

Press Release Statement in Opposition to the Proposed Policy on Expressive Activity

July 26, 2024

Many of the IU Community stand in opposition to the June 21 proposed policy on Expressive Activity. A draft of this policy was presented to the IU community through an email on June 21, 2024 from General Council Anthony Prather under the heading “Board of Trustees Expressive Activity Policy” with an effective date set for August 1, 2024—a total of 28 working days while, in fact, most faculty and student constituents are not on contract or enrolled. While the Board of Trustees has the legal authority to propose and pass policies without following the typical procedures, it is an affront to any robust shared governance practices in the time-honored traditions of Indiana University. Given recent votes of no-confidence and faculty dissent over the recent administration’s ad hoc policy development on April 24 (in anticipation of a protest that was set to begin April 25), proposing a major new policy without shared governance and through such a rushed timeline is at its core problematic. Despite requesting feedback, the Board has failed to send out revisions for review and the community has no idea what draft of the policy will actually be voted on.

Policies on Expressive Activity or free speech have the most fundamental responsibility to protect expressive activity, but this policy fails to articulate how it will ensure the rights of IU community members to actively participate in the exercise of their free speech. Instead, the policy details limitations on expressive activity and grants IU unrestrained rights to punish those who act outside the very limited and unclear boundaries it has set. The policy does not acknowledge or account for the positive nature of expressive activity—which as an educational institution is unacceptable. The policy does not detail how IU will be responsible for supporting expressive activity.

General Council Prather indicated that the state of Indiana expects universities not to have ONE designated space for free speech activity. This provides one reason for amending the current policies regarding the use of Dunn Meadow. The spirit of HE1190 is to indicate that the right to engage in expressive activity cannot/should not be banned from outdoor spaces or limited to one space. All universities have the legal right/responsibility to establish *reasonable* space, time, and manner limitations to the exercise of expressive activities on their campuses. The proposed policy loses the spirit of broadening the engagement of expressive activities beyond Dunn Meadow, while using that breadth as a reason to set unclear/potentially unreasonable limitations (for example, not using grassy areas and equate protesting with a planned event by requiring a 10-day approval process which seemingly eliminates quick response protests/counter-protests) and extreme repercussions (for example, student suspension or staff firing, without warning) on free expression.