

To: The University Senate
From: The Faculty Affairs Committee
Subject: The negative impact of Indiana Senate Bill 202 on academic freedom at Purdue University and at other institutions of higher education in Indiana
Reference: [Indiana Senate Bill 202](#)
Disposition: University Senate for Discussion and Adoption

Rationale: Academic freedom, and the institutional arrangements to secure them, go to the heart of the mission of the University Senate. National bodies of faculty, like the AAUP [1], and Indiana-based institutions of higher education, like Purdue University [2], have a long record of acknowledging the essential importance of academic freedom for teaching and research, and the duties and responsibilities that go hand-in-hand with this principle. Indeed, academic freedom is the best guarantee for intellectual diversity in academia.

At Purdue University, this commitment is embodied through multiple institutional guarantees which affirm both academic freedom and the associated but distinct principle of freedom of expression. Purdue's policy on academic freedom affirms faculty primacy in deciding the content of inquiry and instruction [3]. Both formal and informal procedures relating to violations also reflect the primacy of the faculty in determining the parameters of academic freedom through a distinct structure of grievance committees [4]. Purdue University's current policy and procedures also affirm the importance of tenure in securing academic freedom [5]. On freedom of expression, too, the general approach of the university has been to insist on the greatest latitude to faculty (and staff and student) expression. This is embodied in Purdue University's "commitment to Freedom of Expression which follows the principles outlined by the University of Chicago's committee on Freedom of Expression [6].

SB0202 outlines institutional arrangements that ignore the long history of placing determination of matters like academic freedom and intellectual diversity in the hands of the faculty. It replaces them with arrangements and measures certain to create state interference on these crucial questions.

A. In placing guardianship of intellectual diversity in the hands of the Boards of Trustees SB 202 reposes responsibility for academic freedom in the hands of a body a majority of whose members are politically appointed [7]. This represents a dangerous misallocation of responsibilities away from the faculty—who are in the best position to judge the quality, diversity, and rigor of academic work. SB 202 does this through Chapter 2 Sec. 1 (b), Sec. 2, Sec. 4(a)(4) which gives the Board of Trustees a new power to inquire into the academic content of faculty coming up for tenure and promotion. Chapter 4 Sec. 2 gives the Board of Trustees the power to create policy on institutional neutrality which has the capacity to limit the establishment of positions, departments, institutions, schools, and colleges.

B. The wording of key provisions of SB 202 accords a tremendous degree of interpretive latitude. There is a clear danger of selective application of these provisions by political appointees. Examples of this are the use of the words “likely” and “unlikely” in Chapter 2 Sec. 1 b (1)-(3) and the broad latitude envisaged in Sec. 2 (a) (5).

C. Academic freedom is also assaulted by the dilution of tenure envisaged in Chapter 2 Sec. 2, which institutes a post-tenure review process with a variety of possible sanctions including termination. As mentioned in A. above, the fact that political appointees are in charge of this process only makes it possible that tenure is now a political weapon to leverage.

D. Encourages an atmosphere of suspicion and mistrust on university campuses by creating a new apparatus designed to gather complaints regarding the intellectual viewpoints expressed by faculty in class (Chapter 2 Section 4). The goal of students being able to safely express their complaints against faculty is one that we support. However, there is no evidence that existing structures for student complaints, including against faculty, are failing in their task.

E. Creates an unnecessary and weighty bureaucratic structure of reporting and data gathering for complaints relating to ill-defined criteria for intellectual diversity (Chapter 5). Indeed, this seems a particularly apt instance of a bureaucratic waste of scarce university resources.

F. These considerable additional restrictions on the academic freedom of faculty in Indiana are accompanied by no robust protections for faculty subjected to complaints or sanction. Most

caveats in the Bill reiterate rights guaranteed by existing federal law—e.g. those relating to free speech and expression. The only avenue for appeal is to the Commission for Higher Education—a body also dominated by appointees of the government of the day.

As is extensively documented by the AAUP, measures such as these in the name of “viewpoint diversity” have already had disastrous impacts on freedom of inquiry and dissemination. This has taken the form of closing institutions (e.g. in North Carolina those creating policy on subjects like biodiversity and poverty), state governments taking control of institutions (e.g. New College in Florida) and the creation by boards of governors of new institutions to further partisan views (School of Civic Life and Leadership at UNC Chapel Hill) [8]. Indeed robust evidence for a lack of intellectual diversity at universities in the US is absent [9-11]. The cure, however, for a disease that might not exist, is most certainly a problem. As pointed out in the 2007 *Freedom in the Classroom* report, “We ought to learn from history that education cannot possibly thrive in an atmosphere of state-encouraged suspicion and surveillance” [12].

Intellectual diversity is indeed a value to be cherished. The most robust foundation for it in the university is academic freedom and independence from state interference. While claiming to stand for intellectual diversity, SB 202 would constitute a significant reduction of academic freedom, both here at Purdue University and also more generally at other Indiana Institutions of Higher Education.

Proposal:

As the body with the apex authority on academic matters at Purdue University, Purdue University Senate should take the following actions to oppose SB 202 at Purdue and elsewhere in Indiana:

1. The Senate adopt the following statement:

The Purdue University Senate rejects the provisions in SB 202 which grant the Board of Trustees oversight of intellectual diversity on campus. The Board of Trustees as a body is not equipped to judge matters of intellectual diversity in instruction or research. As a body appointed by the government of the State of Indiana, its actions on matters of intellectual activity in the university would represent an improper extension of state control over matters of academic freedom. We, therefore, urge all members of the Indiana General Assembly to reject this measure. We also call on all our constituents, members of the university community

and supporters of academic freedom in Indiana to actively lobby their representatives to oppose this measure.

2. Senate leadership publicize its adoption of this statement to appropriate Indiana-wide and national media.
3. The Senate demand that the President of Purdue University make a public statement expressing the university's opposition to SB 202 and noting in particular its deleterious impact on academic freedom.
4. Senate leadership reach out to the leaderships of the Purdue Graduate Student Government, Purdue Student Government and the leaderships of MaPSAC and CSSAC and urge them to publicly voice their opposition to SB 202, noting in particular its deleterious impact on academic freedom.
5. The Senate leadership reach out to the leaderships of the Senates at Purdue Northwest, Purdue Fort Wayne to coordinate a Purdue system-wide opposition to SB 202 centered on its deleterious impact on academic freedom.
6. The Senate leadership participate in developing a state-wide joint response to SB 202. This would involve reaching out to faculty bodies at the other universities in Indiana mentioned in Art. 39.5 Chap 1. Sec. 2 of SB 202 and coordinate an urgent campaign to strengthen opposition to the bill.

References:

1. AAUP 1940 Statement of Principles on Academic Freedom. Available at <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure#B5>
2. Purdue University Faculty and Staff Handbook: "Academic Freedom". Available at https://www.purdue.edu/faculty_staff_handbook/policies/faculty-policies/academic-freedom.php
3. Purdue University Academic and Research Affairs Policies: Academic Freedom (1.A.4) <https://www.purdue.edu/policies/academic-research-affairs/ia4.html>
4. Section III of "Principles and Policies for Academic Freedom, Responsibilities and Tenure, and Procedures for Termination of Faculty Appointments for Cause". Available at <https://www.purdue.edu/policies/human-resources/b-48.html>

5. Purdue University Academic and Research Affairs Policies, “Academic Tenure and Promotion (I.B.2)” Available at <https://www.purdue.edu/policies/academic-research-affairs/ib2.html>
6. Purdue University, “Commitment to Freedom of Speech”. Available at <https://www.purdue.edu/home/free-speech/>
7. “Indiana Law Governing Trustees of Purdue University”, available at <https://www.purdue.edu/bot/about/indiana-code.php>. SB202 increases the number of political appointees on Boards of Trustees around the state.
8. AAUP “Statement of Political Interference in Higher Education”, January 2024, Available at <https://www.aaup.org/report/statement-political-interference-higher-education>
9. Gross, Neil and Solon Simmons(ed.s), *Professors and their Politics* (Baltimore: Johns Hopkins University Press, 2014).
10. See the exchange between Naomi Oreskes and Charlie Tyson, and Phillip W. Magness in September-October 2020 in the *Chronicle of Higher Education* ([1](#), [2](#), [3](#)).
11. On the reasons for Student self-censorship not primarily being fear of faculty see [Megan Zahneis, ‘The Real Source of Self-Censorship’, in *The Chronicle of Higher Education*, March 22, 2023](#)
12. Finkin, Matthew, Robert Post and Cary Nelson, *Freedom in the Classroom* (Report prepared for the AAUP, September-October 2007) available at <https://www.aaup.org/file/ACASO07FreedomClassrmRpt.pdf>

Committee Votes:

For:

Françoise Brosseau-Lapré *
Patricia Davies
Angeline Lyon
Stephanie Masta
Jennifer Scheuer
Anish Vanaik *
Eric Waltenburg

Against:

Abstained:

Lisa Mauer

Absent:

Stephen Cameron
Michael Campion
Ajay Malshe
Sunil Prabhakar
J. Paul Robinson

* Indicates co-chairs