ministry of Education of the People’s Republic of China, to construct a new building on WKU Main Campus for the purpose of providing additional space for the training of Confucius Institute teachers, and

WHEREAS: The contract for the construction of the Model Confucius Institute (hereinafter referred to as “the contract”) was signed on December 6, 2014 by President Ransdell and Xu Lin, Director General of Hanban, and

WHEREAS: According to the Board of Regents Bylaws, the President of the university is authorized to “execute contracts, leases, and other legal instruments”, and

WHEREAS: According to the contract in Chapter III Sources of Funds and Provisions of Payment, Article 3, Hanban offered $1,500,000.00 for construction of the building while WKU must raise $1,500,000.00 and cover additional costs for “decoration design, approval, renovation, expansion, decoration; property management fees, property taxes, maintenance costs for facilities and equipment during the operation period after the Project is completed”, and

WHEREAS: According to the contract in Chapter VII Terms on the Use of the Dedicated Site, Article 21, the building shall be “subject to the free and exclusive use of the Model Confucius Institute for 50 years” and “during this period, the University shall not change the functions of the Dedicated Site”, and

WHEREAS: The contract, according to the contract in Chapter XI Miscellaneous, Article 34, was “made in duplicate, each in the Chinese and English languages, and both are equally authentic”, and

WHEREAS: The Board of Regents officially approved the capital construction project of the Model Confucius Institute at the first quarterly meeting of the Board on January 23, 2015 with nine (9) votes in favor, one (1) vote against, and one (1) abstention, and

WHEREAS: It is important for the Board of Regents to understand the academic, financial, and legal implications of a proposed motion before voting on its approval, and related contracts or other relevant legal documents may provide important referential information in that regard, and

WHEREAS: The contract for the Model Confucius Institute was not made available to the Board of Regents prior to its vote on the construction project, and

WHEREAS: When a contract or any other relevant legal document is not made available to the Board of Regents prior to voting to approve a related motion, it is considered standard practice for the Board to trust the president to have agreed upon a reasonable contract that is in the best interest of the university, and

WHEREAS: At the January 23, 2015 meeting of the Board of Regents, according to the official minutes, in response to repeated inquiries from Faculty Regent Barbara Burch regarding the specific need for the project as it relates to students, faculty, and the university as a whole, President Ransdell stated that additional information on the project would not be made public in greater specificity until after the Board’s approval[[1]](#footnote-1),

WHEREAS: At the same meeting, according to the official minutes, in response to a question about whether a contract or agreement had been made, President Ransdell stated the that the contract could be provided afterward and was a typical agreement with a foreign government[[2]](#footnote-2), and

WHEREAS: The contract for the Model Confucius Institute, which is now public information, has raised significant concerns among faculty and students due to several unusual provisions included within it that were not disclosed to the Board of Regents prior to its approval of the project, including (but not limited to) the provision of the Ministry of Education of the People’s Republic of China with free and exclusive control of the building for the next fifty (50) years, and

WHEREAS: Had the details of the project been fully disclosed to the Board of Regents prior to their vote, it is unknown whether the project would have been approved, and

WHEREAS: On August 17, 2015, the Senate Executive Committee unanimously approved a motion stating that the Confucius Institute building contract was not in the best interest of WKU and recommending that the contract be revisited by President Ransdell, and if needed, the Board of Regents, and

WHEREAS: It is highly unlikely that the contract will be revisited by the Board of Regents and the Student Government Association of Western Kentucky University (WKU SGA) does not intend to motion that the contract be revisited, and

WHEREAS: It is extremely important that substantial commitments such as the Model Confucius Institute project be made with whatever relevant information is necessary to allow for a fully-informed vote by the Board of Regents, and

WHEREAS Because WKU SGA is represented on the Board of Regents via the Student Regent, the withholding of relevant and important information about a project up for approval before the Board is tantamount to denying WKU SGA the proper voice it should have in university governance, and

THEREFORE: Be it resolved that the Student Government Association of Western Kentucky University disapproves of the nontransparent procedure with which the agreement to authorize the construction of the Model Confucius Institute at Western Kentucky University was effectuated.

AUTHORS: Jay Todd Richey

SPONSOR: Student Affairs

CONTACTS: Dr. Barbara Burch

 Dr. Jeffrey Samuels

1. Western Kentucky University. Meeting of the Board of Regents: First Quarterly Meeting. 23 January, 2015. Page 11. [↑](#footnote-ref-1)
2. Western Kentucky University. Meeting of the Board of Regents: First Quarterly Meeting. 23 January, 2015. Page 7. [↑](#footnote-ref-2)