

To: the Board of Trustees of Indiana University
Re: Proposed Expressive Policy
Date: 2024, July 9
From: Harold Cicada Dennis

I see nothing to recommend adoption of this policy. There is not a single redeeming feature of it and its adoption at the stated "Effective Date" will immediately result in people being in violation of the policy and in lawsuits being filed against the University. This reactive and inadvisable policy should be rejected.

The first problem with this proposed policy is the process by which it is being proposed. It is stated at the beginning that its "Effective Date" is August 1, 2024. This suggests that there is already a determination to adopt said policy, regardless of the feedback being requested, that the request for comments is merely pro-forma, and that such feedback is not being seriously considered. The timing is also suspect, as the request for feedback is occurring during summer when Faculty and Students are mainly not available to provide such feedback.

The message I received about the request for feedback from staff stated: "This policy was crafted in response to the policy changes and events of April 25 in Dunn Meadow." It has been obvious to everyone that IU administration's desire to change the University's free speech policies has been driven by the desire to suppress particular beliefs and points of view from being expressed on campus. The timing and twisting of process that accompanies this latest attempt to change these policies belies any pretense of a content neutral policy. The clear intent of the policy is to give the administration a new excuse to clear out the Encampment in Dunn Meadow and to punish students and others who support the views and speech that is being articulated there.

The history of students using shanties and encampments in Dunn Meadow to express viewpoints and request action from IU's administration with regard to events that are of importance to our school, our people, and our nation has a long history. This administration's attempts to eliminate the current encampment ignores this long history and violates IU's tradition of supporting Free Speech and the Rights of the People to assemble on campus to express themselves. The proposed policy speaks mainly about how and when speech should be suppressed, and sanctions for exercising free speech in "unacceptable" ways.

The statements about "supporting" free speech expressed at the beginning of the policy are negated by what follows. There is nothing in the policy that actually protects free speech and, in fact, various parts of the policy, it could be argued, are in violation of the State Law that mandates a policy protecting the rights of citizens to free speech on University grounds, in addition to being a violation of our First Amendment rights. For example, the statement: "Expressive Activity ... must not take place in areas that are used for instructional, administrative, or residential purposes..." How can any teacher even teach? How is teaching not expressive activity? Another example: "installation of structures at any time, must be approved and if approved, must adhere to the guidelines provided by the University. The request for

temporary structures must be requested 10 days in advance of proposed installation.” How can any requirement for approval be squared with the idea of freedom of expression as guaranteed by our USA constitution? The same could be said of the statement “Light projections may not be displayed on any University building or structure without the advanced written approval from University Capital Planning and Facilities.” The statement: “Overnight camping, which includes the use of any item to create a shelter, is not a form of Expressive Activity.” is not factual. And indeed one sentence later that is acknowledged: “Encampments and overnight Expressive Activity are not permitted in any indoor or outdoor location.” I think the examples provided above show how reckless the policy is toward the cherished ideals of our nation and how useless this document is as a University policy.

To conclude, any changes to the 1969 policy and the related 1989 Dunn Meadow Policy report should start with a clear articulation of those current policies and interpretations and then make proposed amendments to those documents, along with rationale for each and every change. Any such changes should be developed through a transparent process and involve all participants in the shared governance of IU, and deliberated over a considerable period of time and adopted at such a time as they would not be construed as being a response to a particular controversy.