

MEMORANDUM

TO: Fort Wayne Senate
FROM: Assem Nasr, COM Senator
Steve Carr, Voting Faculty
DATE: February 2, 2024
SUBJ: Indiana Senate Bill 202 to Amend the Indiana Code Concerning Higher Education

Indiana Senate Bill 202 to Amend the Indiana Code Concerning Higher Education

WHEREAS Purdue University Fort Wayne already has established and promoted our [principles](#) concerning academic freedom and freedom of speech as being “the lifeblood of our academic community” that requires “an atmosphere of mutual respect among diverse persons, groups, and ideas”;¹ and,

WHEREAS [Indiana Senate Bill 202 to Amend the Indiana Code Concerning Higher Education](#) proposes to subject tenured and non-tenured faculty alike to a politicized review process that will terminate or demote faculty based on adherence to strict ideological orthodoxy; and,

WHEREAS Indiana Senate Bill 202 to Amend the Indiana Code Concerning Higher Education will set up a state commission to evaluate and police faculty adherence to this orthodoxy, adding a superfluous and counterproductive layer of bureaucracy that only further removes Indiana students from the free flow and diverse exchange of ideas making up the quality education they deserve; and,

WHEREAS Indiana Senate Bill 202 to Amend the Indiana Code Concerning Higher Education will turn students, staff, and faculty into informants to ensure members of the academic community follow strict ideological orthodoxy, creating a surveillance system antithetical to core democratic values shared across the political spectrum in Indiana and throughout the U.S.; and,

WHEREAS Indiana Senate Bill 202 to Amend the Indiana Code Concerning Higher Education will restrict pursuit of diversity, equity, and inclusion goals including statements made in support of these goals, despite longstanding American traditions to embrace diversity, equity, and inclusion not in spite but because of deeply held principles and values embodied within the U.S. Constitution, the Bill of Rights, and the Indiana Constitution; and,

WHEREAS Indiana Senate Bill 202 to Amend the Indiana Code Concerning Higher Education will restrict admissions, enrollment, employment, promotion, and tenure decisions based on ideological purity tests given to individuals to disavow their support for diversity, equity, and inclusion goals; and,

WHEREAS Indiana Senate Bill 202 to Amend the Indiana Code Concerning Higher Education will only impair and hobble Indiana universities from recruiting, evaluating and determining the best-qualified candidates based on their individual merits and accomplishments, rather than candidates’ personal beliefs or political affiliations, to fill faculty positions in both STEM and

¹ Purdue University Fort Wayne, “Academic Freedom and Freedom of Speech,” <https://www.pfw.edu/about-pfw/mission-vision-values-principles>, accessed 9 Feb. 2024.

non-STEM disciplines alike;

BE IT RESOLVED that the Purdue University Fort Wayne Senate oppose Indiana Senate Bill 202 and join Ball State's AAUP chapter in endorsing its [Statement](#) against this legislation; and,

BE IT FURTHER RESOLVED that Fort Wayne Senate calls upon Fort Wayne Chancellor Ron Elsenbaumer, Purdue President Mung Chiang, the Purdue Board of Trustees, and all university faculty, employees, and students at Purdue University Fort Wayne to oppose Indiana Senate Bill 202.



AAUP Statement on Indiana SB 202

Ball State's AAUP chapter calls upon President Geoff Mearns, Provost Anand R. Marri, the Presidents and Provosts of Indiana's other state universities, all State Senators and Representatives, and all university faculty, employees, and students of Indiana to **oppose the government overreach and restriction of academic freedom of expression inherent to [Senate Bill 202](#)**.

This bill proposes to:

- Subject faculty to politicized review every five years, thus interfering in long-held norms of tenure recommendations by academic experts (giving the non-academic Boards of Trustees the right to demote or fire "tenured" faculty for ideological reasons) (Article 39.5-2-§2);
- Abolish academic freedom by setting up a commission to assess faculty's adherence to arbitrary ideological criteria (§23-30);

- Impose political/legal restriction on academic discourse;
- Establish a complaints mechanism whereby students and even fellow employees are encouraged to inform on faculty members for a perceived failure to showcase ideological and political diversity (Article 39.5-2-§4);
- Restrict the use of statements on diversity, equity, and inclusion (“or related topics”), curtailing the university’s own decision-making in framing inclusive excellence, imposing governmental limits on the way in which admission, enrollment, employment, promotion, or tenure decisions are made (Article 39.5-3-§1).

The Board of Trustees at Ball State University have affirmed their support of academic freedom of expression through their adoption of a modified version of the Chicago Principles on January 31, 2020, which—among other principles advancing the protection of free speech and inquiry—pledges to “keep inclusive excellence at the highest level of institutional importance and as the foundation of all that we do” ([BSU Freedom of Expression Statement](#)). Aspects of SB 202 hamper free expression and inquiry by subjecting faculty to ideological review conducted by politically appointed personnel with no subject matter expertise, and explicitly bar faculty and applicants to Ball State University from making statements of inclusivity.

Ultimately, SB 202 is a direct attack on academic freedom, tenure, and universities’ own admissions and hiring

practices. While the bill attempts to use the language of academic freedom and intellectual diversity, it determinedly aims to limit academic freedom and transform the process and protections of tenure. This bill will severely limit faculty members' ability to fulfill their duty to impart knowledge and promote learning in higher-education classrooms. It will undermine the climate of trust and basic faith that are required for mentoring and collaboration. Rather than promoting a "neutral" environment, this bill will introduce a layer of political bias in higher education where none existed before, particularly as the proposed 5-year review makes no exception for apolitical fields, like STEM disciplines (the bill specifies that ideological/political scholarship should be applicable to the field, but there are no alternative review mechanisms for apolitical fields). The lauded network of state institutions in Indiana will become sterile places merely credentialing rather than creating environments for cultivating critical thinking, professionalization, and democratization, as the fear of failing a review by not exposing students to an undefined range of political/ideological scholarship—and the fear of reporting—will dampen freedom of inquiry.

Equally disturbing is the infeasibility of granting Boards of Trustees the power to supersede faculty members' expertise through additional reviews of tenure. Such acts are in violation of the cherished values of academia, and the AAUP opposes the idea of a politically based post-tenure review, as laid out in "Post-Tenure Review: An AAUP Response" ([here](#)). As this document states, while ongoing faculty development is certainly beneficial, any such post-tenure review must be developed and carried

out by faculty and must not be a reevaluation of tenure itself. In the proposed bill, however, there is no stipulation for Board members to have expertise in the academic fields that they are evaluating. Further ensuring the political slant of Boards, the law stipulates that additional Trustees will be appointed by the legislature. Alarming and in contradiction to the norms of academia, the bill would allow for tenured faculty to now face “termination; demotion; salary reduction; [or] other disciplinary action” if they do not live up to the hazy ideological stipulations of the bill.

By removing the protections—particularly that of free expression and research—of tenure from the auspices of faculty oversight, the evaluation of discipline-specific criteria, and the century-old value of shared governance, the bill contributes to government overreach by placing curriculum and retention decisions in the hands of politically appointed personnel rather than scholars who are in principle committed to two preeminent values: truth and academic ethics. That higher education has been a public good, for which the United States and Indiana have acquired global reputations, is of no consequence in the text of this bill.

In direct contrast to such political oversight stands John Dewey’s 1915 “Declaration of Principles” of academic freedom, which states that “The term ‘academic freedom’ has traditionally had two applications—to the freedom of the teacher and to that of the student . . . Academic freedom in this sense comprises three elements: freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extra-mural utterance and action. . . An adequate discussion of

academic freedom must necessarily consider three matters: (1) the scope and basis of the power exercised by those bodies having ultimate legal authority in academic affairs; (2) the nature of the academic calling; (3) the function of the academic institution or university.” These principles have provided the basic operative values of the university for well over a century. Overturning them would result in chaos.

Further, the bill interferes with universities’ ability to make their own policy regarding inclusive excellence on campus, intervening in what the bill refers to as diversity, equity, and inclusion statements. It mandates that “If an institution receives a pledge or statement described in subsection (b), including any statement regarding diversity, equity, and inclusion, or related topics, the institution may not award: (1) admission, enrollment, or employment; (2) benefits; (3) hiring, reappointment, or promotion; or (4) granting tenure; to an applicant, an employee, or a person described in subsection (a) on the basis of the viewpoints expressed in the pledge or statement.” This could limit the university’s ability to attract and retain a diverse student and faculty body, and this is especially relevant given Ball State’s concerns about enrollment generally and about growing its enrollment of underrepresented students in particular, fundamentally undercutting the inclusiveness that is articulated as one of our “enduring values.” In so doing, it hampers the university’s right to make its own decisions regarding hiring and admission processes, as well as its ability to emphasize the commitment “to respect and embrace equity, inclusion, and diversity in people, ideas, and opinions” (as stated in Ball State’s current [Inclusive Excellence Plan](#)). Ultimately, while the bill uses the

language of “intellectual and cultural diversity,” it creates impediments on faculty and institutions by stigmatizing expressions and statements of diversity or inclusivity, whether intellectual or cultural.

With Ball State Faculty Council having voted in favor of the BSU AAUP’s Statement on the Teaching of Race and Gender (2022) ([here](#)), we note accordingly that BSU faculty as a body has spoken out against such legislative interference as SB 202 now represents. The resolution passed by BSU Faculty Council affirms the AAUP, AAC&U, PEN America, et al.’s Joint Statement on Legislative Efforts to Restrict Education about Racism and American History (2021) ([here](#)). The resolution passed by Ball State’s Faculty Council also affirms that “in a nation that has for centuries struggled with issues of racial inequity and injustice...the Faculty Council resolutely affirms the values of freedom of inquiry, imparting knowledge, and advancing the frontiers of knowledge, all for the purpose of bettering society and individuals. We stand firm against encroachment on these aforementioned values, in particular as they impact student learning and matters related to racial and social justice.” Thus, Ball State faculty has already come out against such legislative attempts to interfere with teaching and curricula, and specifically affirms the right to teach and discuss the kinds of issues enumerated above, without the government overreach of a bill like SB 202. Now, we urge the university administration and all right-thinking people to do the same.

In light of all of the above, it is eminently clear that SB 202 will wreak havoc on Ball State’s and the other Indiana state universities’ operations, teaching, and student affairs, as well as the climate/morale in academia in Indiana more

generally. We already know what this looks like, based on recent developments in Florida and Texas. The results will be undemocratic, stifle academic freedom, and will ultimately push faculty out of higher education and leave our students underserved, particularly when Indiana is in great need of an educated workforce to contribute to its economic development. We therefore reiterate the urgent call to oppose and defeat Indiana bill SB 202.

(Statement Date: January 31, 2024)

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January 26, 2024

SENATE BILL No. 202

DIGEST OF SB 202 (Updated January 24, 2024 5:37 pm - DI 110)

Citations Affected: IC 21-19; IC 21-20; IC 21-21; IC 21-22; IC 21-23; IC 21-24; IC 21-25; IC 21-27; IC 21-38; IC 21-39; IC 21-39.5; IC 21-49.

Synopsis: State educational institution matters. Amends the duties of state educational institutions' diversity committees. Provides that certain offices or individuals established or employed by a state educational institution (institution) regarding diversity programming must include within the mission of the office or position programming that substantially promotes both cultural and intellectual diversity. Establishes various requirements and restrictions for institutions regarding free inquiry, free expression, and intellectual diversity that does the following: (1) Requires the establishment of certain policies regarding: (A) disciplinary actions for certain persons that materially and substantially disrupt protected expressive activity; (B) limiting or restricting the granting of tenure or a promotion if certain conditions related to free inquiry, free expression, and intellectual diversity are not
(Continued next page)

Effective: July 1, 2024.

Deery, Raatz, Johnson T, Byrne

January 9, 2024, read first time and referred to Committee on Education and Career Development.
January 25, 2024, amended, reported favorably — Do Pass.

SB 202—LS 6786/DI 110



Digest Continued

met; and (C) disciplinary actions that will be taken if, after a review, a determination has been made that a tenured faculty member has failed to meet certain criteria related to free inquiry, free expression, and intellectual diversity. (2) Requires the review and consideration, at least every five years, of certain criteria related to free inquiry, free expression, and intellectual diversity. (3) Requires the establishment of a procedure that allows students and employees to submit complaints that a faculty member or contractor is not meeting certain criteria related to free inquiry, free expression, and intellectual diversity and establishes requirements regarding the procedure and submitted complaints. (4) Establishes consideration requirements before an institution renews an employment agreement or other contract with, makes a bonus decision regarding, or completes a review or performance assessment of a faculty member or contractor. (5) Prohibits requiring an applicant, employee, or contractor to pledge allegiance to or make a statement of personal support for: (A) certain policies or actions; or (B) political or ideological movements. (6) Establishes restrictions regarding awarding admission, enrollment, employment, benefits, hiring, reappointment, promotion, or granting tenure to an applicant, employee, or contractor on the basis of the viewpoints expressed in a submitted pledge or statement. (7) Requires certain information be included in an institution's programming for new students. (8) Requires the adoption of a statement on neutrality that makes a distinction between the official positions of an institution from the individual viewpoints of the institution's employees, contractors, students, and alumni. (9) Allows the commission for higher education (commission) to establish a survey that attempts to collect information from students regarding the current perceptions of whether free speech and academic freedom are recognized and fostered by an institution in a manner that welcomes expression of different opinions and ideologies and requires an institution to promote and provide the survey to students. (10) Establishes various reporting requirements by institutions or the commission concerning the following: (A) Complaints submitted regarding faculty members or contractors who are not meeting certain criteria related to free inquiry, free expression, and intellectual diversity. (B) Institutions' budget allocations for diversity, equity, and inclusion initiatives. (11) Provides that certain individuals may request the commission to review a final decision by an institution concerning a violation of these provisions. Adds member appointments by the legislative council to the board of trustees of institutions (board of trustees). Provides that a board of trustees member who is a state employee is not entitled to per diem but is entitled to reimbursement for traveling expenses and other certain expenses. Removes certain criteria requirements for members of boards of trustees. Requires each institution to report certain information at the time the institution submits its legislative budget request.

SB 202—LS 6786/DI 110



January 26, 2024

Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

SENATE BILL No. 202

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 21-19-3-2, AS ADDED BY P.L.2-2007, SECTION
2 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]: Sec. 2. The board of trustees is composed of ~~nine (9)~~ **the**
4 **following eleven (11)** members:

5 (1) **Nine (9) members** appointed by the governor as follows:

6 (1) **(A)** Six (6) members who must be at large.

7 (2) **(B)** Two (2) members who must be alumni of Ball State
8 University.

9 (3) **(C)** One (1) member who must be a Ball State University
10 student.

11 (2) **Two (2) at-large members appointed by the legislative**
12 **council who are not members of the general assembly.**

13 SECTION 2. IC 21-19-3-3 IS REPEALED [EFFECTIVE JULY 1,
14 2024]. Sec. 3. ~~Not more than six (6) of the nonstudent members of the~~
15 ~~board of trustees may be of the same sex.~~

SB 202—LS 6786/DI 110



1 SECTION 3. IC 21-19-3-9, AS ADDED BY P.L.2-2007, SECTION
 2 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2024]: Sec. 9. A vacancy occurring on the board of trustees from
 4 death, incapacitation, or resignation shall be filled by appointment of
 5 the ~~governor~~ **appropriate appointing authority** for the unexpired
 6 term. Vacancies in offices held by alumni members shall be filled from
 7 nominees submitted by the Ball State University alumni council.

8 SECTION 4. IC 21-20-3-2, AS ADDED BY P.L.2-2007, SECTION
 9 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2024]: Sec. 2. The board of trustees has ~~nine (9)~~ **eleven (11)**
 11 members.

12 SECTION 5. IC 21-20-3-3 IS REPEALED [EFFECTIVE JULY 1,
 13 2024]. Sec. 3: ~~This section does not apply to the student trustee~~
 14 ~~appointed to the board of trustees. Not more than:~~

- 15 ~~(1) one (1) of the trustees elected to the board of trustees; and~~
 16 ~~(2) two (2) of the trustees appointed to the board of trustees;~~

17 ~~may reside in the same county.~~

18 SECTION 6. IC 21-20-3-12, AS AMENDED BY P.L.29-2012,
 19 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2024]: Sec. 12. (a) The governor shall appoint five (5)
 21 members of the board of trustees. ~~for~~

22 **(b) The legislative council shall appoint two (2) at-large**
 23 **members of the board of trustees who are not members of the**
 24 **general assembly.**

25 **(c) The members appointed under this section shall serve** terms
 26 of three (3) years.

27 ~~(b)~~ (d) Whenever a vacancy occurs in the membership of the board
 28 of trustees who are appointed by the governor **or legislative council**
 29 because of death or resignation or for any other reason, the vacancy
 30 shall be filled by an appointment of the **governor original appointing**
 31 **authority** for the unexpired term.

32 SECTION 7. IC 21-21-3-2, AS ADDED BY P.L.2-2007, SECTION
 33 262, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2024]: Sec. 2. The board of trustees is composed of ~~nine (9)~~ **the**
 35 **following eleven (11)** trustees:

36 **(1) Nine (9) members** appointed by the governor as follows:

37 ~~(1)~~ **(A)** Seven (7) competent individuals, one (1) of whom
 38 must be a student.

39 ~~(2)~~ **(B)** Two (2) competent individuals who are alumni of
 40 Indiana State University nominated by the alumni council of
 41 Indiana State University.

42 **(2) Two (2) at-large members appointed by the legislative**



1 **council who are not members of the general assembly.**

2 SECTION 8. IC 21-21-3-8 IS REPEALED [EFFECTIVE JULY 1,
3 2024]. ~~Sec. 8: At least one (1) woman must be on the board of trustees.~~

4 SECTION 9. IC 21-21-3-9, AS ADDED BY P.L.2-2007, SECTION
5 262, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2024]: Sec. 9. (a) The ~~governor~~ **appropriate appointing authority**
7 shall fill a vacancy occurring in the board of trustees from death,
8 resignation, or removal from the state for the unexpired term of the
9 retiring trustee.

10 (b) The alumni council of Indiana State University shall nominate
11 the appointee to fill a vacancy caused by the loss of an alumni member.

12 SECTION 10. IC 21-22-3-1, AS ADDED BY P.L.2-2007,
13 SECTION 263, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2024]: Sec. 1. Ivy Tech Community College
15 shall be governed by a state board of trustees appointed by the governor
16 **and the legislative council as provided under section 3 of this**
17 **chapter.**

18 SECTION 11. IC 21-22-3-3, AS AMENDED BY P.L.174-2018,
19 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2024]: Sec. 3. (a) The number of members of the state board
21 of trustees must equal the number of regions established by the state
22 board of trustees plus ~~one (1)~~ **three (3)** additional ~~member,~~ **members,**
23 but shall not exceed ~~fifteen (15)~~ **seventeen (17)** total members.

24 (b) **The legislative council shall appoint two (2) at-large**
25 **members to the state board of trustees who are not members of the**
26 **general assembly. The governor shall appoint the remaining**
27 **members described in subsection (a).**

28 (c) The state board of trustees shall divide the state of Indiana into
29 regions. Each region shall be represented by one (1) trustee **appointed**
30 **by the governor.**

31 (d) Each member of the state board of trustees **appointed by the**
32 **governor** must have knowledge or experience in one (1) or more of the
33 following areas:

- 34 (1) Manufacturing.
35 (2) Commerce.
36 (3) Labor.
37 (4) Agriculture.
38 (5) State and regional economic development needs.
39 (6) Indiana's educational delivery system.

40 (e) One (1) member **appointed by the governor** must serve as an
41 at-large member. Appointments shall be for three (3) year terms, on a
42 staggered basis.



1 ~~(b)~~ (f) An individual who holds an elective or appointed office of
 2 the state is not eligible to serve as a member of the state board of
 3 trustees. A member of a campus board may be appointed to the state
 4 board of trustees but must then resign from the campus board.

5 SECTION 12. IC 21-22-3-4, AS AMENDED BY P.L.174-2018,
 6 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2024]: Sec. 4. The ~~governor~~ **appropriate appointing**
 8 **authority** shall fill all vacancies on the state board of trustees. All
 9 members of the state board of trustees who are serving on July 1, 2018,
 10 are entitled to serve until the ~~ends~~ **end** of their terms. At the end of a
 11 trustee's term or otherwise upon the occurrence of a vacancy, the
 12 ~~governor~~ **appropriate appointing authority** may appoint a trustee in
 13 accordance with section 3 of this chapter.

14 SECTION 13. IC 21-23-3-1, AS ADDED BY P.L.2-2007,
 15 SECTION 264, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2024]: Sec. 1. The board of trustees consists of
 17 ~~ten (10)~~ **twelve (12)** members, to be appointed for the term of service
 18 and in the manner provided by this chapter. The terms of all trustees
 19 terminate on July 1 of the year in which their terms of office expire.

20 SECTION 14. IC 21-23-3-2, AS AMENDED BY P.L.213-2015,
 21 SECTION 237, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) The governor shall appoint
 23 ten (10) trustees, **which includes the Purdue University alumni**
 24 **selected under section 3 of this chapter**, for Purdue University for the
 25 term beginning on July 1 in conformity with this chapter.

26 (b) The general assembly urges the governor to appoint at least one
 27 (1) resident of Allen County to the board of trustees of Purdue
 28 University.

29 (c) **Two (2) at-large members shall be appointed to the board of**
 30 **trustees by the legislative council. The members appointed under**
 31 **this subsection may not be members of the general assembly.**

32 SECTION 15. IC 21-23-3-4 IS REPEALED [EFFECTIVE JULY 1,
 33 2024]. Sec. 4. ~~Seven (7) of the trustees shall be appointed by the~~
 34 ~~governor.~~

35 SECTION 16. IC 21-23-3-8, AS ADDED BY P.L.2-2007,
 36 SECTION 264, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2024]: Sec. 8. In case any vacancy occurs on
 38 the board of trustees by reason of the resignation, removal from the
 39 state, expiration of the term of office, or otherwise of any of the trustees
 40 appointed by the ~~governor~~, **applicable appointing authority**, the
 41 vacancy shall be filled by the ~~governor~~ **applicable appointing**
 42 **authority** from the respective classes as provided in this section to



1 serve only for the unexpired term.

2 SECTION 17. IC 21-23-3-9, AS ADDED BY P.L.2-2007,
3 SECTION 264, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2024]: Sec. 9. **(a)** The acceptance of an
5 appointment by the governor **or legislative council** signifies that the
6 appointee will give the appointee's best efforts to the interests of
7 Purdue University and that the appointee will regularly attend the
8 meetings of the board of trustees.

9 **(b)** The secretary of the board of trustees shall report the attendance
10 of each meeting of the board of trustees to the governor **and legislative**
11 **council regarding the respective members appointed by the**
12 **governor or legislative council.** If a member is absent for two (2)
13 consecutive meetings without sufficient excuse, it shall be considered
14 sufficient cause for the governor **or legislative council** to ask for the
15 resignation of the member **whom the governor or legislative council**
16 **appointed.**

17 SECTION 18. IC 21-24-3-2, AS ADDED BY P.L.2-2007,
18 SECTION 265, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2024]: Sec. 2. The board of trustees consists of
20 ~~nine (9)~~ **eleven (11)** members who shall serve terms of four (4) years.
21 However, the term of a student member of the board of trustees is two
22 (2) years.

23 SECTION 19. IC 21-24-3-4, AS ADDED BY P.L.2-2007,
24 SECTION 265, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2024]: Sec. 4. The **members of the** board of
26 trustees **appointed by the governor** must include at least the
27 following:

28 (1) One (1) member who is an alumnus of the University of
29 Southern Indiana or an alumnus of the regional campus.

30 (2) One (1) member who is a full-time student in good standing
31 enrolled in the University of Southern Indiana.

32 ~~(3) One (1) member who is a resident of Vanderburgh County.~~

33 SECTION 20. IC 21-24-3-5, AS ADDED BY P.L.2-2007,
34 SECTION 265, IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) The governor shall appoint
36 **nine (9)** of the members of the board of trustees.

37 **(b) The legislative council shall appoint two (2) at-large**
38 **members to the board of trustees. The members appointed under**
39 **this subsection may not be members of the general assembly.**

40 ~~(b)~~ (c) If a vacancy occurs during the term of any member, the
41 **governor appointing authority** shall appoint an individual to serve the
42 unexpired term of the vacating member.



1 SECTION 21. IC 21-25-3-1, AS ADDED BY P.L.2-2007,
 2 SECTION 266, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2024]: Sec. 1. The board of trustees consists of
 4 ~~ten (10)~~ **twelve (12)** trustees.

5 SECTION 22. IC 21-25-3-2, AS ADDED BY P.L.2-2007,
 6 SECTION 266, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2024]: Sec. 2. **(a)** Nine (9) members of the
 8 board of trustees shall be appointed by the governor, ~~one (1) of whom~~
 9 ~~must be a resident of Knox County and~~ one (1) **of whom** must be an
 10 alumnus of Vincennes University. In addition, the governor shall
 11 appoint one (1) trustee who is a full-time student of Vincennes
 12 University during the student's term.

13 **(b) The legislative council shall appoint two (2) at-large**
 14 **members to the board of trustees. The members appointed under**
 15 **this subsection may not be members of the general assembly.**

16 SECTION 23. IC 21-27-3-5, AS ADDED BY P.L.167-2007,
 17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2024]: Sec. 5. (a) The board of trustees shall create a diversity
 19 committee to do the following:

- 20 (1) Review and recommend faculty employment policies
 21 concerning **cultural and intellectual** diversity issues.
- 22 (2) Review faculty and administration personnel complaints
 23 concerning **cultural and intellectual** diversity issues.
- 24 (3) Make recommendations to promote and maintain **cultural and**
 25 **intellectual** diversity among faculty members.
- 26 (4) Make recommendations to promote recruitment and retention
 27 of **minority underrepresented** students.

28 (b) The diversity committee shall issue an annual report stating the
 29 findings, conclusions, and recommendations of the committee to the
 30 board of trustees.

31 SECTION 24. IC 21-27-4-4, AS ADDED BY P.L.167-2007,
 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2024]: Sec. 4. (a) The board of trustees shall create a diversity
 34 committee at the home campus and at each regional campus to do the
 35 following:

- 36 (1) Review and recommend faculty employment policies
 37 concerning **cultural and intellectual** diversity issues.
- 38 (2) Review faculty and administration personnel complaints
 39 concerning **cultural and intellectual** diversity issues.
- 40 (3) Make recommendations to promote and maintain **cultural and**
 41 **intellectual** diversity among faculty members.
- 42 (4) Make recommendations to promote recruitment and retention



1 of **minority underrepresented** students.

2 (b) The diversity committee shall issue an annual report stating the
3 findings, conclusions, and recommendations of the committee to the
4 board of trustees.

5 SECTION 25. IC 21-27-5-4, AS ADDED BY P.L.167-2007,
6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2024]: Sec. 4. (a) The board of trustees shall create a diversity
8 committee to do the following:

9 (1) Review and recommend faculty employment policies
10 concerning **cultural and intellectual** diversity issues.

11 (2) Review faculty and administration personnel complaints
12 concerning **cultural and intellectual** diversity issues.

13 (3) Make recommendations to promote and maintain **cultural and**
14 **intellectual** diversity among faculty members.

15 (4) Make recommendations to promote recruitment and retention
16 of **minority underrepresented** students.

17 (b) The diversity committee shall issue an annual report stating the
18 findings, conclusions, and recommendations of the committee to the
19 board of trustees.

20 SECTION 26. IC 21-27-6-7, AS AMENDED BY P.L.174-2018,
21 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2024]: Sec. 7. (a) The board of trustees shall create a diversity
23 committee at the home campus and at each campus to do the following:

24 (1) Review and recommend faculty employment policies
25 concerning **cultural and intellectual** diversity issues.

26 (2) Review faculty and administration personnel complaints
27 concerning **cultural and intellectual** diversity issues.

28 (3) Make recommendations to promote and maintain **cultural and**
29 **intellectual** diversity among faculty members.

30 (4) Make recommendations to promote recruitment and retention
31 of **minority underrepresented** students.

32 (b) The diversity committee shall issue an annual report stating the
33 findings, conclusions, and recommendations of the committee to the
34 state board.

35 SECTION 27. IC 21-27-7-6, AS ADDED BY P.L.167-2007,
36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2024]: Sec. 6. (a) The board of trustees shall create a diversity
38 committee at the home campus and at each regional campus to do the
39 following:

40 (1) Review and recommend faculty employment policies
41 concerning **cultural and intellectual** diversity issues.

42 (2) Review faculty and administration personnel complaints



1 concerning **cultural and intellectual** diversity issues.
 2 (3) Make recommendations to promote and maintain **cultural and**
 3 **intellectual** diversity among faculty members.
 4 (4) Make recommendations to promote recruitment and retention
 5 of **minority underrepresented** students.
 6 (b) The diversity committee shall issue an annual report stating the
 7 findings, conclusions, and recommendations of the committee to the
 8 board of trustees.
 9 SECTION 28. IC 21-27-8-7, AS ADDED BY P.L.167-2007,
 10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2024]: Sec. 7. (a) The board shall create a diversity committee
 12 to do the following:
 13 (1) Review and recommend faculty employment policies
 14 concerning **cultural and intellectual** diversity issues.
 15 (2) Review faculty and administration personnel complaints
 16 concerning **cultural and intellectual** diversity issues.
 17 (3) Make recommendations to promote and maintain **cultural and**
 18 **intellectual** diversity among faculty members.
 19 (4) Make recommendations to promote recruitment and retention
 20 of **minority underrepresented** students.
 21 (b) The diversity committee shall issue an annual report stating the
 22 findings, conclusions, and recommendations of the committee to the
 23 board.
 24 SECTION 29. IC 21-27-9-6, AS ADDED BY P.L.167-2007,
 25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2024]: Sec. 6. (a) The board of trustees shall create a diversity
 27 committee at the home campus and at each regional campus to do the
 28 following:
 29 (1) Review and recommend faculty employment policies
 30 concerning **cultural and intellectual** diversity issues.
 31 (2) Review faculty and administration personnel complaints
 32 concerning **cultural and intellectual** diversity issues.
 33 (3) Make recommendations to promote and maintain **cultural and**
 34 **intellectual** diversity among faculty members.
 35 (4) Make recommendations to promote recruitment and retention
 36 of **minority underrepresented** students.
 37 (b) The diversity committee shall issue an annual report stating the
 38 findings, conclusions, and recommendations of the committee to the
 39 board of trustees.
 40 SECTION 30. IC 21-38-2-1, AS ADDED BY P.L.2-2007,
 41 SECTION 279, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) This section applies to the



boards of trustees of the following state educational institutions:

- (1) Indiana University.
- (2) Purdue University.
- (3) Indiana State University.
- (4) Ball State University.

(b) **Except as provided in section 7 of this chapter**, each member of the board of trustees of a state educational institution is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 31. IC 21-38-2-3, AS AMENDED BY P.L.3-2008, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) **Except as provided in section 7 of this chapter**, a member of the board of trustees of Ivy Tech Community College is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b), unless the member holds another position that is considered a lucrative office within the meaning of Article 2, Section 9 of the Constitution of the State of Indiana.

(b) A member of the board of trustees of Ivy Tech Community College is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 32. IC 21-38-2-5, AS ADDED BY P.L.2-2007, SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. **Except as provided in section 7 of this chapter**, each member of the board of trustees of the University of Southern Indiana is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

SECTION 33. IC 21-38-2-6, AS ADDED BY P.L.2-2007, SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. **Except as provided in section 7 of this chapter**, the members of the board of trustees of Vincennes University shall serve without compensation, except that each member is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to



1 reimbursement for travel, lodging, meals, and other expenses as
2 provided in the state travel policies and procedures established by the
3 Indiana department of administration and approved by the budget
4 agency.

5 SECTION 34. IC 21-38-2-7 IS ADDED TO THE INDIANA CODE
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2024]: **Sec. 7. Any member of a board of trustees of a state
8 educational institution who is a state employee:**

9 **(1) is not entitled to a minimum salary per diem provided by
10 IC 4-10-11-2.1; and**

11 **(2) is entitled to reimbursement for traveling expenses as
12 provided under IC 4-13-1-4 and other expenses actually
13 incurred in connection with the member's duties as provided
14 in the state policies and procedures established by the Indiana
15 department of administration and approved by the budget
16 agency.**

17 SECTION 35. IC 21-38-10 IS ADDED TO THE INDIANA CODE
18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2024]:

20 **Chapter 10. Diversity Programming**

21 **Sec. 1. A state educational institution that establishes, supports,
22 sustains, or employs an office or individual whose primary duties
23 include coordinating, creating, developing, designing,
24 implementing, organizing, planning, or promoting noncredit
25 earning diversity programming shall include within the mission of
26 the office or position programming that substantially promotes
27 both cultural and intellectual diversity.**

28 SECTION 36. IC 21-39-8-12, AS ADDED BY P.L.145-2022,
29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2024]: **Sec. 12. A state educational institution shall:**

31 **(1) create student protected expressive activity policies that are
32 consistent with this chapter;**

33 **(2) create a policy that includes a range of disciplinary actions
34 with regard to an employee, student, student organization, or
35 contractor of the state educational institution that materially
36 and substantially disrupts the protected expressive activity of
37 another employee, student, student organization, or
38 contractor of the state educational institution;**

39 **(2) (3) make protected expressive activity policies created under
40 subdivisions (1) and (2) public in the state educational
41 institution's handbooks, on the state educational institution's
42 Internet web site, website, and at the state educational institution's**



1 student orientation programs; and
 2 ~~(3)~~ (4) develop materials, programs, and procedures to ensure that
 3 individuals who are responsible for disciplining and educating
 4 students, including administrators, campus police officers,
 5 residence life officials, and professors, understand the policies,
 6 regulations, and duties of the state educational institution
 7 regarding protected expressive activity on campus.

8 SECTION 37. IC 21-39.5 IS ADDED TO THE INDIANA CODE
 9 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2024]:

11 **ARTICLE 39.5. STATE EDUCATIONAL INSTITUTIONS:**
 12 **THE PROTECTION OF FREE INQUIRY, FREE EXPRESSION,**
 13 **AND INTELLECTUAL DIVERSITY**

14 **Chapter 1. Definitions**

15 **Sec. 1. The definitions in this chapter apply throughout this**
 16 **article.**

17 **Sec. 2. "Board of trustees" refers to the board of trustees of**
 18 **each of the following:**

- 19 (1) Ball State University.
- 20 (2) Indiana State University.
- 21 (3) Indiana University.
- 22 (4) Ivy Tech Community College.
- 23 (5) Purdue University.
- 24 (6) University of Southern Indiana.
- 25 (7) Vincennes University.

26 **Sec. 3. "Faculty member" means an employee of an institution**
 27 **whose employment duties include teaching or mentoring students**
 28 **of the institution.**

29 **Sec. 4. "Institution" refers to a state educational institution.**

30 **Sec. 5. "Intellectual diversity" means multiple, divergent, and**
 31 **varied scholarly perspectives on an extensive range of public policy**
 32 **issues.**

33 **Sec. 6. "Promotion" means the advancement of a faculty**
 34 **member's employment position to a higher rank, level, or**
 35 **distinction within an institution.**

36 **Sec. 7. "Tenure" means a status of continuous employment**
 37 **granted to a faculty member of an institution in which the faculty**
 38 **member may not be dismissed except for good cause or in**
 39 **accordance with one (1) or more of the following:**

- 40 (1) The policies and procedures adopted by the institution.
- 41 (2) An employment agreement entered into between the
 42 institution and faculty member.



1 **Chapter 2. Tenure, Promotion, Employment, Complaints, and**
 2 **Disciplinary Actions**

3 **Sec. 1. (a) This section applies to an institution that grants**
 4 **tenure or promotions to faculty members.**

5 **(b) Each board of trustees of an institution shall establish a**
 6 **policy that provides that a faculty member may not be granted**
 7 **tenure or a promotion by the institution if, based on past**
 8 **performance or other determination by the board of trustees, the**
 9 **faculty member is:**

10 **(1) unlikely to foster a culture of free inquiry, free expression,**
 11 **and intellectual diversity within the institution;**

12 **(2) unlikely to expose students to scholarly works from a**
 13 **variety of political or ideological frameworks that may exist**
 14 **within and are applicable to the faculty member's academic**
 15 **discipline; or**

16 **(3) likely, while performing teaching or mentoring duties**
 17 **within the scope of the faculty member's employment, to**
 18 **subject students to political or ideological views and opinions**
 19 **that are unrelated to the faculty member's academic**
 20 **discipline or assigned course of instruction.**

21 **Sec. 2. (a) Not later than five (5) years after the date that a**
 22 **faculty member is granted tenure by an institution and not later**
 23 **than every five (5) years thereafter, the board of trustees of an**
 24 **institution shall review and determine whether the faculty member**
 25 **has:**

26 **(1) helped the institution foster a culture of free inquiry, free**
 27 **expression, and intellectual diversity within the institution;**

28 **(2) introduced students to scholarly works from a variety of**
 29 **political or ideological frameworks that may exist within the**
 30 **faculty member's academic discipline or within courses the**
 31 **faculty member has taught;**

32 **(3) while performing teaching or mentoring duties within the**
 33 **scope of the faculty member's employment, refrained from**
 34 **subjecting students to views and opinions concerning matters**
 35 **not related to the faculty member's academic discipline or**
 36 **assigned course of instruction;**

37 **(4) adequately performed academic duties and obligations;**
 38 **and**

39 **(5) met any other criteria established by the board of trustees.**

40 **(b) If the board of trustees of an institution reviews and makes**
 41 **a determination that a faculty member meets the criteria under**
 42 **subsection (a), the board of trustees shall certify that the board**



1 reviewed and made a determination that the faculty member met
2 the criteria.

3 (c) In determining whether a faculty member has adequately
4 performed academic duties and obligations under subsection (a)(4),
5 the board of trustees of an institution may not consider the
6 following actions by a faculty member:

7 (1) Expressing dissent or engaging in research or public
8 commentary on subjects.

9 (2) Criticizing the institution's leadership.

10 (3) Engaging in any political activity conducted outside the
11 faculty member's teaching or mentoring duties at the
12 institution.

13 (d) The institution shall adopt a policy that establishes
14 disciplinary actions, including:

15 (1) termination;

16 (2) demotion;

17 (3) salary reduction;

18 (4) other disciplinary action as determined by the institution;

19 or

20 (5) any combination of subdivisions (1) through (4);

21 that the institution will take if the board of trustees determines in
22 a review conducted under subsection (a) that a tenured faculty
23 member has failed to meet one (1) or more of the criteria described
24 in subsection (a)(1) through (a)(5).

25 (e) The board of trustees of each institution shall, at least every
26 five (5) years, review and renew or amend:

27 (1) the process for reviewing and making a determination
28 under subsection (a); and

29 (2) any criteria established under subsection (a)(5).

30 Sec. 3. (a) This section applies to the following:

31 (1) A faculty member.

32 (2) A person with whom the institution contracts to teach or
33 mentor a student of the institution.

34 (b) Before an institution:

35 (1) renews an employment agreement or other contract with;

36 (2) makes a bonus decision regarding; or

37 (3) completes a review or performance assessment of;

38 a faculty member or person described in subsection (a), the
39 institution shall give substantial consideration to the faculty
40 member's or person's performance regarding the criteria
41 described in section 2(a)(1) through 2(a)(5) of this chapter.

42 Sec. 4. (a) Each institution shall do the following:



- 1 (1) Establish a procedure that allows both students and
 2 employees to submit complaints that a faculty member or
 3 person described in section 3(a) of this chapter is not meeting
 4 the criteria described in section 2(a)(1) through 2(a)(5) of this
 5 chapter.
 6 (2) Provide information regarding the procedure established
 7 under subdivision (1):
 8 (A) at student orientations;
 9 (B) on the institution's website; and
 10 (C) during employee onboarding programs.
 11 (3) Refer complaints submitted under subdivision (1) to
 12 appropriate human resource professionals and supervisors
 13 for consideration in employee reviews and tenure and
 14 promotion decisions.
 15 (4) Make complaints submitted under subdivision (1) and any
 16 relevant documents, summaries, or investigations available to
 17 the board of trustees of the institution.
 18 (5) Not later than April 1, 2025, and not later than April 1
 19 each year thereafter, submit a report to the commission for
 20 higher education that summarizes the following:
 21 (A) The procedure that the institution established under
 22 subdivision (1) for the submission of complaints.
 23 (B) How and when the institution has provided or made
 24 available the information concerning the submission of
 25 complaints procedure to students, faculty members, other
 26 employees, and contractors of the institution.
 27 (C) The number of complaints submitted, disaggregated by
 28 a brief description of the types or categories of complaints
 29 submitted, during the previous calendar year.
 30 (b) The commission for higher education shall do the following:
 31 (1) Prepare a report that provides the following information:
 32 (A) The total number of complaint submissions that each
 33 institution received as provided by the institution under
 34 subsection (a)(5).
 35 (B) The number of complaint submissions as described in
 36 clause (A), disaggregated by a brief description of the types
 37 or categories of complaints submitted.
 38 (2) Not later than July 1, 2025, and not later than July 1 of
 39 each odd-numbered year thereafter, submit the report
 40 described in subdivision (1) to the following:
 41 (A) The legislative council in an electronic format under
 42 IC 5-14-6.



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(B) The budget committee.

(c) An institution and the commission for higher education may not include information in a report submitted under this section that identifies the following:

- (1) A student or employee who submits a complaint under this section.
- (2) A faculty member or person described in section 3(a)(2) of this chapter against whom a complaint was submitted.

Sec. 5. If an institution is unable to fully comply with this chapter due to an employment agreement entered into with a faculty member or person described in section 3(a) of this chapter before July 1, 2024, the institution shall attempt to comply with this chapter to the extent possible under the employment agreement with the faculty member or person.

Sec. 6. Nothing in this chapter prohibits or restricts a board of trustees of an institution from establishing additional policies or criteria.

Chapter 3. Requirements Regarding Students, Employees, Contractors, and Applicants

Sec. 1. (a) This section applies to the following:

- (1) An applicant for admission, enrollment, or employment at an institution.
- (2) An employee of the institution.
- (3) A person with whom the institution contracts to teach or mentor a student of the institution.

(b) An institution may not require an applicant, an employee, or a person described in subsection (a) to pledge allegiance to or make a statement of personal support for any:

- (1) policy or action that would treat similarly situated people or groups of people differently based on the race, color, national origin, sex, sexual orientation, or religion; or
- (2) political or ideological movement.

(c) If an institution receives a pledge or statement described in subsection (b), including any statement regarding diversity, equity, and inclusion, or related topics, the institution may not award:

- (1) admission, enrollment, or employment;
- (2) benefits;
- (3) hiring, reappointment, or promotion; or
- (4) granting tenure;

to an applicant, an employee, or a person described in subsection (a) on the basis of the viewpoints expressed in the pledge or statement.



1 **Sec. 2. An institution shall include the following information in**
 2 **the institution's programming for new students:**

3 **(1) The importance of:**

4 **(A) free inquiry and free expression; and**

5 **(B) intellectual diversity of viewpoints.**

6 **(2) The appropriate and inappropriate responses to speech**
 7 **that a student finds offensive or disagreeable.**

8 **Chapter. 4. Policy on Neutrality**

9 **Sec. 1. The board of trustees of each institution shall adopt a**
 10 **policy on the neutrality of the institution that makes a distinction**
 11 **between the official positions of the institution, including its**
 12 **schools, colleges, and departments, from the individual viewpoints**
 13 **of the institution's employees, contractors, students, and alumni.**

14 **Sec. 2. A policy adopted under section 1 of this chapter must**
 15 **limit the circumstances in which an employee or group of**
 16 **employees from the institution may establish an official institution,**
 17 **school, college, or department position on political, moral, or**
 18 **ideological issues to only those circumstances that affect the core**
 19 **mission of the institution and its values of free inquiry, free**
 20 **expression, and intellectual diversity.**

21 **Sec. 3. Nothing in this chapter may be construed to limit the:**

22 **(1) free speech of any individual beyond any employment**
 23 **requirements established by the institution; or**

24 **(2) ability of an institution to advocate for state funding or**
 25 **educational policies to the state or federal government.**

26 **Chapter 5. Reporting Requirements**

27 **Sec. 1. The commission for higher education may establish a**
 28 **student survey that attempts to collect information from students**
 29 **of an institution regarding the current perceptions of whether free**
 30 **speech and academic freedom are recognized and fostered by the**
 31 **institution in a manner that welcomes expression of different**
 32 **opinions and ideologies with respect to, but not limited to, classes,**
 33 **faculty members and other instructors, peer interactions, speakers,**
 34 **and campus groups.**

35 **Sec. 2. If the commission for higher education establishes a**
 36 **student survey under section 1 of this chapter, each institution may**
 37 **promote and provide to students the survey established under**
 38 **section 1 of this chapter.**

39 **Sec. 3. If the commission for higher education establishes a**
 40 **student survey under section 1 of this chapter, the commission for**
 41 **higher education may do the following:**

42 **(1) Prepare a biennial report that summarizes, for each**



- 1 institution, the information collected from the student survey
 2 responses.
- 3 (2) Submit the report described in subdivision (1) to the
 4 legislative council in an electronic format under IC 5-14-6.
- 5 (3) Post the report on the commission for higher education's
 6 website.
- 7 **Sec. 4. (a) Not later than May 1, 2025, and not later than May 1**
 8 **of each odd-numbered year thereafter, each institution shall**
 9 **submit data to the commission for higher education describing the**
 10 **institution's budget allocations for diversity, equity, and inclusion**
 11 **initiatives.**
- 12 (b) The commission for higher education shall do the following:
- 13 (1) Prepare a report that summarizes the information in the
 14 reports submitted by the institutions under subsection (a).
- 15 (2) Not later than July 1, 2025, and not later than July 1 of
 16 each odd-numbered year thereafter, submit the report
 17 described in subdivision (1) to:
- 18 (A) The legislative council in an electronic format under
 19 IC 5-14-6.
- 20 (B) The budget committee.
- 21 (c) The commission for higher education shall do the following:
- 22 (1) Establish guidelines for institutions regarding initiatives
 23 that are considered diversity, equity, and inclusion initiatives
 24 under subsection (a).
- 25 (2) Post the guidelines established under subdivision (1) on the
 26 commission for higher education's website.
- 27 **Sec. 5. An institution and the commission for higher education**
 28 **may not include information in a report submitted under this**
 29 **chapter that identifies an individual student.**
- 30 **Chapter 6. Construction and Enforcement**
- 31 **Sec. 1. Nothing in this article may be construed to do the**
 32 **following:**
- 33 (1) Preclude efforts to gauge an applicant's commitment,
 34 plans, or past performance in fostering intellectual diversity.
- 35 (2) Prohibit an institution from:
- 36 (A) requiring a student, faculty member, contractor, or
 37 any other employee of the institution to comply with
 38 federal or state antidiscrimination laws; or
- 39 (B) taking action against a student, faculty member,
 40 contractor, or any other employee of the institution for a
 41 violation of federal or state antidiscrimination laws.
- 42 (3) Limit or restrict the academic freedom of faculty members



1 or prevent faculty members from teaching, researching, or
2 writing publications about diversity, equity, and inclusion or
3 other topics.

4 (4) Prohibit an institution from considering the subject matter
5 competency of any candidate for employment, reappointment,
6 tenure, or promotion when the subject matter is germane to
7 the candidate's or faculty member's field of scholarship.

8 (5) Prohibit an institution from considering the candidate's or
9 faculty member's past or potential for future contributions to
10 fostering a culture of intellectual diversity at the institution.

11 (6) Prohibit an institution from complying with federal
12 requirements to be eligible for federal grants.

13 Sec. 2. (a) As used in this chapter, "petitioner" means any of the
14 following:

- 15 (1) A student of an institution.
- 16 (2) An employee of an institution.
- 17 (3) A contractor of an institution.
- 18 (4) An applicant for admission, enrollment, or employment
19 with the institution.

20 (b) After completing any applicable complaint process
21 established by the institution regarding a violation of this article,
22 a petitioner who is not satisfied with a final decision by the
23 institution regarding a complaint of a violation of this article, may
24 submit a request to the commission for higher education, on a form
25 prescribed by the commission for higher education, to review any
26 complaint by the petitioner and decision by the institution, as
27 applicable.

28 (c) The commission for higher education shall review the
29 request submitted under subsection (b) and issue a final order
30 regarding the request not later than sixty (60) days after the date
31 that the commission for higher education receives the request.

32 SECTION 38. IC 21-49-4 IS ADDED TO THE INDIANA CODE
33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2024]:

35 **Chapter 4. State Educational Institution Information Reporting**

36 **Sec. 1.** Each state educational institution shall, at the time the
37 state educational institution submits its legislative budget request,
38 submit to the budget committee a report that includes the following
39 information:

- 40 (1) For each academic year, beginning with the 2000-2001
41 academic year, the total number of state educational
42 institution:



- 1 **(A) full-time and tenured professors;**
- 2 **(B) adjunct instructors;**
- 3 **(C) other contingent faculty; and**
- 4 **(D) nonacademic support or administrative employees.**
- 5 **(2) For each academic year, the total number of employees at**
- 6 **the state educational institution whose primary or secondary**
- 7 **job duties or job titles include diversity, equity, and inclusion.**
- 8 **(3) For each academic year, the total number of state**
- 9 **educational institution adjudications or proceedings**
- 10 **regarding violations of policies regarding diversity, equity,**
- 11 **and inclusion or harassment.**
- 12 **(4) A list and description of what the state educational**
- 13 **institution does to ensure free speech rights of students.**
- 14 **(5) A list and description of what the state educational**
- 15 **institution does to ensure intellectual freedom for professors.**
- 16 **(6) A list and description of what the state educational**
- 17 **institution does to ensure intellectual and ideological diversity**
- 18 **of professors.**



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 202, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 21-19-3-2, AS ADDED BY P.L.2-2007, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. The board of trustees is composed of ~~nine (9)~~ **the following eleven (11)** members:

(1) **Nine (9) members** appointed by the governor as follows:

(~~1~~) (A) Six (6) members who must be at large.

(~~2~~) (B) Two (2) members who must be alumni of Ball State University.

(~~3~~) (C) One (1) member who must be a Ball State University student.

(2) **Two (2) at-large members appointed by the legislative council who are not members of the general assembly.**

SECTION 2. IC 21-19-3-3 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 3: ~~Not more than six (6) of the nonstudent members of the board of trustees may be of the same sex:~~

SECTION 3. IC 21-19-3-9, AS ADDED BY P.L.2-2007, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. A vacancy occurring on the board of trustees from death, incapacitation, or resignation shall be filled by appointment of the ~~governor~~ **appropriate appointing authority** for the unexpired term. Vacancies in offices held by alumni members shall be filled from nominees submitted by the Ball State University alumni council.

SECTION 4. IC 21-20-3-2, AS ADDED BY P.L.2-2007, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. The board of trustees has ~~nine (9)~~ **eleven (11)** members.

SECTION 5. IC 21-20-3-3 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 3: ~~This section does not apply to the student trustee appointed to the board of trustees. Not more than:~~

(~~1~~) one (~~1~~) of the trustees elected to the board of trustees; and

(~~2~~) two (~~2~~) of the trustees appointed to the board of trustees;

~~may reside in the same county.~~

SECTION 6. IC 21-20-3-12, AS AMENDED BY P.L.29-2012,



SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. (a) The governor shall appoint five (5) members of the board of trustees. ~~for~~

(b) The legislative council shall appoint two (2) at-large members of the board of trustees who are not members of the general assembly.

(c) The members appointed under this section shall serve terms of three (3) years.

~~(b)~~ (d) Whenever a vacancy occurs in the membership of the board of trustees who are appointed by the governor **or legislative council** because of death or resignation or for any other reason, the vacancy shall be filled by an appointment of the **governor original appointing authority** for the unexpired term.

SECTION 7. IC 21-21-3-2, AS ADDED BY P.L.2-2007, SECTION 262, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. The board of trustees is composed of ~~nine (9)~~ **the following eleven (11)** trustees:

(1) Nine (9) members appointed by the governor as follows:

~~(1)~~ **(A)** Seven (7) competent individuals, one (1) of whom must be a student.

~~(2)~~ **(B)** Two (2) competent individuals who are alumni of Indiana State University nominated by the alumni council of Indiana State University.

(2) Two (2) at-large members appointed by the legislative council who are not members of the general assembly.

SECTION 8. IC 21-21-3-8 IS REPEALED [EFFECTIVE JULY 1, 2024]. ~~Sec. 8: At least one (1) woman must be on the board of trustees.~~

SECTION 9. IC 21-21-3-9, AS ADDED BY P.L.2-2007, SECTION 262, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. (a) The ~~governor~~ **appropriate appointing authority** shall fill a vacancy occurring in the board of trustees from death, resignation, or removal from the state for the unexpired term of the retiring trustee.

(b) The alumni council of Indiana State University shall nominate the appointee to fill a vacancy caused by the loss of an alumni member.

SECTION 10. IC 21-22-3-1, AS ADDED BY P.L.2-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. Ivy Tech Community College shall be governed by a state board of trustees appointed by the governor **and the legislative council as provided under section 3 of this chapter.**

SECTION 11. IC 21-22-3-3, AS AMENDED BY P.L.174-2018,



SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) The number of members of the state board of trustees must equal the number of regions established by the state board of trustees plus ~~one (1)~~ **three (3)** additional ~~member,~~ **members**, but shall not exceed ~~fifteen (15)~~ **seventeen (17)** total members.

(b) The legislative council shall appoint two (2) at-large members to the state board of trustees who are not members of the general assembly. The governor shall appoint the remaining members described in subsection (a).

(c) The state board of trustees shall divide the state of Indiana into regions. Each region shall be represented by one (1) trustee appointed by the governor.

(d) Each member of the state board of trustees appointed by the governor must have knowledge or experience in one (1) or more of the following areas:

- (1) Manufacturing.
- (2) Commerce.
- (3) Labor.
- (4) Agriculture.
- (5) State and regional economic development needs.
- (6) Indiana's educational delivery system.

(e) One (1) member appointed by the governor must serve as an at-large member. Appointments shall be for three (3) year terms, on a staggered basis.

~~(b)~~ **(f)** An individual who holds an elective or appointed office of the state is not eligible to serve as a member of the state board of trustees. A member of a campus board may be appointed to the state board of trustees but must then resign from the campus board.

SECTION 12. IC 21-22-3-4, AS AMENDED BY P.L.174-2018, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. The ~~governor~~ **appropriate appointing authority** shall fill all vacancies on the state board of trustees. All members of the state board of trustees who are serving on July 1, 2018, are entitled to serve until the ~~ends~~ **end** of their terms. At the end of a trustee's term or otherwise upon the occurrence of a vacancy, the ~~governor~~ **appropriate appointing authority** may appoint a trustee in accordance with section 3 of this chapter.

SECTION 13. IC 21-23-3-1, AS ADDED BY P.L.2-2007, SECTION 264, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. The board of trustees consists of ~~ten (10)~~ **twelve (12)** members, to be appointed for the term of service and in the manner provided by this chapter. The terms of all trustees



terminate on July 1 of the year in which their terms of office expire.

SECTION 14. IC 21-23-3-2, AS AMENDED BY P.L.213-2015, SECTION 237, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) The governor shall appoint ten (10) trustees, **which includes the Purdue University alumni selected under section 3 of this chapter**, for Purdue University for the term beginning on July 1 in conformity with this chapter.

(b) The general assembly urges the governor to appoint at least one (1) resident of Allen County to the board of trustees of Purdue University.

(c) Two (2) at-large members shall be appointed to the board of trustees by the legislative council. The members appointed under this subsection may not be members of the general assembly.

SECTION 15. IC 21-23-3-4 IS REPEALED [EFFECTIVE JULY 1, 2024]. ~~Sec. 4. Seven (7) of the trustees shall be appointed by the governor.~~

SECTION 16. IC 21-23-3-8, AS ADDED BY P.L.2-2007, SECTION 264, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. In case any vacancy occurs on the board of trustees by reason of the resignation, removal from the state, expiration of the term of office, or otherwise of any of the trustees appointed by the ~~governor~~, **applicable appointing authority**, the vacancy shall be filled by the ~~governor~~ **applicable appointing authority** from the respective classes as provided in this section to serve only for the unexpired term.

SECTION 17. IC 21-23-3-9, AS ADDED BY P.L.2-2007, SECTION 264, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. (a) The acceptance of an appointment by the governor **or legislative council** signifies that the appointee will give the appointee's best efforts to the interests of Purdue University and that the appointee will regularly attend the meetings of the board of trustees.

(b) The secretary of the board of trustees shall report the attendance of each meeting of the board of trustees to the governor **and legislative council regarding the respective members appointed by the governor or legislative council**. If a member is absent for two (2) consecutive meetings without sufficient excuse, it shall be considered sufficient cause for the governor **or legislative council** to ask for the resignation of the member **whom the governor or legislative council appointed**.

SECTION 18. IC 21-24-3-2, AS ADDED BY P.L.2-2007, SECTION 265, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2024]: Sec. 2. The board of trustees consists of ~~nine (9)~~ **eleven (11)** members who shall serve terms of four (4) years. However, the term of a student member of the board of trustees is two (2) years.

SECTION 19. IC 21-24-3-4, AS ADDED BY P.L.2-2007, SECTION 265, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. The **members of the** board of trustees **appointed by the governor** must include at least the following:

- (1) One (1) member who is an alumnus of the University of Southern Indiana or an alumnus of the regional campus.
- (2) One (1) member who is a full-time student in good standing enrolled in the University of Southern Indiana.
- ~~(3) One (1) member who is a resident of Vanderburgh County.~~

SECTION 20. IC 21-24-3-5, AS ADDED BY P.L.2-2007, SECTION 265, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) The governor shall appoint **nine (9)** of the members of the board of trustees.

(b) The legislative council shall appoint two (2) at-large members to the board of trustees. The members appointed under this subsection may not be members of the general assembly.

~~(b)~~ (c) If a vacancy occurs during the term of any member, the **governor appointing authority** shall appoint an individual to serve the unexpired term of the vacating member.

SECTION 21. IC 21-25-3-1, AS ADDED BY P.L.2-2007, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. The board of trustees consists of ~~ten (10)~~ **twelve (12)** trustees.

SECTION 22. IC 21-25-3-2, AS ADDED BY P.L.2-2007, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. **(a)** Nine (9) members of the board of trustees shall be appointed by the governor, ~~one (1) of whom must be a resident of Knox County and~~ one (1) **of whom** must be an alumnus of Vincennes University. In addition, the governor shall appoint one (1) trustee who is a full-time student of Vincennes University during the student's term.

(b) The legislative council shall appoint two (2) at-large members to the board of trustees. The members appointed under this subsection may not be members of the general assembly."

Page 4, between lines 9 and 10, begin a new paragraph and insert:
"SECTION 30. IC 21-38-2-1, AS ADDED BY P.L.2-2007, SECTION 279, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2024]: Sec. 1. (a) This section applies to the boards of trustees of the following state educational institutions:

- (1) Indiana University.
- (2) Purdue University.
- (3) Indiana State University.
- (4) Ball State University.

(b) **Except as provided in section 7 of this chapter**, each member of the board of trustees of a state educational institution is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 31. IC 21-38-2-3, AS AMENDED BY P.L.3-2008, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) **Except as provided in section 7 of this chapter**, a member of the board of trustees of Ivy Tech Community College is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b), unless the member holds another position that is considered a lucrative office within the meaning of Article 2, Section 9 of the Constitution of the State of Indiana.

(b) A member of the board of trustees of Ivy Tech Community College is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 32. IC 21-38-2-5, AS ADDED BY P.L.2-2007, SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. **Except as provided in section 7 of this chapter**, each member of the board of trustees of the University of Southern Indiana is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

SECTION 33. IC 21-38-2-6, AS ADDED BY P.L.2-2007, SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. **Except as provided in section 7 of this chapter**, the members of the board of trustees of Vincennes University shall serve without compensation, except that each member



is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 34. IC 21-38-2-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 7. Any member of a board of trustees of a state educational institution who is a state employee:**

- (1) is not entitled to a minimum salary per diem provided by IC 4-10-11-2.1; and**
- (2) is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency."**

Page 12, after line 24, begin a new paragraph and insert:

"SECTION 39. IC 21-49-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

Chapter 4. State Educational Institution Information Reporting

Sec. 1. Each state educational institution shall, at the time the state educational institution submits its legislative budget request, submit to the budget committee a report that includes the following information:

- (1) For each academic year, beginning with the 2000-2001 academic year, the total number of state educational institution:**
 - (A) full-time and tenured professors;**
 - (B) adjunct instructors;**
 - (C) other contingent faculty; and**
 - (D) nonacademic support or administrative employees.**
- (2) For each academic year, the total number of employees at the state educational institution whose primary or secondary job duties or job titles include diversity, equity, and inclusion.**
- (3) For each academic year, the total number of state educational institution adjudications or proceedings regarding violations of policies regarding diversity, equity, and inclusion or harassment.**
- (4) A list and description of what the state educational institution does to ensure free speech rights of students.**



(5) A list and description of what the state educational institution does to ensure intellectual freedom for professors.

(6) A list and description of what the state educational institution does to ensure intellectual and ideological diversity of professors."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 202 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 9, Nays 4.

