

## “On Conditions of Employment at Overseas Campuses”

*The statement that follows is being issued jointly by the American Association of University Professors and the Canadian Association of University Teachers. It was approved for publication in April 2009 respectively by the AAUP’s Committee A on Academic Freedom and Tenure and CAUT’s Executive Committee. Comments should be directed to the AAUP at [academicfreedom@aaup.org](mailto:academicfreedom@aaup.org) and/or to CAUT at [acppu@caut.ca](mailto:acppu@caut.ca).*

U.S. and Canadian colleges and universities have been actively expanding their foreign operations in recent years. Overseas branch campuses and degree programs have proliferated, as have the overseas sale of curricular and other instructional materials and the franchising of campuses, online or distance learning, international student recruitment, and study-abroad programs.

The expansion of higher education opportunities is a welcome feature of today’s more internationally integrated world. Not surprisingly, these international initiatives are proving attractive both to private investors and to colleges and universities. Advocates of private investment now refer routinely to a multitrillion- dollar global market in educational services, and efforts to open up this lucrative market further are driving bilateral or multilateral trade agreements and negotiations. As a result, globalization has become one of the principal means of privatizing and commercializing higher education.

The leading nations in the field of international education have sought, under the World Trade Organization’s General Agreement on Trade in Services and in the name of trade liberalization, to harmonize global standards for providing higher education services. According to the WTO’s tenets of free trade, educational services should be treated like any other commodity, and foreign providers should be afforded the same public benefits and privileges as domestic institutions of any member nation. Several international organizations in higher education have voiced their opposition to these tenets:

- the 2001 “Joint Declaration on Higher Education and the General Agreement on Trade in Services,” issued by four leading academic organizations in the United States, Canada, and Europe (the American Council on Education, the Council for Higher Education Accreditation, the Association of Universities and Colleges of Canada, and the European University Association).
  - [http://www.aucc.ca/pdf/english/statements/2001/gats\\_10\\_25\\_e.pdf](http://www.aucc.ca/pdf/english/statements/2001/gats_10_25_e.pdf)
- the 2002 Porto Alegre Declaration, signed by the major Iberian and Latin American associations of higher education.
  - <http://www.gatswatch.org/educationoutofgats/PortoAlegre.doc>
- the resolutions adopted by Education International (with 394 national teacher and academic staff federations from 171 countries representing 30 million teachers, academic staff, and others who work in education) at its 2001 World Congress in Jomtiem, Thailand and at its 2004 World Congress in Porto Alegre.
  - [http://www.ei-  
ie.org/worldcongress2004/docs/WC03Res\\_GloablisationEmploymentConditions\\_e.pdf](http://www.ei-<br/>ie.org/worldcongress2004/docs/WC03Res_GloablisationEmploymentConditions_e.pdf)

- [http://www.ei-ie.org/worldcongress2004/docs/WC04Res\\_HigherEduc\\_NewInstrument\\_e.pdf](http://www.ei-ie.org/worldcongress2004/docs/WC04Res_HigherEduc_NewInstrument_e.pdf)

These declarations and resolutions recognize that trade liberalization risks weakening governments' commitment to and investment in public higher education. They also assert that education is not a commodity and that reliance on public mandates (exclusively so in most countries) should make it distinct from other services.

The pace of overseas expansion also threatens to affect the character of higher education in the United States and Canada. The sheer number of faculty employed in foreign operations is increasing, and most are contingent employees on temporary contracts. Because foreign programs and campuses are usually less costly, colleges and universities may make decisions favoring their development over more expensive U.S.- and Canadian-based equivalents staffed by tenure-track faculty. Continued pursuit of this path will accelerate the casualization of the academic workforce, taking its toll on the quality of instruction as well as adversely affecting faculty rights.

Moreover, as the U.S. and Canadian presence in higher education grows in countries marked by authoritarian rule, basic principles of academic freedom, collegial governance, and nondiscrimination are less likely to be observed. In a host environment where free speech is constrained, if not proscribed, faculty will censor themselves, and the cause of authentic liberal education, to the extent it can exist in such situations, will suffer.

Consequently, it is essential that all international initiatives undertaken by U.S. and Canadian colleges and universities respect the UNESCO *Recommendation concerning the Status of Higher Education Teaching Personnel*, with its emphasis on academic freedom, institutional autonomy, collegial governance, nondiscrimination, and employment security.

[[http://portal.unesco.org/en/ev.php-URL\\_ID=13144&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html)]

The treatment of nonacademic employees involved in the construction, service, and maintenance of foreign campuses is another area of concern. Colleges and universities as employers and contractors should uphold the full observance of internationally recognized standards governing the rights and working conditions of nonacademic employees who build and maintain classrooms and offices and meet other needs that keep the institutions functioning. Universities operating internationally should adopt a code of conduct governing the workplace conditions and rights of all nonacademic employees, even and especially if these workers are employed directly by a local subcontractor.

Education should not be a commodity, bought and sold in the international marketplace and subject to the rules of competitive trade that govern a deregulated global economy. Participating in the movement for international education can rest on laudable educational grounds. But those grounds will be jeopardized if hard-earned standards and protections are weakened rather than exported.

In sum, the AAUP and CAUT expect every U.S. and Canadian college and university in

any international initiative undertaken in partnership, or using the institution's name, to honor the provisions in the UNESCO *Recommendation concerning the Status of Higher Education Teaching Personnel*. For nonacademic employees, we expect each institution and its subcontractors to adopt a code of conduct consistent with International Labor Organization (ILO) standards.

In accordance with the principles of collegial governance, U.S. and Canadian college and university administrations should provide their faculty and staff associations and the institution's senior academic body with information about any international initiative being contemplated. If the initiative proceeds, administrations should provide detailed updates on all aspects of the project, with special emphasis on provisions to ensure academic freedom and tenure and collegial governance, including policies on approval and regular assessment of programs and curriculum, appointment and evaluation of academic staff, workload, appropriate compensation and working conditions, anti-harassment and -discrimination provisions, intellectual property, occupational health and safety, equity, and rights to appeal procedures characterized by substantive and procedural fairness.

Implementation of these obligations will require vigilance by faculty at U.S. and Canadian institutions. AAUP and CAUT traditions of academic freedom and shared governance make it clear that faculty representatives should have an integral role in drafting and reviewing plans designed to establish satellite programs and branch campuses. Plans for curriculum development and faculty hiring need explicit faculty approval. Compensation, working conditions, and grievance procedures for U.S.- and Canadian-based faculty will be subject to formal negotiation on many campuses with collective bargaining. The state of the law in host countries may necessitate bilateral negotiations in order to ensure fair working conditions for the faculty and staff at an overseas site; domestic faculty should be involved in reviewing such arrangements as an essential safeguard that these conditions are being met.

AAUP local chapters and CAUT member associations can play a key role in making certain that their institutions meet these obligations. AAUP and CAUT stand ready to assist their members and the higher education community more generally in this work.