

PROTECT IU FROM 202: CRITICAL PRIORITIES

Whereas Indiana University has maintained its integrity by strict adherence to its principles of shared governance, honoring diversity, and defending academic freedom;

Whereas SEA 202 is, at its core, not about “intellectual diversity” but represents a disguised attack on diversity, equity, and inclusion and academic freedom;

Whereas, to protect its basic values, and preserve the rights of faculty, staff and students, the IU community must together find a way to implement the law without threatening academic freedom or diversity;

We offer these six critical priorities:

1. Protect Shared Governance

- ***The Board of Trustees and upper administration must respect the critical role of the faculty in governing Indiana University.***
 - Without faculty, there is no university. The BFC is the appropriate channel for communication between faculty, administration, and the Board of Trustees. Two-way communication must be honored.
 - The BFC must be given time to solicit input from *the entire faculty*, not just the executive committee or the BFC President.

2. Protect Diversity

- ***Complaints about teaching and research on DEI should be disallowed as part of any system that collects or investigates SEA 202 complaints***
 - Research has repeatedly shown that faculty of color and marginalized faculty are more likely to be targeted by discriminatory complaints.
 - SEA 202 cannot be construed to “prevent faculty members from teaching, researching, or writing publications about diversity, equity, and inclusion.”
 - Complaints about DEI will cause fear and confusion, leading faculty to self-censor their instruction on diversity, equity, and inclusion, *thus violating the law itself.*
- ***To avoid a massive out-migration of faculty, IU must develop a plan to retain faculty of color and marginalized faculty by proactively offering support to manage spurious or discriminatory SEA 202 complaints.***
- ***IU must refuse to allow any data on the roles of professors, instructors, or staff teaching or involved in diversity, equity, and inclusion programming to be used to terminate DEI staff or end DEI programs.***

3. Protect Due Process

- ***Do not employ EthicsPoint—commercial software used to investigate “fraud, abuse, and illegal activity”—as the platform for investigating complaints.***
- ***Provide full due process protections for faculty as per ACA-33, including:***

- the right to know the complainant's identity (*no anonymous complaints*)
- the right to receive a complete copy of the complaint.
- **All 202 complaints should be addressed in accordance with current ACA-33 policy, starting at the departmental level, escalating only if necessary.**

4. **Protect Academic Freedom**

- **Protect tenure, established by the AAUP in 1940 to guard academic freedom and resist the kinds of faculty purges occurring in Nazi Germany.**
 - The AAUP should convene a campus-wide forum on the history, meaning and purpose of tenure.
 - The findings of that forum should be delivered to the BFC committees charged with implementing SEA 202.
- **Academic freedom for instructors without tenure must also be respected.**
 - A majority of classes today are taught by instructors who do not have tenure (e.g., lecturers, graduate instructors, adjuncts).

5. **Protect Students + Staff**

- **Protect students and staff who are also struggling against SEA 202, recognizing the critical and precarious nature of their positions.**
 - Insist on due process rights for students and staff—particularly for DEI staff, people of color, and other marginalized members of the IU community.
 - Protect the diversity of IU faculty and staff who are most at risk of SEA 202 complaints, since a diverse body of faculty and staff is best-equipped to recruit, retain, and teach a diverse body of students.
- **Secure a promise from the university administration that they will not follow the example of the University of Florida or the University of Texas at Austin and terminate DEI staff or programs.**

6. **Protect the Future**

- **Monitor the impact of the SEA 202 implementation on IU's campuses.**
 - Collect and monitor disaggregated data both on complainants and those who receive complaints to monitor for disproportionality in the process.
- **The University is responsible for defending the First Amendment rights of faculty and staff, particularly people of color and those from other marginalized backgrounds.**

For more detailed information and guidance about SEA 202, see the [Critical Brief on SEA 202](#) by the University Alliance for Racial Justice.



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