

Senate Document 23-23

The negative impact of Indiana Senate Bill 202 on academic freedom at Purdue University and other institutions of higher education in Indiana.



SB 202: In a Nutshell

- It proceeds from the premise that there is a lack of “intellectual diversity” in higher education in the state.
- It proposes to address this situation through mandating the creation of a large institutional structure
 - Presided over by the Board of Trustees
 - To check that faculty are promoting intellectual diversity
 - With significant punitive measures

SB 202 Impact I: Review

- Board of Trustees would review each faculty for their actions regarding “intellectual diversity”
- The reviews would be conducted at the point of
 - granting tenure
 - Assessing for promotion
 - Five years after the granting of tenure and every five years after that.
- The review would consider whether the faculty was
 - “likely” or “unlikely” to “foster a culture of free inquiry, free expression and intellectual diversity...”;
 - “likely” or “unlikely” to expose students to scholarly works from a variety of political or ideological frameworks...”
 - “likely, while performing teaching or mentoring duties...to subject students to political or ideological views and opinions that are unrelated to the faculty member’s academic discipline...”
- Based on the outcome the BoT can terminate, demote, reduce salary and/or any other disciplinary action determined by the institution.

SB 202 Impact II : Complaints procedure

Each HEI in Indiana must:

- create a procedure that allows students and employees to submit complaints that a faculty member is not promoting intellectual diversity
- Provide information about this procedure at student orientations, institution's website and during employee onboarding.
- Have complaints received be included in employee reviews, tenure and promotion decisions.
- Make complaints available to Board of Trustees
- Send an annual report to the Indiana commission of higher education about the number of complaints and actions under this procedure.

SB 202 Impact III: DEI-related

- HEIs may not ask for a statement of personal support or “pledge allegiance” for any
 - Policy or action that would treat similarly situated people or groups differently based on race, color, national origin, sex, sexual orientation, or religion;
 - Political or ideological movement.
- If an HEI receives such a statement or pledge “including any statement regarding diversity, equity and inclusion, or related topics” it must not award:
 - Admission, enrollment or employment
 - Benefits
 - Hiring, reappointment or promotion
 - Tenure

SB 202 Impact IV: Others

- Changes the constitution of the Board of Trustees, broadly increasing the weight of the governor and various bodies of the general assembly, usually at the expense of alumni groups and others.
- Indiana HEIs must have a policy of neutrality.
 - This would additionally restrict the types of positions that could be expressed by a school, college, or department on political moral or ideological issues.
 - It would restrict the kinds of official institutions that could be set up by a school, college or department.
- A person unhappy with the results of the review by the Board of Trustees can appeal to the Indiana Commission for Higher Education about the decision.

Concerns about research and wording - I

- Senator Spencer Deery author of SB 202 (listed on the Indiana senate website as an employee of the Purdue Research Foundation) suggested that 46% of politically conservative students believe they can openly express their opinions. Which doesn't line up with the report he's citing to make this claim. It's a poorly conducted and unscientific survey in any case.

- Studies suggest that students don't express their opinions for a variety of reasons. Of these, the major reason is their fear of the opinion of their peers.

	<i>Agree or strongly agree</i>
Students can express opinions freely	78.1% (6.4%)
Free speech is highly valued	75.4% (7.3%)
Instructors listen to people with different opinions	70.1% (8.9%)

Source: *Indiana Commission for Higher Education Campus Free Speech Report 2023*

Reference 11 in SD 23-23 points to two such studies.

Concerns about research and wording – II

- Purdue University Senate Chair in his remarks stated that: “well-intentioned people can propose misguided and poorly grounded law. I believe SB 202 is a victim of this dynamic...”
- AAUP has pointed out that laws concerning “viewpoint diversity” and “intellectual diversity”, have been one of a suite of wordings adopted by right-wing lawmakers as part of “a coordinated attack against public colleges and universities....” ([here](#))

SD 23-23: Rationale

1. SB 202 will have a detrimental impact on academic freedom at state schools in Indiana.
2. Dilutes tenure which is a better guarantee of academic freedom than the procedures instated by SB 202.
3. Promotes greater interference by political appointees in academic matters by making them the first port of call for intellectual diversity.
 - *Currently, such questions are dealt with through faculty-populated committees via grievance and current termination for cause procedures.*
4. Is poorly written in key places offering tremendous interpretive latitude, e.g., through the use of “likely” and “unlikely”.
5. Promotes suspicion and mistrust on campus through its complaints procedure.
6. Creates a massive increase in bureaucracy for a problem that isn’t in evidence.
 - Review c. 200 faculty each year
 - inclusion of “intellectual diversity” in annual reviews
 - a new set of reporting procedures.
7. No protections of any sort (outside of approaching the courts) for faculty subjected to complaints or sanctions.

SD 23-23: The Proposals

1. Proposes that this faculty as a collective body rejects SB 202, as an attack on academic freedom at this university and around HEIs in Indiana.
2. Proposes that the Senate Chair reach out to the press in Indiana and elsewhere so that the opinion of this house is known clearly to law makers and citizens.
3. Proposes that the Senate Chair and Vice Chair reach out to different constituencies across the university and the state at large, coordinate actions and join with them in efforts to convince law makers to reject SB 202. These include
 - a) Students at Purdue University
 - b) The president of Purdue University
 - c) Bodies of administrative workers at Purdue University
 - d) Other faculty senates at universities across Indiana

Statements against SB 202 across Indiana

By Faculty Senates/Faculty Councils

Purdue Northwest ([unanimous on 2/9](#))
Purdue Fort Wayne ([unanimous 2/12](#))
Ball State ([large majority now en-route to Senate](#))
IU South Bend ([here](#))
Indiana State University Faculty Senate ([here](#))

By University Presidents and Provosts

IU Bloomington ([here](#), [here](#))
Indiana State University ([here](#))

By Individual members or Boards of Trustees

Indiana State University ([here](#))

Faculty or other civil society organizations

Ball State AAUP ([here](#))
IU Bloomington AAUP ([here](#))
PU West Lafayette AAUP ([here](#))
PU Fort Wayne AAUP ([here](#))
ACLU ([here](#))

We have one shot at this

- Passed by Indiana Senate Education committee Jan. 25
- Passed Indiana Senate Feb. 6
- First reading in Indiana House Education committee Feb. 12
- Slated for discussion (without public testimony) Feb. 21

- Short session of the Indiana General Assembly concludes **Mar. 15**

We have one opportunity to express our collective voice as the faculty at Purdue University.

Some proposed amendments

- Based on feedback received from various senators, the amendments in the document make the following changes in the Proposal Section:
 - Removes the incorrect implication that the Senate is the apex body on academic matters.
 - Specifies what is meant by the term “Senate Leadership” – that the Senate Chair would arrange for the actions.
 - Substitutes the word “urge” for the word “demand” in proposal 3 addressed to the Purdue University President.

Thank You

