

Bill aims to reshape higher education¹⁴

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The Herald-Times

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An Indiana Senate bill that has received near-universal condemnation from faculty organizations at the state's public universities advanced through the House education committee last Wednesday and is awaiting discussion on the House floor in the final weeks of the session.



Deery

Senate Bill 202 (SB 202), which was introduced by Sen. Spencer Deery (R-Lafayette) and cleared the Senate along party lines earlier this month, would put state universities' boards of trustees in charge of evaluating and reviewing tenure appointments every five years for "criteria related to free inquiry, free expression, and intellectual diversity."

The proposed legislation would also

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limit universities' ability to take official positions on "political, moral, or ideological issues" and require new student programming to include information on free inquiry and civil debate.

Critics of the proposed legislation — including Indiana University President Pamela Whitten and Purdue University's faculty-led Senate — say the bill poses a near-existential threat to faculty tenure, making retaining and recruiting faculty harder and potentially eroding academic freedom. But supporters say the bill will enshrine tenure in Indiana's laws for the first time, and argue the legislation is necessary to combat "excessive politicization" within classrooms.

"The reality is, this is a major step forward in my view, both for tenure rights, as well as for academic quality," Deery said.

Indiana legislation similar to higher ed bills in other conservative states

Senate Bill 202 draws parallels to higher education reform bills passed in states like Florida and Texas.

In 2022, Florida Republicans passed a law that charged the state's Board of Governors with reviewing tenured faculty appointments at Florida's public universities every five years. Texas passed a law last year that allowed state universities' trustee boards to fire tenured faculty for reasons including "professional incompetence" and "conduct involving moral turpitude." Similar bills have also been introduced in Iowa, North Dakota and South Carolina.

Higher education reform bills like these aim to combat alleged liberal bias and politicization within classrooms. The 2023 Indiana Campus Free Speech Report, for example, found 55% of respondents felt conservatives could openly express their opinions on campus, compared to 72% for liberal students.

Deery, who works for the Purdue Research Foundation, said he decided to lead the charge for higher education reform in Indiana because of his background in higher education.

"I understand how higher education actually works and I can also do it in a way that stays true to its values," Deery said. "I started working with multiple universities, multiple administrators, and faculty over the summer and tried to thread that needle to address some of these issues in a way that was very smart and sophisticated and not just copy and pasting what everybody else has done."

The bill has faced more criticism and amendments since landing in the House education committee. An amended version passed the committee by a 6-4 vote on Feb. 21.

The amended bill no longer gives state lawmakers appointments to the boards of trustees for public universities. It provides an option for the Commission on Higher Education to review an employment decision under certain circumstances, such as conflicts of interest. It also provides specific examples of what trustees cannot consider when determining whether someone gets tenure, including if a faculty member has previously criticized university leadership or engaged in political activity outside their discipline.

Deery said he is pleased with the bill that's now due for a second reading in the House, where more amendments can be proposed.

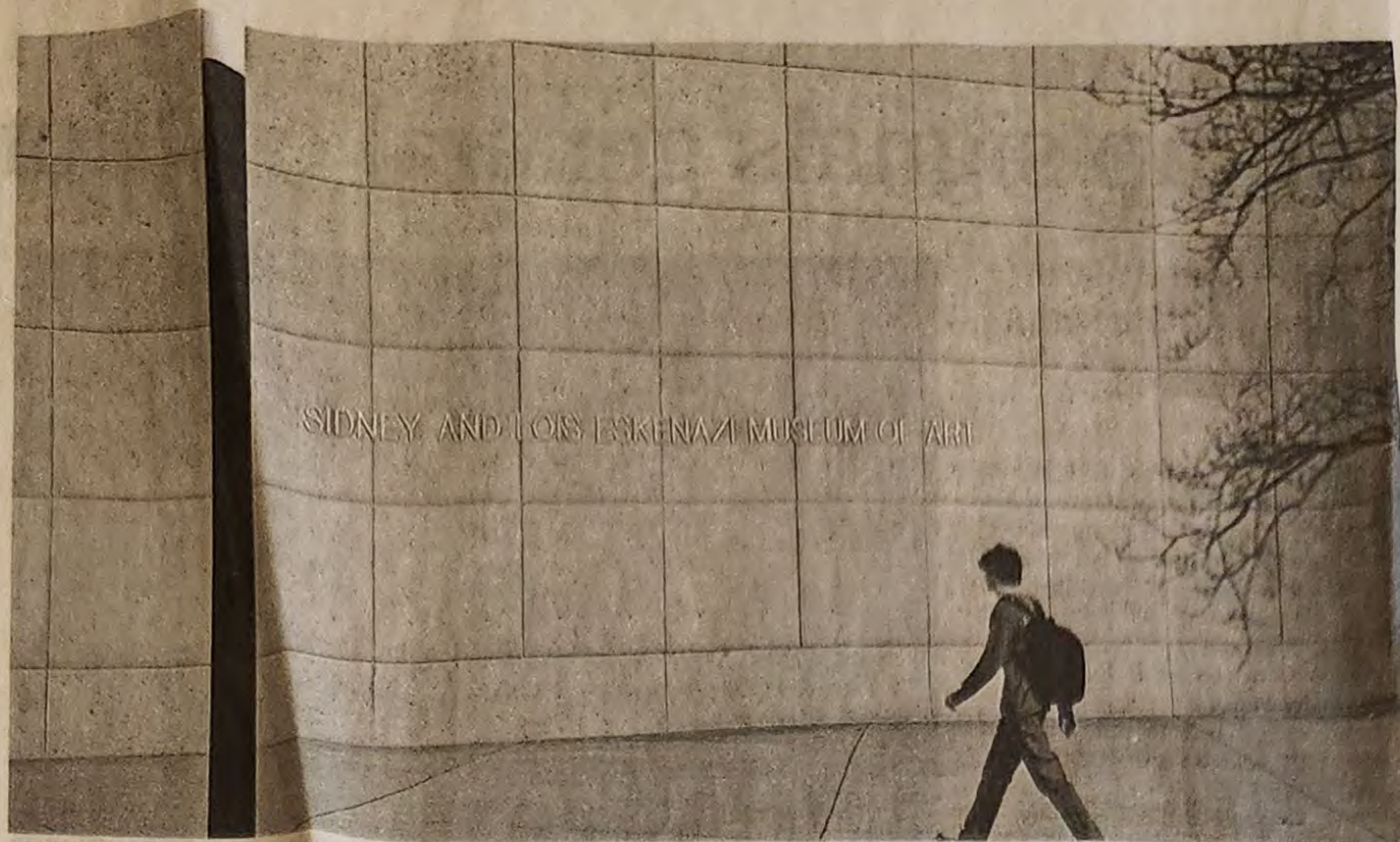
"That's the way the process works here as it gets better and better, but I'm very pleased where we're at," Deery said. "I think the bill is getting better as it goes along."

American Association of University Professors pushes back against bill

Among the fiercest critics of these higher education reform bills is the national American Association of University Professors (AAUP), an organization that was instrumental in standardizing tenure practices in the U.S. nearly a century ago.

The AAUP has approximately 44,000 members and more than 500 chapters across the country. The proposed bill has received condemnations from IU Bloomington (IUB) and Purdue's AAUP chapters, as well as Ball State University's Faculty Council.

Mark Criley, a senior program officer at the AAUP's national headquarters, said SB 202 is unique for the "fine-grained involvement" it gives to trustee boards to review tenure appointments for intellectual diversity and free inquiry criteria. Criley said since the majority of trustees at state universities are appointed by Indiana's governor, the proposed tenure review process could create a feeling of political oversight.



Decisions, such as Indiana University's cancellation of Samia Halaby's planned exhibit at the Eskenazi Museum of Art, have faculty members and others concerned about political influences on campus. PHOTOS BY RICH JANZARUK/HERALD-TIMES



A student approaches stairs on the Indiana University campus past chalk messages relating to the Israel-Hamas war earlier this month.

"Trustees, who are political appointees, would judge whether faculty members expose students to the full range of ideological and political views within their profession," Criley said. "And that's not a place where political appointees ought to be inserting themselves."

IU's President Whitten has spoken out against the bill, warning the "unintended consequences" from its tenure review stipulations could "put academic freedom at risk, weaken the intellectual rigor essential to preparing students with critical thinking skills, and damage our ability to compete for the world-class faculty who are at the core of what makes IU an extraordinary research institution."

Purdue has not released a formal statement on the bill, with Tim Doty, Purdue's director of communications, saying administrators were "working to fully understand its details" as it advances through both chambers. A spokesman for Ball State's top administrators declined an interview request regarding SB 202.

Senate Bill 202: 'It's basically giving a gag order'

The proposed legislation comes at a particularly heated time for many college campuses, as debates about the Israel-Hamas conflict and 2024 election rage inside and outside classrooms. Since last year, IUB has faced allegations of censoring pro-Palestinian activists on campus for suspending a professor and canceling a Palestinian artist's planned exhibition — two moves that have received condemnations from free-speech organizations including the Foundation for Individual Rights and Expression (FIRE) and the state's ACLU. Renae Lesser, a graduate student at IU Bloomington, worries the bill could create a more hostile campus environment that limits academic freedom and inquiry.

"I think there's a misunderstanding that academic freedom is just a faculty issue or an issue of tenure," Lesser said. "But actually, I think it could impact free inquiry as a public good."

Jennifer Erickson, a professor of anthropology at Ball State University who testified against SB 202 to the House education committee last week, said the bill's emphasis on faculty oversight could stifle academic freedom and constitute government overreach. She points to a provision in the bill that urges students to file complaints against faculty and courses they find "offensive and disagreeable."

"If you're saying that you want to be able to fire faculty for not promoting intellectual diversity, it's basically giving a gag order to them to say: 'Don't upset students. Don't challenge them, or we might have to fire you,'" Erickson said.

Bryan Duarte, an assistant professor at Purdue, expressed his concerns about faculty members who research contemporary issues, which could be perceived as being intrinsically political.

"The language of the bill gives the board of trustees the power to target faculty members that they disagree with," Duarte said. "It's not actually

about intellectual diversity because we are already intellectually diverse. Everything we write goes through peer review and we are very well aware of multiple angles on all issues we write about."

Supporters argue SB 202 will restore 'integrity' to campuses

Charles Trzcinka, a member of IU Bloomington's AAUP who supports the bill, said if passed, SB 202 would enshrine tenure in Indiana law for the first time.

Trzcinka said the bill will strengthen tenure by codifying it into state law and mandating specific actions for which professors cannot be fired or denied tenure, including criticizing their institution's leadership, expressing dissent or engaging in public commentary on subjects, or engaging in political activities outside of their teaching or professional duties. He points to the suspension of IUB professor Abdulkader Sinno and the dismissal of IU Northwest professor Mark McPhail as evidence of the need for such statewide tenure protections.

"So don't tell me stories about how this ends tenure. Indiana University is ending, or restricting it now," Trzcinka said.

But Criley argues enshrining tenure into state law is dangerous, especially if it comes with apparent political trade-offs.

"The risk when you put those protections into state law is that they're subject to the kind of political tinkering and interference that we're seeing in this bill," Criley said. "I'm not sure that a bill that enshrines tenure at the state level is worth the price."

Beyond tenure protections, Trzcinka argues the bill is necessary to ensure a wide range of topics and viewpoints are being taught in classrooms, especially in academic spaces dominated by left-leaning faculty. A 2022 FIRE survey found nearly half of faculty identified as liberal or far-left, while only 26% identified as conservative or far-right.

Chris Elmore, a Purdue University junior who chairs the Indiana Federation of College Republicans, said the proposed bill would help to foster greater intellectual diversity and encourage conservative participation at Indiana's public universities. Elmore said in his role as the IFCR's chairman, he's spoken to conservative students across the state who say they were insulted by fellow students and even singled out by professors for their beliefs.

"It breaks my heart that you have to have legislation in order to protect intellectual diversity and to ensure that schools are teaching you how to think and different ways of thinking, but that's the case," Elmore said.

Elmore said the bill is a "good first step," even as he hopes in the long term that legislative intervention won't be necessary.

"Maybe the changes will be made and things will kind of balance out and calm down politically, but why not have that in there right now until that happens?" Elmore said. "I just don't understand the opposition to it. It seems like it's an effort to continue this regime of destabilizing conservative voices."

Deery argues the bill will help to protect higher education in Indiana as some of his constituents call for even tougher reforms — or defunding.

"I'm saying, I acknowledge those problems, let's fix them and pave the way for us to be able to fix those problems, so that we can have the landscape where we can continue to invest in our institutions of higher education because they're so important for our state," Deery said. "I gain nothing from attacking universities. In fact, I've tried to do the opposite."

Critics anticipate challenges

to research, recruitment

Robert Eno, a member of IU's AAUP, said the proposed bill could negatively impact Indiana's ability to recruit and retain top faculty, and lead to IU and Purdue losing their status as Research I universities in the next few years.

"Top faculty will always have other places they can go," Eno said. "This will not seem to be a welcoming environment, and certainly not one that has the type of tenure security that's essential for this type of work."

Indiana University, Indiana University Health and Purdue University comprise three of the top 10 employers in Indiana, and Eno worries changes to tenure could not only affect faculty, but the grants and research opportunities top tenured faculty bring.

"When they leave the university, the university loses that money, it often loses the graduate students that are part of those research grants," Eno said. "The impact of it is going to be pretty significant, right away."

In a 2023 survey of Texas faculty by the Texas AAUP and Texas Faculty Association, approximately 48.7% of respondents said they'd noticed fewer candidates applying to faculty positions, and 51% noticed faculty candidates "expressing hesitancy in their interviews." Respondents also listed tenure issues as one of the chief reasons they were considering leaving the state, alongside the state's political climate and academic freedom.

David Sanders, a West Lafayette City Council member and associate professor at Purdue, says faculty candidates have already expressed pause about Indiana's political climate, and worries this bill could further harm faculty recruitment.

"The hostility towards women, minorities, LGBT people, that gives people pause for their willingness to come to here to Indiana," Sanders said. "The combination of the effects on faculty, the effect on students, it's just going to damage the reputation of Indiana universities and no one has even countered that argument."

Trzcinka says faculty candidates who support free inquiry in their work would not be discouraged by Indiana's tenure review laws.

"Why would a high quality chemistry professor turn down a university because of intellectual diversity?" Trzcinka said. "The fields that are complaining about this, they're in a homogenous bubble."

Elmore echoed those sentiments, saying tenure review could help to weed out professors who would target conservative students.

"If a professor doesn't want to come to Indiana because they want to be free to suppress conservative students, then we probably don't want them to be a teacher at an Indiana university in the first place," Elmore said.

Deery said much of the opposition to the bill is fueled by misinformation or lack of understanding, and encouraged concerned faculty at Indiana's state universities to look at the bill for themselves.

"Anytime that you address that issue, I understand that people get more worried about their job security and their livelihood and then that makes them apprehensive," Deery said. "But ultimately, I have been very cautious and deliberate to actually strengthen what, in my view, the protections of what tenure is intended to do, which is to protect you against retaliation for your criticism of the administration for the content of your research or for your outside political views."

Noe Padilla, Jordan Smith and Britany Carloni contributed to this report. Reach Brian Rosenzweig at brian@herald.com.

State House passes tenure reform bill

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Noe Padilla

Lafayette Journal & Courier

USA TODAY NETWORK

WEST LAFAYETTE, Ind. — Over the last month, opposition to Senate Bill 202 has steadily grown as many academics spoke out against the controversial education bill. Ultimately, those concerns fell on deaf ears as the legislation passed the Indiana House of Representatives Tuesday.

The bill now returns to the Indiana Senate. The last stop is the governor's office, if the Senate approves changes made in the House.

The bill passed along party lines with 67 in favor, and 30 opposed.

SB 202, which was introduced by Sen. Spencer Deery (R-Lafayette), would reform the tenure process in Indiana to ensure public universities adopt a philosophy of promoting free speech and "intellectual diversity," which was defined as "multiple, divergent and varied scholarly perspectives on an extensive range of public policy issues."

The bill gives universities' boards of trustees the ability to evaluate faculty members' effectiveness at fostering an environment for "free inquiry, free expression, and intellectual diversity."

Boards of trustees will be able to define what intellectual diversity means at their campus, as well as within individual disciplines.

The bill also directs universities to create a procedure allowing both students and employees to submit complaints against a faculty member or person who they believe isn't meeting the college's standard for intellectual diversity.

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It will give the board the ability to determine whether faculty are eligible for tenure or promotion depending on their performance in promoting intellectual diversity every five years.

Representatives speak against the bill

Representatives spoke for an hour as they urged their colleagues to vote against Deery's bill.

Notably, two representatives from Deery's shared district, Rep. Chris Campbell (D-West Lafayette) and Rep. Sheila Klinker (D-Lafayette) spoke against the bill.

Campbell highlighted language in the bill which she found concerning, specifically the use of "unlikely" and "likely," when determining if a faculty member meets the standard set by the board of trustees.

"... likely, while performing teaching duties within the scope of the faculty member's employment, to subject students to political or ideological views and opinions that are unrelated to the faculty member's academic discipline or assigned course of instruction," reads the portion of the bill that Campbell referred to during the hearing.

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Holcomb signs university anti-'viewpoint discrimination' bill, 74 others

Leslie Bonilla Muñiz
Indiana Capital Chronicle

Indiana Gov. Eric Holcomb signed a whopping 75 bills into law on Wednesday, including a heavily debated proposal that conservative proponents hope will spur "intellectual diversity" in publicly funded college classrooms.

Other bills he approved will offer retirement bonuses to former public employees, relax some child care regulations, block underage Hoosiers from accessing pornographic content online, and more.

Six bills remain that Holcomb can sign, veto or allow to become law without his signature.



Holcomb

Faculty and students overwhelmingly contended Senate Enrolled Act 202 would micro-manage their institutions and have a "chilling effect" on free expression.

Holcomb, in a statement Wednesday, said the bill aligns with his track record of "encourag(ing) diversity, inclusivity and respect for all" by "ensur(ing) freedom of expression" for faculty and students.

"The bill requires free inquiry and civil discourse programming for new students, strongly encourages academic freedom and protects faculty to express differing viewpoints from their colleagues and university leadership," Holcomb continued. "The Senate Bill statutorily recognizes faculty tenure and tasks each institution to develop its own review process.

"I have faith in our public universities to faithfully implement this law to foster the successful growth and

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Holcomb

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intellectual vibrancy of academia while protecting the rights of all individuals," he concluded.

The bill's supporters say conservative faculty members and students are increasingly ostracized at progressively liberal college and university settings — or at least perceive such shunning.

It makes changes to the institutions' diversity-oriented positions and their policies for tenure, contract renewals, performance reviews and more. It also establishes new reporting and survey requirements based on "free inquiry, free expression, and intellectual diversity."

Author Sen. Spencer Deery, R-West Lafayette, celebrated the signature in a statement.

"Indiana just sent a strong signal that our state is committed to academic freedom, free expression and intellectual diversity for all students and faculty," he said. "Universities that fail to foster intellectually diverse communities that challenge both teachers and learners fail to reach their potential. This measure that makes it significantly less likely that any university will short-change our students in that way."

Deery lauded the bill for making the creation of "truly diverse" communities an "expectation across the state." He said it neither mandated nor prohibited any content, and wouldn't interrupt "minority student" university recruitment and retention efforts.

"This bill pushes our universities to improve with minimal disruption to how they already operate, and I am grateful to the governor and my colleagues for helping me to make it state law," Deery added.

Governor signs bills on retirement benefits, child labor laws

Former public employees are expected to win big under legislation Holcomb also signed into law.

An estimated 175,000 — according to the Indiana Public Retirement System (INPRS) — will get a one-time benefit bonus by October. And they're guaranteed to get annual 13th checks or cost-of-living adjustments for the foreseeable future, under a compromise lawmakers struck on the final day of the legislative session.

It came after weeks of tussling over policy goals and years of differences in preferred approaches to additional benefits.

Sen. Brian Buchanan, who carried the long-term plan that his chamber inserted into House Enrolled Act 1004, said he was "thankful" Holcomb signed the legislation into law.

"This new law ensures public retirees will be taken care of and makes INPRS more sustainable for future generations," Buchanan, R-Lebanon, added.

Holcomb signed dozens of other bills, including:

- House Enrolled Act 1084, which lets four state officeholders carry handguns in and around the Statehouse. It also seeks privacy for firearm owners and fairness in transactions for firearm businesses.

- House Enrolled Act 1093, loosening teenage labor laws.

- House Enrolled Act 1102, relaxing child care regulations in a bid to improve the state's seat shortage.

- House Enrolled Act 1137, requiring schools to approve parental requests for students to leave class during the day for religious instruction.

- Senate Enrolled Act 17, requiring that websites hosting pornographic content verify a user's age before allow-

ing access.

- Senate Enrolled Act 282, which seeks to crack down on absenteeism in schools.

- Senate Enrolled Act 234, which limits how long a governor can call a statewide disaster emergency without legislative approval to 60 days.

Attorney General Todd Rokita applauded the emergency powers change, saying "Glad to see Hoosiers will no longer be controlled by any governor's view of what qualifies as a state of disaster emergency for months on end like we did in 2020. Now, our local elected leaders in the General Assembly will have the power to vote on this and make appropriate decisions for their constituents."

Holcomb has yet to sign 6 bills, including measures defining and banning antisemitism in public education, constraining the state's public access chief, limiting "foreign adversary" land buys, ending a long-running local lawsuit against firearm manufacturers and altering an Indianapolis-based financial district.

He is scheduled to sign the sixth, which legalizes restaurant happy hours and carry-out alcohol orders, on Thursday afternoon at an Indianapolis establishment.

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The Indiana Capital Chronicle is an independent, nonprofit news organization dedicated to giving Hoosiers a comprehensive look inside state government, policy and elections.

... thinking that older cars were mostly subdued. But these elegant and expensive cars mostly are restored to their original colors. The 1913 Rambler is bright blue."

Connor is no car aficionado, but she had come to appreciate the historic cars that have graced the hotel. "I knew nothing about cars, but have done a lot of reading about them since we have been having these shows. I love meeting the owners and learning the idiosyncrasies of their vehicles."

Indianapolis businessman and car collector Timothy Durham loaned all six of his vintage convertibles for the show. He drove each one onto the ballroom floor the day before the show began.

The cars are roped off and are for viewing, not touching — except for a yet-to-be-restored 1947 Jaguar Drop-head Coupe provided by an anonymous collector. "All of them are pristine, but we do have this one car people are allowed to look inside and to touch," Connor said.

Have a story to tell about a car or truck? Contact My Favorite Ride reporter Laura Lane at 312-318-5967.

Unrest Brings Varied Tactics From Colleges

Administrators Weigh When to Call Police

This article is by Nicholas Bogel-Burroughs, Alan Blinder and Neelam Bohra.

BOSTON — Wearing riot helmets and carrying zip ties, Boston police officers moved in one day this week and surrounded a group of pro-Palestinian protesters on a grassy patch of Northeastern University's campus. Six police wagons were idling nearby, and an officer had issued a terse warning. Mass arrests looked imminent.

Then, without explanation, the riot police packed up and left.

The sudden end to the standoff produced cheers from the protesters, and confusion for those who had been bracing for chaos. In recent days, police officers have rushed in to break up student encampments at the University of Southern California, Emerson College in Boston and Ohio State University. At Emory University in Atlanta, officers used pepper balls and wrestled protesters to the ground, ultimately arresting 28 people.

On quads and lawns from coast to coast, colleges are grappling with a groundswell of student activism over Israel's ongoing military campaign in Gaza. Administrators are having to make controversial decisions over whether to call in the police, and are often criticized regardless of the route they take.

"They don't seem to have a clear strategy," said Jennie Stephens, a professor at Northeastern who attended the protest there to support the students. "I think there's this inclination to kind of control what's happening on campus, but then that's balanced with the optics — or the violence, or the real harm — done to students or faculty or staff or others if there are arrests."

Hundreds of protesters have been arrested across the country. Police and protesters have reported being injured at some college demonstrations, but in many cases, the arrests have been peaceful, and protesters have often willingly given themselves up when officers move in.

At Northeastern on Thursday, about 100 protesters had linked arms in a circle around a half-dozen tents on a lawn known as the Centennial Common.

The dean of students and the university police had warned protesters that they would be consid-

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Campus Demonstrations Bring a Range of Responses From Universities

ered trespassers if they did not produce a student ID. The dean then went around the circle asking students for the cards; some showed them, but many did not.

A university spokeswoman, Renata Nyul, said in an email that the Boston Police Department had ultimately made the decision for its officers to leave without making arrests.

Then, around dawn on Saturday morning, Massachusetts State Police officers arrived and began to arrest protesters after all.

The university said it had made the decision to have the protesters arrested after the demonstration was "infiltrated by professional organizers." They also said that someone in the protest had said "kill the Jews" the night before, something that protesters denied.

The State Police said that 102 protesters who refused to leave were arrested and will be charged with trespassing and disorderly conduct. As the sun rose on Saturday, officers put protesters in zip-tie handcuffs and took several tents down.

It was the second early-morning arrest of protesters at a Boston campus in less than a week. Early on Thursday, city police officers had stormed a student encampment in an alleyway at Emerson, a small private college downtown, ripping down tents and throwing students — who had formed a barricade and refused to leave — to the ground.

The police arrested 118 people there, infuriating some students who said that the university had failed to protect them. But city officials defended the operation, saying it was necessary to clear the alley, which includes a public right of way.

"The issue was just around fire hazards that were being created with the tents, and the public health and safety risks that were happening there as well," Boston's mayor, Michelle Wu, told WCVB-TV.

Pro-Palestinian encampments on college campuses have swiftly multiplied since Columbia University students launched theirs this month. They have at times drawn fire from students and faculty who complain about what they see as antisemitic chants and a lack of safety for Jewish students, and off-campus, from supporters of Israel's military operation in Gaza.

More than 34,000 Palestinians have died during the Israeli bombardment and invasion of Gaza, a response to an attack led by Hamas on Oct. 7 in which 1,200 Israelis were killed and about 250 people were taken hostage.

At Columbia, where the president was already under fire from Republicans in Congress, the administration took an aggressive approach at first, calling in the New York Police Department, which arrested more than 100 people and removed tents. But students quickly returned, pitching new tents and vowing to stay.

This time, rather than calling in

Nicholas Bogel-Burroughs reported from Boston, Alan Blinder from Atlanta and Neelam Bohra from Austin, Texas. Reporting was contributed by Karla Marie Sanford and Eryn Davis from New York, Matthew Eadie from Boston and Sean Keenan from Atlanta.



SOPHIE PARK FOR THE NEW YORK TIMES



MARK ABRAMSON FOR THE NEW YORK TIMES

Boston police officers surrounded a pro-Palestinian encampment at Northeastern University on Thursday, but did not make arrests. At left, a protest at the University of Southern California.

the police again, Columbia officials are negotiating with the protesters.

"We called on N.Y.P.D. to clear an encampment once, but we all share the view, based on discussions within our community and with outside experts, that to bring back the N.Y.P.D. at this time would be counterproductive, further inflaming what is happening on campus, and drawing thousands to our doorstep who would threaten our community," Columbia leaders said in a campus message on Friday night. "Having said that, we also need to continue to enforce our own rules and ensure that those who violate the norms of our community face consequences."

But at Emory, where the police arrested students and faculty members on Thursday, the university's president, Gregory L. Fenves, said flatly afterward that the institution would "not tolerate vandalism, violence or any attempt to disrupt our campus

through the construction of encampments."

Harvard has tried a different approach. The university restricted access to its historic Harvard Yard, allowing in only those who showed a university ID, and suspended a pro-Palestinian group, saying that it had held an unauthorized demonstration.

But the group and its supporters set up an encampment in the yard nonetheless. On Wednesday night, the mood was serene, with a couple of campus police officers sitting in cars at the edges of the yard and students passing through. Still, the university has faced criticism from some prominent alumni, including its former president, Lawrence H. Summers, who said that allowing the tents to stay up was a "profound failure."

Like Harvard, the University of Texas at Austin sought to preempt students' planned encampment, warning that it was unauthorized, and students gathered anyway. Unlike at Harvard, ad-

ministrators responded with force. Dozens of police officers, many in riot gear or on horseback, pushed through throngs of protesters on Wednesday to block off the campus's main lawn, ultimately booking 57 people into the county jail.

But by evening, almost all state and local police officers had disappeared. Students quickly returned and gathered with picnic blankets before leaving for the night.

Jay Hartzell, the university's president, said in a statement that administrators had prevented the planned protest out of fear that students would try to "follow a pattern" and "severely disrupt a campus for a long period." In messages that were obtained under a public information request, Mr. Hartzell told a lawmaker that he had asked for help from the state police force because the school's police "couldn't do it alone."

As of Friday night, about 300 of the university's 3,000 faculty members had signed an open letter of no confidence in Mr. Hartzell. "President Hartzell needlessly put students, staff and faculty in danger. Dozens of students were arrested for assembling peacefully on their own campus," it said.

On Thursday, another protest at the university was scheduled, but the scene was much more calm, with university administrators handing out fliers with rules for protesting. One administrator told students that the police had assured her that they would not arrest students unless they tried to put up tents or stay past 10 p.m.

Kathy Zoner, who was the police chief at Cornell University in Ithaca, N.Y., for nearly a decade until 2019, said that university administrators often hoped to avoid responsibility for the police response to protests, but that they themselves often made the final decision on what to do.

She said protesters who came from outside the university can be hard to deal with because they cannot be threatened with academic consequences and might be more intent on agitation than dia-

The growth of encampments poses challenge for colleges.

logue. The recent tent encampments can be a particular problem for administrators who are focused on the school's optics, Ms. Zoner said.

"This is the big concern, right? That these encampments will be there forever, whatever that means, and that it becomes a reason for people to not choose your university or college to attend," she said. "And face it: Colleges are businesses. Not-for-profit or for-profit, they're a business. They have a bottom line and have to be attentive to it."

That is just one issue facing administrators in a crisis. Daniel W. Jones, a former chancellor of the University of Mississippi, said

students, faculty members, elected officials, parents and donors all offer often starkly different advice on how the university should respond.

"I think the biggest tension is around, am I going to act in the best interests of students on my campus, or the best interests of my board, the politically interested people and alumni broadly?" he said.

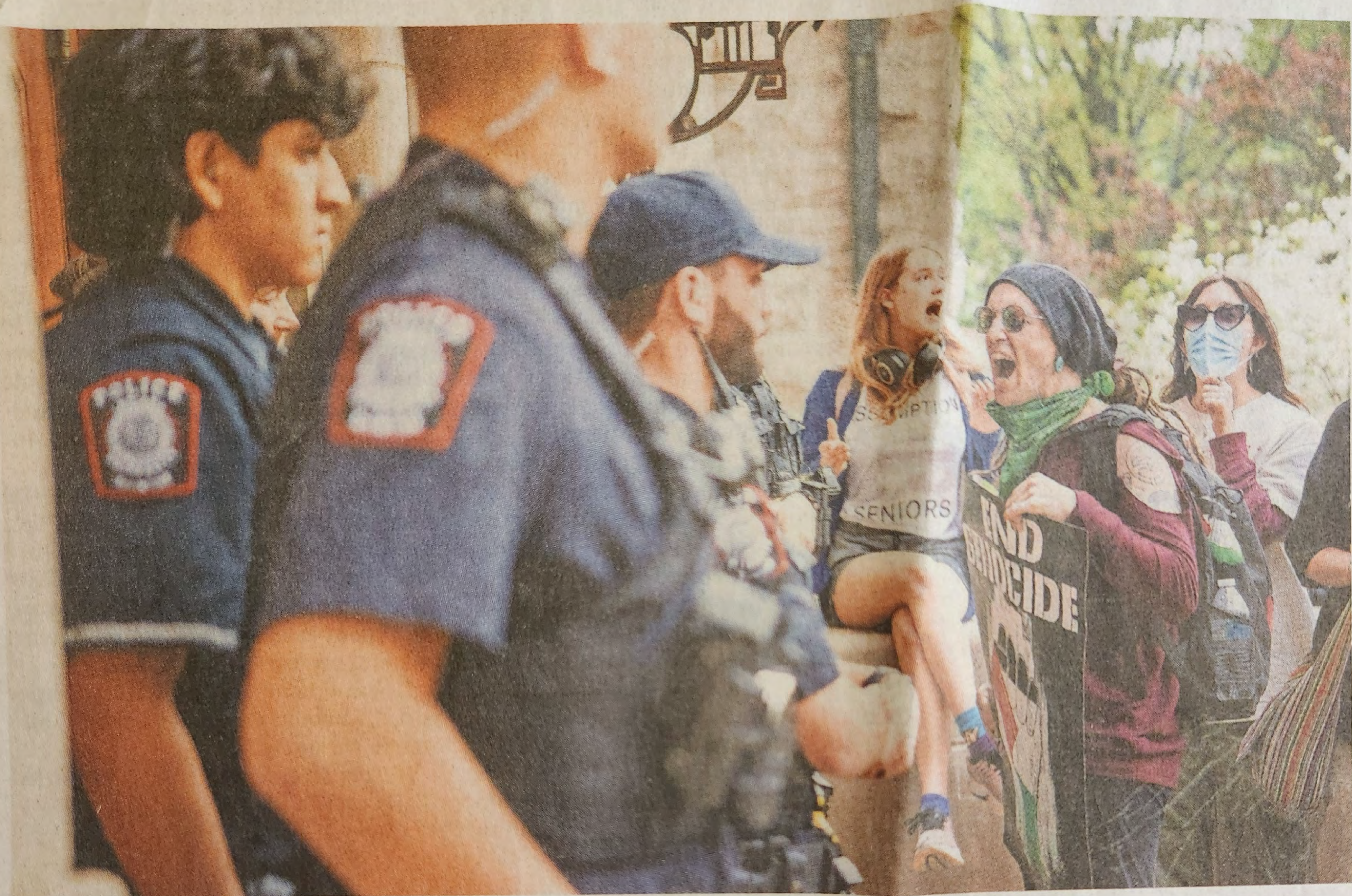
Nicholas B. Dirks, a former chancellor of the University of California, Berkeley, said there were few more challenging decisions for a university leader than whether to summon the police, in part because outside law enforcement officers may use tactics far different from those of a campus police force.

"University presidents are assumed to have total power and control, so bringing in an external police force, you know the first thing that's going to happen is you lose control over the situation," said Dr. Dirks, who was a senior administrator at Columbia before he took charge at Berkeley in 2013.

At Berkeley, he said, he had been extremely reluctant to bring in off-campus police officers except when there appeared to be credible threats of violence.

"You're in a kind of crisis situation, so you are balancing what is partial, always incomplete information with a kind of time urgency where you really feel you have to make very, very quick decisions, and it's not the best time to make clear calls," Dr. Dirks said. "They are decisions under fire," he added.

Protestors, police clash



A pro-Palestine demonstrator chants at Indiana University Police Department officers at Franklin Hall on Friday. PHOTOS BY RICH JANZARUK/HERALD-TIMES

33 arrested after confrontation at IU

Brian Rosenzweig
The Herald-Times
USA TODAY NETWORK

The day before Indiana University students planned to set up a pro-Palestine solidarity encampment on Dunn Meadow, a public field that's long been a site of gathering and protest in Bloomington, IU officials quietly changed its on-campus events policy to require tents and other "structures" to receive prior approval from the university.

The next day, 33 protesters at the encampment were arrested, shoved with

riot shields and handcuffed with zip ties by Indiana State Police troopers who told them their use of camping tents and canopies on Dunn Meadow was unlawful.

Protesters say they were unaware of the policy change and many believe they were targeted by IU.

"The fact that they did it late at night, the night before they knew that this pro-Palestine event was scheduled to take place tells us that this was not about security," said David McDonald,

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Indiana University professor Elizabeth Dunn is overcome with emotion and comforted by a friend as Alex Lichtenstein speaks at the rally outside of Bryan Hall on Friday in response to the police action at Dunn Meadow during the demonstrations the previous day.

Overseas campus protests not like US

Possible explanations:
Different laws, cultures

Kim Hjelmgard
USA TODAY

From London to Geneva, dueling groups of pro-Palestinian and pro-Israel demonstrators in Europe have for months been holding solidarity rallies, marches and vigils in connection with the Israel-Hamas war.

But they don't look like the Columbia University protest encampments and confrontations, which now have spread to other U.S. universities.

From Oct. 7 last year to mid-April, there have been more than 3,100 demonstrations in Europe related to the war in the Gaza Strip. In the U.S. over the same period, there have been about 2,700 such events, according to data provided by ACLED, an organization that tracks and analyzes global political activity and violence.

Pro-Palestinian protesters have demanded a cease-fire in the Gaza Strip and more aid for suffering Palestinians, called on their governments to stop supplying arms to Israel, and urged other forms of divestment. Pro-Israel demonstrations have focused on raising awareness about the hostages held by Hamas and combating what they say is antisemitism that has made Jews feel less safe all around the world.

But unlike in the U.S., where some of the most prestigious universities have been trying to defuse campus tensions over the war, standoffs on European college campuses have either appeared limited or have flown under the radar.

Precisely why that is, political experts and campaigners say, is not easy to explain.

They say it could be because of different protesting cultures, demographics, speech laws, university regulations, policing habits, lack of viral traction on social media, and even opportunity. Some European governments have actively sought to place restrictions on the right to protest in support of Palestinian rights. Some say these standoffs have taken place and the media has largely ignored them.



Pro-Palestinian supporters speak with a police officer in London, where there are regular demonstrations each Saturday. BELINDA JIAO/REUTERS FILE

Pro-Palestinian protests every Saturday in London

Matt Beech, who directs the Center for British Politics at the University of Hull, said one reason there may be fewer combative on-campus protests in the U.K. compared with the U.S. could be because there are regular, larger-scale demonstrations, most of them pro-Palestinian, in London and other British cities each Saturday.

At these marches in London, which are routinely attended by tens of thousands of people, Beech said "students may feel they are making a difference and having their voices heard" as part of a bigger protest community, where they have a bigger audience.

The frequent pro-Palestinian and pro-Israel rallies in the U.S., by contrast, have not matched the ones in London each weekend.

Beech, who also sometimes lectures and teaches at the University of California, Berkeley, said the First Amendment may also explain why some U.S. campuses have erupted, and Britain's haven't, over the Israel-Hamas war.

The First Amendment, he said, allows students in the U.S. to engage publicly in what Beech described as "robust exchanges" involving "unparliamentary

language."

Hate speech laws in the U.K. may act as a deterrent on what people are willing to say in a campus environment, when these statements can easily slide into Islamophobia and antisemitism, as both sides in the U.S. campus protests say.

Government action in Europe may also be a factor.

In Germany, which has long viewed itself as having a unique responsibility to stand up for Jews and Israel because of the Holocaust, officials have repeatedly refused to authorize many pro-Palestinian protests, saying limits are needed to prevent public disorder and antisemitism.

In France, home to large Muslim and Jewish communities, a series of legal proceedings ended with courts deciding to allow protests on a case-by-case basis after authorities said they could lead to incitement to hatred.

Threats of visas getting revoked for praising Hamas

In Britain, officials have threatened to revoke visas or expel foreign students who praise Hamas. The country has also given police new powers to arrest protesters who threaten or intimidate

others during marches amid a large increase in antisemitic incidents since Oct. 7.

Stella Swain, a youth and student coordinator for the Palestine Solidarity Campaign, which describes itself as Europe's largest Palestinian advocacy organization, nevertheless said there have been student "occupations" of university campuses in the U.K. and elsewhere - it's just that nobody has paid much attention.

Swain pointed out that student protesters at Goldsmiths, University of London, shut down some of the college's departments for more than a month earlier this year.

The students demanded that the university cut all its ties with Israel's government and divest from companies that support Israel's military occupation of Palestinian territory. Similar protests have taken place in British colleges in Bristol and Leeds.

However, Swain said, it would be "very unusual" for British police to be called to a "student occupation," as has happened at Columbia, Yale, New York University and other U.S. college campuses in recent days. She also claimed that there has been a "concerted effort" by British authorities over the past decade to "shut down the ability to organize" protests and other advocacy on Palestinian-related issues.

The protests in the U.K. and Europe, on and off campus, have not, in other words, been tension-free even if ACLED data show the vast majority - more than 90% - have been peaceful. The figure for the U.S. is similar.

In an emailed statement on Wednesday, Campaign Against Antisemitism said "the hatred and objectives of antisemites on campuses in the U.K. is the same as in the U.S.: to intimidate Jewish students and ostracize them."

But Palestinian lawmaker Mustafa Barghouti disagreed with that assessment. He said in a WhatsApp message Thursday that the college campus protests in the U.S. resembled protests and activism against the war in Vietnam and South Africa's anti-apartheid movement.

"It will spread," he predicted, "to other universities in the world."

IU students, faculty rally against ' Hamas propaganda'

Boris Ladwig

The Herald-Times
USA TODAY NETWORK

Editor's note: This post was updated to correct the directional relationship between the two protest sites.

About 100 Indiana University students, faculty, staff and community members rallied on campus Thursday against "Hamas propaganda" — about 500 yards east of Dunn Meadow, where pro-Palestinian protesters have rallied for more than a week.

Anti-Hamas protesters on Thursday said the rhetoric that initially began as criticism against the state of Israel has increasingly become radicalized and antisemitic. Some Jewish students said they have felt less safe on campus since the Hamas attacks on Oct. 7. Participants in the pro-Palestinian protests have pushed back against allegations of antisemitism, saying their critics are merely trying to delegitimize their protests.

Mikayla Kaplan, a first-year IU student who spent a gap year in Israel after graduating from high school, said Thursday the Oct. 7 attack has deeply affected her.

Kaplan said she has friends in Israel, including some in the Israeli Defense Force, and she thinks about them every day.

Hamas launched deadly surprise attacks on Oct. 7 that coincided with a major Jewish holiday, with militants infiltrating towns and army bases, killing Israelis and taking hostages, many of whom are still being held. Some have referred to the attacks as Israel's 9/11.

Kaplan said she found out about the attack on the day of her calculus midterm at IU. She said that 20 minutes before the exam, she and a friend sat down together "and we cried and we prayed and we hoped for the safety and security of our loved ones."

"That is a perpetual experience that a lot of students have been having," she said.

Kaplan thanked those who came to Thursday's rally and said they were showing Jewish and pro-Israel students they are not alone at a time when many of them have felt very isolated.

Günther Jikeli, the Erna B. Rosenfeld Associate Professor for the Study of Antisemitism at IU, said he and a group of faculty who came together after the Hamas attack on Oct. 7 felt they needed to organize a rally simply to denounce Hamas and the terror group's propaganda.

"We just want to make clear: This is not acceptable for us, Hamas propaganda," Jikeli said near the Showalter Fountain.

He handed out a piece of paper that included statements that were made or shared on X, formerly known as Twitter, by two leaders of the Palestine Solidarity Committee at IU. Aidan Khamis, president of the PSC, retweeted an expletive-filled statement from April 4 that included the phrase, "Glory to Hamas."

Jikeli said, "This is dangerous stuff. It means it's OK to kill Jews."

Khamis said via email last week that he retweeted the message by mistake and he meant to share a different tweet.

"I deleted the retweet as soon as it was brought to my attention," Khamis



Over 100 people participated in an anti-Hamas propaganda demonstration at Showalter Fountain on Thursday.

PHOTOS BY RICH JANZARUK/HERALD-TIMES

said. "I regret any harm this accidental retweet has caused anyone at IU and in our Bloomington community. It does not reflect my values or my beliefs."

Jikeli said he would welcome if Khamis publicly denounced Hamas and the Oct. 7 attacks, but until he does so, Jikeli said he has doubts about his sincerity.

Jikeli also shared a Tweet from Bryce Greene, an IU grad student and PSC founder, who wrote on Jan. 18, "For those who need to hear it, Hamas is morally superior to Israel in every way that matters."

Greene said via email Friday, "You do not have to be 'pro Hamas' to understand that the people who are loudly and proudly committing genocide are morally inferior to the people — however imperfect — who are not committing genocide."

Jikeli said he looked at Greene's social media again Friday morning and found multiple instances that indicate he prefers Hamas to Israel and Hezbollah, an Iran-backed organization with ties to terrorists, to the United States.

"From what I can see, both student leaders are radicalized in the sense that they are not ready to condemn designated terror groups that have a record of targeting civilians," Jikeli said via email Friday.

Jewish student: 'No peace as long as there is Hamas'

Some attendees at Thursday's rally against Hamas propaganda held or wrapped themselves in Israeli flags. Others held signs, such as "Rape is not resistance." Many chanted with Rabbi Levi Cunin the phrase "Am Yisrael Chai," which translates to "The Jewish people live." Attendees also repeatedly chanted, "Bring them home," referring to the hostages still held by Hamas.

Maya Hogan, who just finished her junior year and is majoring in psychology with a minor in Jewish studies, said like many of the students who are protesting on Dunn Meadow, she wants



Günther Jikeli, Erna B. Rosenfeld Associate Professor for the Study of Antisemitism, speaks at an anti-Hamas propaganda demonstration.

people to be free and safe.

She said instead of coming together against a common enemy, students have been distracted by fighting amongst themselves.

"This isn't about Israel versus Palestine," Hogan said. "This is about the people who deserve rights against people who are keeping their rights from them."

"There is no peace as long as there is Hamas," she said.

'Vile' slogans, ignorance and misinformation

IU student Jaime Katz said many things she has seen on signs and on social media are "vile."

A lot of people are simply spreading historically inaccurate information and appear to have been educated at Tik Tok university, she said.

"I'm seeing a lot of misinformation and disinformation being spread on college campuses across the country," Katz said.

Katz came to IU from South Africa to

study criminal justice, but said the recent developments have left her worried and disappointed.

"It makes me sad for the future of American academia," she said.

Jikeli said he, too, believes that a lot of people are holding signs with slogans whose meaning they do not understand. He said he recently asked one of the pro-Palestinian students about an abbreviation on her sign, and the student could not explain what it meant.

Jikeli said people also are calling for Intifada and using phrases such as "from the river to the sea," which, for some Israelis and Jews, means the destruction of Israel and the death of all Jews.

Even the phrase "Free Palestine," which is frequently chanted at Dunn Meadow, is problematic, Jikeli and Hogan said.

"If you say free Palestine, you mean free Palestine from someone else," she said.

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JEREMY HOGAN FOR THE NEW YORK TIMES

Malaika Khan, a senior, said she would stay on campus to lead demonstrations calling for Indiana University to divest from Israel.

Protests Cap Year of Conflict on Indiana Campus

Bloomington Tumult Underscores Reach Of Pro-Gaza Dissent

By MITCH SMITH and KEVIN WILLIAMS

Discontent was simmering on Indiana University's flagship campus long before the first tent went up in Dunn Meadow, the vast green space beside the student union in Bloomington.

Earlier in the academic year, faculty members and graduate students voted no confidence in the university president. The cancellation of a Palestinian artist's exhibition and the suspension of a pro-Palestinian student organization's faculty sponsor drew backlash. Some in the Jewish community said they felt unsafe.

But it was only in the last week, as a national wave of pro-Palestinian encampments reached Indiana, that a year defined by tension erupted into crisis. What came next — arrests, dueling accusations of police brutality and hate speech, the blurring of calls for divestment from Israel with those seeking the removal of university leaders — was a one-campus microcosm of how thoroughly the camps had rocked higher education, and of how uncertain the path forward had become.

"We should put all political problems aside and get rid of this administration that has failed all of us," said Ahmad Jeddeeni, president of the Graduate and Professional Student Government, who had friends on both sides of the protests. "These guys are not able to lead in crisis," he said of the university's leaders. "These guys made the crisis, actually."

'Difficult, Disturbing'

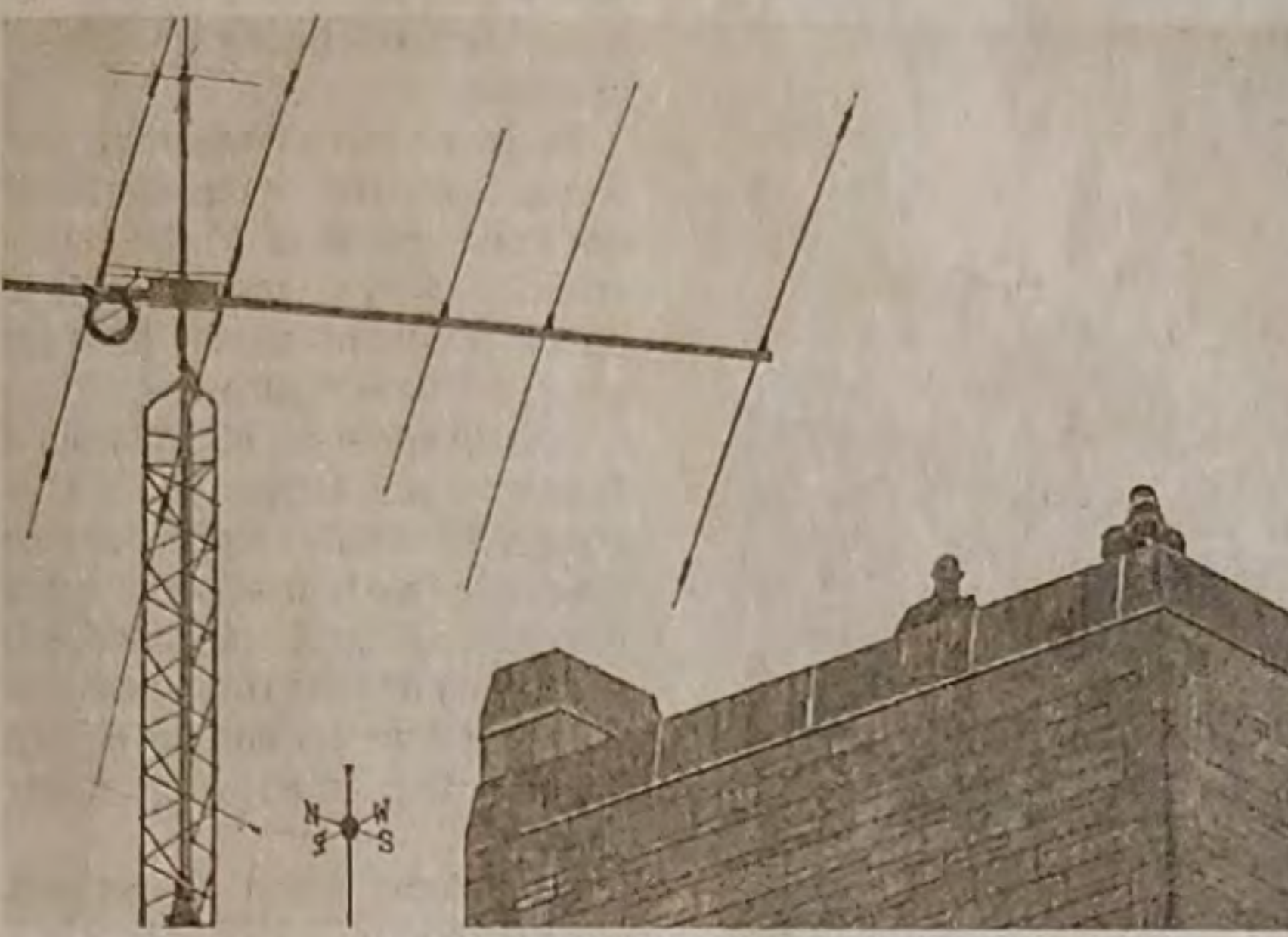
All across the country, at colleges private and public, large and small, in conservative states and liberal ones, administrators have struggled to navigate the moral and political thickets presented by Hamas's Oct. 7 attack on Israel and Israel's subsequent campaign in Gaza that has claimed tens of thousands of lives.

At Indiana, a highly regarded public university that enrolls more than 40,000 students, tension had been mounting since the fall. By the time pro-Palestinian demonstrators indicated last week that they would set up an encampment, following demonstrations at Columbia University and other colleges, any good will between activists and administrators in Bloomington had already been sapped.

"Over the last several days, our campus community has faced considerable challenges and wrestled with complex questions," the university's president, Pamela Whitten, and provost, Rahul Shrivastav, wrote this week in an email to students and employees. "Put simply, the events of recent days have been difficult, disturbing and emotional."

As protesters prepared last week to set up tents in Dunn Meadow, a designated "assembly ground" on the campus where temporary structures had long been allowed, although not overnight, administrators abruptly changed the policy to bar all temporary structures that did not have permission. When protesters went ahead and pitched tents anyway, the Indiana State Police arrived in riot gear, and along with the campus police arrested more than 30 people. Images of a police sniper observing from a nearby roof alarmed many on campus.

Two days later, with the protest continuing, police officers and state troopers returned to the meadow and made more arrests.



RICH JANZARUK/HERALD-TIMES, VIA USA TODAY NETWORK

The presence of law enforcement officers observing demonstrations from the roof of Indiana Memorial Union rattled many students. Below, David McDonald, a professor, was one of several faculty members arrested during a pro-Palestinian protest.



JEREMY HOGAN/SOPA IMAGES, VIA GETTY IMAGES

Heather Akou, an associate professor of fashion design, said she was arrested on Saturday, charged with a misdemeanor and issued a one-year ban from campus. She denies wrongdoing and said she had appealed her campus ban to Dr. Whitten.

"I don't see why I should be asking her for permission to be on campus," said Dr. Akou, who for now is working remotely. "She should apologize to me and invite me back."

Protesters described the encampment as peaceful and accused the police of escalating tensions and using unnecessary force when making arrests. The superintendent of the State Police,



The faculty has called for the university's president, Pamela Whitten, to resign or be ousted.

Doug Carter, asserted in local news interviews that protesters were using hate speech and refusing to follow university rules and police instructions. Mr. Carter declined through a spokesman to be interviewed for this article.

By Saturday night, the two raids on the camp had resulted in 57 arrests, including 37 students, four faculty members and two staff members. Yet the protests continued.

'It Is Scary Here'

It had already been a long academic year in Bloomington, a left-leaning college town in a solidly conservative state, a city with the typical Big Ten milieu of bars and independent coffee shops.

The university has become much more diverse in recent years, describing about 30 percent of its undergraduates from the United States as students of color in 2023, up from 11 percent in 2005. About 5 percent are from other countries, and just over half of last year's freshman class was

raids as they chanted, "Palestine will be free, from the river to the sea," a contested phrase that many supporters of Israel consider antisemitic but many Palestinians see as a call for freedom.

"Everything we are doing is aimed at ending the genocide in Gaza," said Aidan Khamis, a sophomore who said he was arrested on Saturday and barred from campus for a year. Protest organizers said the demonstration was not antisemitic.

But across the street from the protest at Chabad House, a Jewish student center, Rabbi Levi Cunin called for the university to end the demonstrations immediately. Chabad House has been blaring music, he said, to drown out protest chants that Jewish students found offensive.

"What violence has to happen for them to shut it down?" said Rabbi Cunin, who described some of the protesters' rhetoric as hostile. "They need to shut it down now."

It was not clear when or if the police would be back. After the second round of arrests, Dr. Shrivastav met with student government and faculty leaders and later seemed to indicate in a letter to campus that administrators might be open to temporarily allowing structures at the encampment.

All the while, more people on campus, including those not involved with the pro-Palestinian demonstrations, began calling for the removal of top administrators, in forums including a rally on Monday.

In an open letter, Colin R. Johnson, the president of the faculty, said "that there is no viable way forward other than for President Whitten to resign from office or be removed." Laurie Frederickson, a student who is president of the Indiana Memorial Union Board and who attended the weekend meeting with Dr. Shrivastav, said, "I don't know that I can have my confidence in this administration rebuilt."

"Quite frankly, I think it would take a tremendous change from the administration that I don't think has ever been seen in higher education to rebuild trust," Ms. Frederickson said.

Dr. Whitten and Dr. Shrivastav have given no indication they plan to leave, and both declined repeated interview requests. In a campuswide email, the two administrators said that encampments "tax limited public safety resources and become magnets for those making threats of violence." They also said "our commitment to free speech is — and must continue to be — unwavering."

Mr. Carter, the State Police superintendent, praised Dr. Whitten's leadership in an interview with a local news outlet. Gov. Eric Holcomb, a Republican, defended the State Police response while speaking to local reporters on Friday, before the second raid.

"We can peacefully protest, and you can express your emotionally charged opinion, but you're not going to infringe on other people's rights," Mr. Holcomb said on Friday, according to local reports. "And you're not going to deter people from getting a good education."

Commencement is this weekend. And even as the protests persisted in recent days, most students were going about their usual end-of-year business, studying for finals or trying on their caps and gowns.

But whether the protests end with the academic year remains an open question. Malaika Khan, a senior, said she planned to stay in Bloomington to lead demonstrations until the university met protesters' divestment demands. "Having fun this summer," she said, "isn't a priority."

'We Have Lost Trust'

Early this week, dozens of protesters remained in Dunn Meadow, still fuming over the police

Chief pushes back against criticism



A pro-Palestine demonstrator chants at Indiana University Police Department officers at IU's Franklin Hall on April 26.

RICH JANZARUK/HERALD-TIMES

Response was 'heavy-handed'

Boris Ladwig

The Herald-Times | USA TODAY NETWORK

Editor's note: This post was updated to correct Carter's title.

Following criticism from local government officials about the police response to protests on the Indiana University campus, Indiana State Police Superintendent Doug Carter answered questions about de-escalation, rooftop snipers and hate speech.

Questions and answers have been ed-

ited for clarity and brevity.

On how Indiana State Police responded and local reaction

The Herald-Times: Several local government agencies and other organizations have strongly condemned both the IU administration as well as the state police response to the protests at IU. What's your response?

See **CRITICISM**, Page 4A



Indiana State Police Superintendent Douglas Carter speaks on Aug. 17, 2022, at the government center in Anderson., during a press conference. JENNA WATSON/INDYSTAR

Faculty at IU call for Whitten's termination

Brian Rosenzweig

The Herald-Times | USA TODAY NETWORK

Faculty from Indiana University's College of Arts and Sciences (COAS) – the university's largest college by student enrollment – overwhelmingly called for the Board of Trustees to terminate the employment of President Pamela Whitten and Provost Rahul Shrivastav during a college-wide vote on May 1.



Whitten

More than 75% of the college's faculty participated, with 911 of 1209 total eligible faculty voting.

Of them, 86% voted for a resolution calling for trustees to "terminate the employment of President Whitten and Provost Shrivastav based on the vote of no confidence and their handling of events in Dunn Meadow." Of the voting faculty, 92.1% also called for trustees to repeal the recently adopted policy regarding the use of structures in Dunn Meadow, and 93.4% called for trustees to repeal the no-trespass bans imposed on demonstrators who were arrested by Indiana State Police on April 25 and 27.

The COAS is IU's largest college, with 12,925 undergraduate and graduate students enrolled in the 2024 spring semester.

Andrés Guzmán, an associate professor in the COAS, said the overwhelming vote from the university's largest body demonstrates wavering support for Whitten's administration on campus.

"The college feels that this person cannot lead," Guzmán said. "I'm not talking about, 'You don't lead well.' You cannot lead if people don't share your objectives."

See **WHITTEN**, Page 2A

Criticism

Continued from Page 1A

Doug Carter: First of all, the vast majority of the people that are signing these documents weren't there. So it's easy to criticize something that you don't understand.

And quite frankly, considering the violence or the homelessness, and the encampments within the city of Bloomington, you'd think there'd be better communication between the city of Bloomington and IU. But what I found is there's a significant divide and I'm not sure what reasonable person could have been there on Thursday or Saturday and watch what's happening at campuses around this country and not be disgusted.

Our job is to protect all people and to protect free speech, but we will not allow crimes to be committed in our presence.

I've had conversations with the prosecutor there with her chief deputy. They were aware of what we were doing before Thursday and we explained to them the why and everything that we were doing. So we didn't do this with a blindfold or in a vacuum. There was tremendous thought put into what was about to happen and what we thought we had to do.

Any notion that we didn't try and de-escalate this, the community is owed an apology from anybody that says that. We worked tirelessly to de-escalate this.

I talked to the mayor. I think the mayor indicated to me that she's seeing things differently after talking to me. I spoke to State Sen. Shelli Yoder, State Rep. Matt Pierce and the list goes on and on. And I made myself available to faculty that were actually there at the protest.

So rather than to be critical of everybody, I think we probably ought to take a peek in the mirror and come to the table together to see what maybe we can do to prevent this from happening in the future.

Pam Whitten, from Indiana University, was a marvelous partner. And I think it's awful that she's being so personally attacked for doing what she thought was right. She was the one who was asking us very complicated questions about the why and what we would do and we explained all the way down through all of those steps. So I hope the critics understand that.

The vast majority of residents that live on the IU campus and have visited Dunn Meadow, and I happen to be one of them, are not in support of what's happening here. Because it's become something different than peaceful protests. Anybody that says it's peaceful is misinformed or is not paying attention to the truth.

On policy changes on the eve of the initial protest

H-T: Talk about some of those specific incidents that led to the arrests. From what I heard, there was a lot of confusion about what the protesters were allowed to do and what they weren't allowed to do.

Carter: The only confusion was they wouldn't listen. We attempted to negotiate that. I attempted to negotiate that myself with two professors. And all I said was please, please calm this down, remove the tents, and if you don't, you have been given a trespass order. If you don't peacefully exit the property, then we will take these tents.

There's a notion out there that there was no de-escalation. What does a rational person expect us to do? I'm going to refer you back to the rest of the country. Do you want us just to walk away and let mayhem happen?

H-T: Several of my colleagues and I have been out there, what people are doing is they're sitting in camps and they're chanting. What's the mayhem that would have occurred if you had stayed away?

Carter: They're in violation of the rules. That's why we got called in.

H-T: The rules were changed the night before. And that's where there was confusion about what they were allowed to do.



An Indiana State Police officer stands in front of demonstrators at Dunn Meadow on April 25. RICH JANZARUK/HERALD-TIMES

Carter: Wait a second, wait a second. The rule of tents was changed. Overnight never changed.

H-T: Yeah, the rule of tents during the day was changed, right? And that's why there was confusion about whether people were allowed to have tents or not.

Carter: But not overnight. That rule never changed. **H-T:** But what happened was during the day. They had tents during the day and that was the issue. They were arrested during the day.

Carter: But how long had those tents been there?

H-T: I think they were put up that morning. And it doesn't matter when they were put up. At the point that people were arrested, it was during the daytime. And the tents traditionally had been allowed during the daytime, and only the night before, the rules were changed so that they needed prior approval. Isn't that what caused the confusion?

Carter: Again, that's your perspective. I disagree.

H-T: How do you expect people not to be confused if for decades they have been allowed to have tents during the day and the night before ...

Carter (interjects): How about you let me explain?

H-T: You said there was no confusion.

Carter: From my perspective, there was not, because of the way we were directly communicating with the folks that were there. IU told us that those people on Dunn Meadow in the tents, overnight and are trespassing and they need to be removed.

H-T: Overnight I totally understand, but the situation started on Thursday during the day. People were setting up tents during the day, and during the daytime, the tents were being removed.

Carter: Yeah, well, there was Thursday, that we were there for the first time. We were there again on Friday night. And then we went back on Saturday, so we gave them adequate time. I don't think there was any confusion about that overnight issue.

H-T: I'm not talking about overnight ...

Carter (interjects): Listen, we were going to do this on Friday night, but I just wouldn't subject my troops to that when it's dark.

H-T: I think the issue that people are having is that there are a lot of people who were arrested during the daytime. And going back decades, people had been allowed to use tents during the daytime, and that rule was changed the night before the protests on Wednesday evening. And so people were confused on Thursday during the day when they put up the tents.

Carter: They weren't arrested for camping. They were arrested for trespassing. The ISP is not going to focus on administrative rules. That's not what we do. We enforce state law.

H-T: But didn't they have the right to be there? I mean, why the trespassing charge if it's about tents?

Carter: We're talking circles. I'm not going to continue.

H-T: That's fine. We can go on.

On hate speech and free speech

H-T: So I wanted to talk specifically about some of the hate speech that the people have said they heard.

Carter: I said all I'm going to say about that.

H-T: You're not going to say anything else about hate speech?

Carter: There was plenty of it there, and I'm not going to say anything else about it. I'm not going to continue to sensationalize it, because there are people who've actually said that none of that occurred and that's just inaccurate. So, next question.

H-T: Well, I mean that's part of ...

Carter (interjects): I'm not going to talk about that anymore.

H-T: Do you think hate speech is a violation of the law?

Carter: The First Amendment to the Constitution is not endless.

H-T: Right, but you said in a radio interview with WFIU that hate speech was against the law, which I think it isn't. So I'm wondering if you can clarify your statement there.

Carter: Let me just say, it was incitement. Trying to cause physical encounters. Trying to not comply with lawful commands.

H-T: What day were you there?

Carter: Saturday.

H-T: So on Saturday, there were people using speech to try to cause physical encounters with others?

Carter: Threatening the life of others. Threatening the ... or encouraging the elimination of the Jewish population.

H-T: And you think under Indiana law that's not allowed?

Carter: We are Hamas. Intifada.

H-T: And you think those kinds of statements aren't allowed ...

Carter (interjects): Listen to me, you're obviously stirring this drink.

H-T: I'm not stirring anything. I'm writing a story about one of the major issues that is happening on campus.

Carter: There's no rationalizing with you people. I don't understand that. I'm trying. So unless maybe I can say something that might cause the campus to heal. How about we talk about that issue?

H-T: Sure, go ahead.

Carter: Your question. I'm the superintendent of

the state police. Ask me a question about it.
H-T: Well, I mean, you brought up the issue. What do you think should happen?

On the majority response, de-escalation and possible return

Carter: I think what has to happen is we need to put politics and ego at the door. I think we need to come to the table from the university, from the city's perspective. I told the mayor this. I told the state senators this. And sit down and forget about the nonsense. We have a responsibility to everybody on that campus. And this is so narrowly focused to a small group of people. No one talks about the effects this has had on the majority of people.

H-T: The majority of the people appear to be appalled by what's happened over the last few days and they think that the police shouldn't even have been here and that it should have been an IU matter and state police should have stayed away just like they stayed away in West Lafayette.

Carter: Well, at West Lafayette they followed the rules.

H-T: They have camps there, don't they?

Carter: They follow the rules. This conversation is not going anywhere. I'm committed to the university, to the safety of those students and everybody that lives there. If people want to be upset with me they can be upset with me. We tried very hard to de-escalate this, so that we would not have to do what we did.

H-T: Do you still have state police presence on the campus or do you plan to have them back? Have you been asked to come back?

Carter: In this capacity, we have not.

H-T: But if they asked, you would?

Carter: 100%.

On ISP use of force on campus

H-T: Do you want to say anything specifically about the comments that your approach has been heavy-handed?

Carter: I'm sorry folks feel that way. We went through very similar circumstances in 2020.

H-T: You mean during BLM protests?

Carter: Yes. Generally people that criticize use of force have never been in a use-of-force situation. And I worry about things that most people don't. Sorry to get short.

H-T: I understand it's a difficult subject to talk about. You mentioned de-escalation efforts. Can you talk a little bit about what all you did to de-escalate?

Carter: I had no intention of doing that at all myself. Cathy (unintelligible) and Ben Hunter from IU had been talking with folks and directly engaged them as I did on Saturday afternoon. We were imploring people to please cooperate with this trespass order. Once that's done, we'll sit down with the university to figure out what the next logical steps might be. So we implored them, we begged them, we pleaded with them to do that.

H-T: And this trespass order came from where?

Carter: That was read to the group by IUPD. Even before that, we were talking with the organizers there. And let me say, many of the people were very polite, but the agitators were the ones that really escalated this. In the future what I hope to happen is these disparate groups of people can come together and come up with a reasonable conclusion. And I really believe that can happen. But if there's going to be a radical opinion out there and that they're going to be martyrs and want to get arrested and want to cause harm, that's not OK.

H-T: Were they trespassing because they had tents or because they were present at Dunn Meadow?

Carter: I don't have it in front of me. It was read to them. You can get it from IUPD. It was read over the bullhorn. And I think everybody was given 10 or 15 minutes to peacefully and safely egress.

On the overwatch atop the Indiana Memorial Union

H-T: One other thing that people have talked about here, and I think you've addressed previously, is the marksman on the roof. Is that standard procedure? Give me the rationale for that and where else that's done.

Carter: I've explained it to a lot of people. And most people that have said, OK, that makes sense. Again, could we have done better there? Yes.

But here's why. There's overwatch at almost any large public event. There's overwatch at the Indianapolis Motor Speedway. There's overwatch at events in downtown Indianapolis. And I think that most reasonable people would expect for us to be prepared for just about any scenario.

You don't have to look far to find an event of mass murder in this country. As a matter of fact, Indianapolis had three of them in three weekends. So our job is to protect everybody that's there. And that overwatch is very, very important with human eyes. And again, it's very standard that we do this.

This wasn't just because of the folks that were in Dunn Meadow. But it gave us a real-time view. It's not hard to see somebody acting aggressive - nobody did. We didn't find any guns in there. But if someone had displayed a handgun or a rifle, imagine the chaos that would have ensued. The lateral view was one view, eye to eye, overwatch, it kind of became a quote sniper position, which it could have been, but that was not its intent. And the intent was to protect everybody that's down there with a set of human eyes. I hope that maybe helps a bit.

H-T: I think people were under the impression that was unprecedented.

Carter: Oh gosh, no. Not at all. In fact, it's very standard protocol.

H-T: So it's primarily like a reconnaissance position?

Carter: Yes, it's to view actions of people that are down below.

H-T: And then you have a rifle to potentially intervene if you need to?

Carter: Yes, exactly right. And again, sorry for being short with you. Everybody's on edge. That's normally not me. I appreciate what you're doing. You didn't deserve that.

Boris Ladwig can be reached at bladwig@heraldt.com.

Chief pushes back against criticism



A pro-Palestine demonstrator chants at Indiana University Police Department officers at IU's Franklin Hall on April 26.

RICH JANZARUK/HERALD-TIMES

Response was 'heavy-handed'

Boris Ladwig

The Herald-Times | USA TODAY NETWORK

Editor's note: This post was updated to correct Carter's title.

Following criticism from local government officials about the police response to protests on the Indiana University campus, Indiana State Police Superintendent Doug Carter answered questions about de-escalation, rooftop snipers and hate speech.

Questions and answers have been ed-

ited for clarity and brevity.

On how Indiana State Police responded and local reaction

The Herald-Times: Several local government agencies and other organizations have strongly condemned both the IU administration as well as the state police response to the protests at IU. What's your response?

See **CRITICISM**, Page 4A



Indiana State Police Superintendent Douglas Carter speaks on Aug. 17, 2022, at the government center in Anderson., during a press conference. JENNA WATSON/INDYSTAR

Faculty at IU call for Whitten's termination

Brian Rosenzweig

The Herald-Times | USA TODAY NETWORK

Faculty from Indiana University's College of Arts and Sciences (COAS) – the university's largest college by student enrollment – overwhelmingly called for the Board of Trustees to terminate the employment of President Pamela Whitten and Provost Rahul Shrivastav during a college-wide vote on May 1.



Whitten

More than 75% of the college's faculty participated, with 911 of 1209 total eligible faculty voting.

Of them, 86% voted for a resolution calling for trustees to "terminate the employment of President Whitten and Provost Shrivastav based on the vote of no confidence and their handling of events in Dunn Meadow." Of the voting faculty, 92.1% also called for trustees to repeal the recently adopted policy regarding the use of structures in Dunn Meadow, and 93.4% called for trustees to repeal the no-trespass bans imposed on demonstrators who were arrested by Indiana State Police on April 25 and 27.

The COAS is IU's largest college, with 12,925 undergraduate and graduate students enrolled in the 2024 spring semester.

Andrés Guzmán, an associate professor in the COAS, said the overwhelming vote from the university's largest body demonstrates wavering support for Whitten's administration on campus.

"The college feels that this person cannot lead," Guzmán said. "I'm not talking about, 'You don't lead well.' You cannot lead if people don't share your objectives."

See **WHITTEN**, Page 2A

Whitten

Continued from Page 1A

Arts and Sciences vote is latest in growing faculty condemnations

The COAS vote is the latest – and the largest – in a series of college-wide faculty condemnations against the Whitten administration and their handling of the pro-Palestinian encampment on Dunn Meadow, which to date has resulted in 56 arrests.

IU Media School faculty last week released a statement condemning the “repressive crackdown on protests in Dunn Meadow” and calling for the policy to be repealed. IU’s Luddy School of Informatics faculty also passed a resolution calling for Whitten and Shrivastav’s resignation. In that vote, 76 of 105 faculty members were in favor of the resolution, while 11 voted against and 18 abstained.

Faculty from IU’s O’Neill School of Public and Environmental Affairs and School of Education also passed resolutions calling for the repeal of the Dunn Meadow policy change and the lifting of

the campus no-trespass bans with more than 80% support for each vote.

To date, a faculty-only petition calling for the immediate resignation of Whitten and Shrivastav has garnered more than 1,000 signatures.

These all come after an overwhelming no-confidence vote by faculty against Whitten, Shrivastav, and Vice Provost for Faculty and Academic Affairs Carrie Docherty on April 16, more than a week before the pro-Palestinian encampment began.

‘It’s cut across political lines’: Faculty say votes are not politically-motivated

Chancellor’s Professor Emeritus Robert Arno, who served at IU for more than 50 years, said the COAS vote and growing faculty dissent is unlike anything he’s seen at IU.

“This is the most precarious moment for the [IU’s] continued viability as a major Research 1 university,” Arno said. “There’s been nothing like this.”

Guzmán said the growing number of votes against the administration and their actions show that those looking to



A protester holds up a sign calling for the termination of Indiana University President Pamela Whitten during a protest outside of Bryan Hall on April 29.

BRIAN ROSENZWEIG/ THE HERALD-TIMES

remove Whitten are not just “a minority of radical faculty.”

“What’s been really interesting is it’s cut across political lines,” Guzmán said. “You can’t have, in most cases, over 90% agreeing and urging the board of trustees to terminate the president and the provost if it was just a minority.”

Constance Furey, a religious studies professor in the COAS, said calls for Whitten and Shrivastav’s resignations

are increasingly widespread as faculty share concerns over a loss of shared governance.

“The faculty I’ve talked to have never mentioned her political views,” Furey said. “It’s very much a question of incompetence.”

Reach Brian Rosenzweig at brian@heraldt.com. Follow him on X/Twitter at [@brianwritesnews](https://twitter.com/brianwritesnews).

Wagons

Continued from Page 1A

The footage featured several scenes of relatives driving away after family gatherings at Thanksgiving, Christmas and Easter. Kids and adults piled in



age to attend the event. “I’m sure the old girl folded like an accordion after the first rear-end hit.”

Like me, Kluender grew up taking family vacations in a station wagon. “Without air conditioning, my dad preferred to drive at night because it was

ACLU files lawsuit against IU

Alleges 'prior restraint' violations

Brian Rosenzweig

The Herald-Times

USA TODAY NETWORK

The American Civil Liberties Union (ACLU) of Indiana announced Friday it is suing Indiana University for violating the First Amendment rights of three demonstrators who were arrested and given no-trespass orders on April 25 at the pro-Palestinian encampment in Dunn Meadow.

The lawsuit was filed with the U.S. District Court for the Southern District of Indiana and involves three plaintiffs: Ben Robinson, a professor of Germanic Studies at IU, Madeline Meldrum, a graduate student, and Jasper Wirtshafter, a Bloomington resident and membership coordinator for Bloomington Cooperative Living. The listed defendants are the IU Board of Trustees and IU President Pamela Whitten.

All three plaintiffs were detained by Indiana State Police troopers on April 25 and given one-year bans from Dunn Meadow. The arrests, which occurred on the first day of an ongoing pro-Palestinian encampment on Dunn Meadow, came after IU changed its policy on the use of "structures" like tents and

See LAWSUIT, Page 4A

051

IU faculty call for Whitten's termination

Brian Rosenzweig

The Herald-Times

USA TODAY NETWORK

Faculty from Indiana University's Kelley School of Business called for the Board of Trustees to terminate the employment of President Pamela Whitten and Provost Rahul Shrivastav, the latest in a growing number of college-wide votes calling for a change in administration.

About 75% of eligible faculty in the college participated, with 294 of 389

See WHITTEN, Page 2A

ACLU files

deleted the tweet as soon as it was brought to my attention," Khamis testing on Dunn Meadow, she wants

Katz came to IU from South Africa to

Whitten

Continued from Page 1A

total faculty voting.

Of them, 77% voted for a resolution calling for trustees to "terminate any administrative appointment of President Whitten based on the vote of no confidence and her handling of events in Dunn Meadow," while 73% voted for the trustees to terminate Shrivastav for the

same reasons.

Faculty also voted for a repeal of the new policy on outdoor structures in Dunn Meadow and a repeal of the bans for the more than 50 people arrested by Indiana State Police by margins of 80% and 81%, respectively.

The Kelley School is IU's second-largest school, with 12,137 undergraduate and graduate students enrolled in the spring 2024 semester.

With the latest vote, faculty from IU's three-largest colleges - the College of

Arts and Sciences, the Kelley School, and the Luddy School of Informatics - have all formally called for the resignation of Whitten and Shrivastav.

To date, faculty in eight of IU's colleges have passed votes or written letters condemning IU's actions in Dunn Meadow, and calling for a repeal of the policy and bans. The votes that included resolutions on the resignation of Whitten and Shrivastav all passed.

Only two schools, the School of Nursing and the School of Public Health,

have yet to hold votes or release statements on the events in Dunn Meadow.

Tension towards the Whitten administration was evident during undergraduate and graduate commencement ceremonies this weekend. Audience members routinely booed when Whitten spoke and a small number of faculty members participated in silent protests outside of Assembly Hall and Memorial Stadium.

Reach Brian Rosenzweig at brian@heraldt.com.

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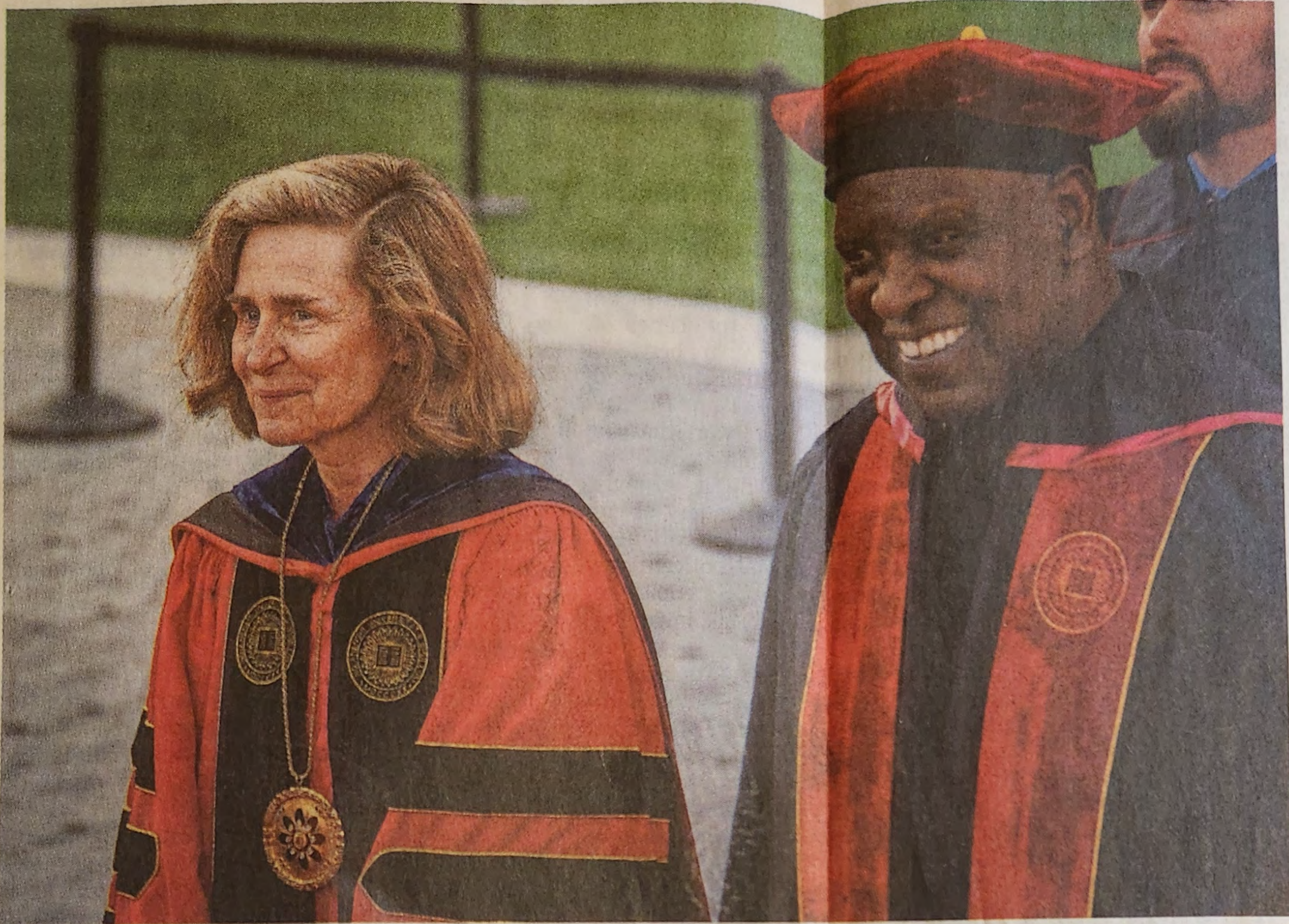
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Indiana University President says she won't resign



Indiana University President Pamela Whitten, left, and Board of Trustees Chair, W. Quinn Buckner walk in during Indiana University's 195th undergraduate commencement proceedings at Memorial Stadium on May 4. RICH JANZARUK/HERALD-TIMES

Faculty: 'We need some answers'

Brian Rosenzweig

The Herald-Times
USA TODAY NETWORK

Indiana University President Pamela Whitten told faculty she would not resign during two listening sessions with faculty leaders from the College of Arts and Sciences (COAS) last week.

Whitten also defended IU and Indiana State Police's response to the Dunn Meadow encampments while stating there was no actual threat of violence.

The listening sessions come after months of mounting opposition to Whitten's administration, manifesting most recently in a vote of no confidence by more than 800 faculty members in April and a growing number of faculty letters and votes calling for Whitten's termination following IU's response to protests in Dunn Meadow.

During a college-wide vote on May 1, 86% of COAS faculty voted to call on the IU board of trustees to terminate

Whitten's and IU Provost Rahul Shrivastav's employment.

The two listening sessions on May 14 and May 15 were closed to the public and consisted mostly of department chairs and notable faculty from the COAS, as well as COAS Dean Rick Van Kooten and IU trustees Donna Spears and Vivian Winston. The sessions were held in the Federal Room of the Indiana Memorial Union.

Trustees agree to 'independent review' after disagreements about events in Dunn Meadow

A written summary of the two sessions compiled by Earth and Atmospheric Sciences Chair P. David Polly and incoming English Chair Purnima Bose, who both attended, says approximately 45 minutes of the May 14 session were devoted to discussing the protests in Dunn Meadow.

Whitten was asked if she would lift the trespass bans for those who were

arrested in Dunn Meadow and if she would repeal the change to IU's outdoor policy that was made the day before the encampment. The summary says Whitten "ducked" these and other questions about Dunn Meadow.

Elizabeth Housworth, the chair of the statistics department who attended the May 14 meeting, said Whitten declined to answer the questions because the faculty member who asked the questions admitted they were "somewhat rhetorical."

"And she picked up on that and said, 'Well, those are rhetorical, so I'm not going to respond,'" Housworth said. "And he asked her to respond, and then she said, 'Some of those questions were based on fallacies.'"

When asked about the violence and degree of police response to protesters at Dunn Meadow, Whitten said intelligence reports, including "audiotape" and "pictures of pepper

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IU

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spray and creek rocks" suggested to her that the campus community was at a risk of violence. Whitten said later in the session that there was "no actual threat of violence". Whitten said she also understood that police had attempted to de-escalate but were "rebuffed" by protestors.

"It was clear that President Whitten's understanding of the demonstrations at Dunn Meadow differs dramatically from the experiences of faculty and students who were present on the scene," the summary reads.

At the end of the May 14 session, a faculty member asked the trustees in attendance to conduct an independent investigation of the events at Dunn Meadow, "given the wildly divergent stories the President presented in contrast to the experiences of people on the ground, including several in the meeting," according to the report. On May 15, the Board of Trustees released a statement announcing an "independent review into the campus climate," citing the "issues" and "challenges" on campus, though no specifics were mentioned.

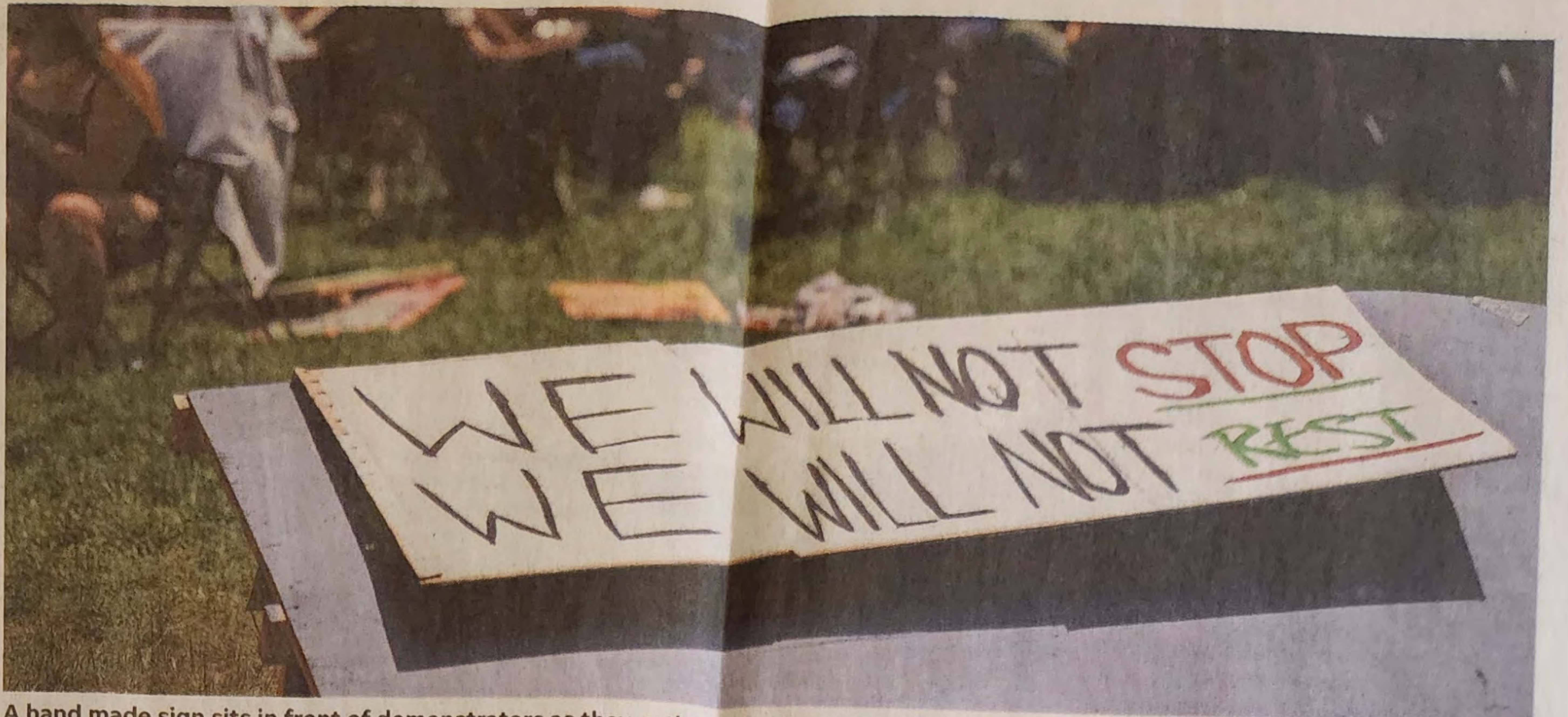
IU spokesperson Mark Bode said in a statement that, "President Whitten and her team will work with members of the Board of Trustees to collaboratively select an independent entity to review campus climate."

Faculty bring up laundry list of concerns, question Whitten's leadership

Following May 14's lengthy discussion about Dunn Meadow, COAS faculty agreed before the May 15 listening session to only discuss other issues at the second session.

Topics from the May 15 session included the administration's handling of the Kinsey Institute, the cancellation of Samia Halaby's exhibition, the lack of due process in the suspension of professor Abdulkader Sinno and feelings that Whitten had failed to defend faculty or IU with the passing of Senate Bill 202 in the state Legislature and Jim Banks' recent letter in the Indy Star characterizing protesting faculty as "pro-Hamas" and "loitering" in the "illegal encampment."

"There's just a lot that people are upset about,"



A hand made sign sits in front of demonstrators as they gather and talk in Dunn Meadow on May 10. RICH JANZARUK/HERALD-TIMES

Housworth said. "There's just so much going wrong, and there's enough people who are upset, that they're all pulling in the same direction, which is absolutely opposite President Whitten."

Cynthia Graham, a professor of gender studies and a senior scientist at the Kinsey Institute who attended the May 15 session, said Whitten frequently described the topics brought up as "eye-opening," and asked faculty to be "patient" as she listened to their concerns.

"As someone who sat through that for almost two hours, I was just absolutely shocked at how little she answered," Graham said. "I think the best thing that we felt was that the board of trustees members were there, and they were taking notes."

Attendees at both the May 14 and 15 sessions asked Whitten to clarify questions about her vision for IU. Housworth and Graham both said Whitten repeatedly said she had "big ideas," but didn't provide specifics.

"Whitten was asked for her vision three times during the meeting in three different ways - her philosophy for decision making, her vision for what IU looks like in two to three years, what goals she wants to accomplish - and each time she said she needed more time to

develop major points, to come up with big ideas, and that she needs our patience," the summary reads.

According to Graham and the written summary, Whitten encouraged faculty to contribute ideas to her and said, "Let's pitch spaghetti at the wall together." Housworth said she and several faculty members at the meeting were confused by this comment.

"It's two years into your term; we shouldn't be 'throwing spaghetti at the wall,'" Housworth said.

Prior to the COAS listening sessions, Whitten met with faculty from the O'Neill School of Public and Environmental Affairs. Whitten had planned meetings with faculty from the Kelley School of Business and School of Education on May 16, but these were postponed after she had to move up the date for an eye surgery procedure. The Kelley School listening session will be rescheduled to late summer or early fall.

Graham said while she's optimistic about the independent review that was announced, she and faculty she's spoken to who attended the meeting were largely disappointed in Whitten's responses throughout the two listening sessions.

"Nothing she said was at all reassuring," Graham said. "We've gotten to the

point where listening sessions aren't going to do anything, and we need

some answers."

Reach

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Demonstrators at the pro-Palestine encampment at Dunn Meadow on April 25. RICH JANZARUK/HERALD-TIMES

Experts: IU's new 'expressive activities' policy worrisome

Brian Rosenzweig
The Herald-Times
USA TODAY NETWORK

Could Indiana University students face consequences for expressing an opinion in class? Will flyers be prohibited on campus? Will IU prevent students from sharing their thoughts in the halls of their dorms or outside on the lawn?

Indiana University's new "expressive activities" policy is raising eyebrows from First Amendment experts and campus free speech advocates, who say the policy as written could severely limit free speech everywhere on campus.

The policy, which is currently being reviewed in draft form with the goal to have it take effect on Aug. 1, expands on IU's existing First Amendment policies and establishes specific time, place and manner restrictions on overnight camping, use of signs and structures, noise levels and use of materials like spray chalk and paint.

While the policy will apply across IU's nine campuses and does not explicitly mention the current pro-Palestine encampment at Dunn Meadow, former IU trustee member Jeremy Morris said during a June meeting the policy was drafted in response to "issues from the past few months," and in a social media video,

said he was working on crafting a policy in response to the encampments.

The current policy and its timeline for approval have received condemnations from both IU Student Government (IUSG) and the IU chapter of the American Association for University Professors (AAUP).

"IUSG does not endorse this policy as written due to its punitive, restrictive nature and questionable neutrality," IUSG said in a statement. "Currently, the policy fails our students by focusing on enforcement rather than empowerment. It risks stifling student expression instead of fostering an

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Policy

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environment that encourages free thought and open discourse."

Ken Paulson, director of the Free Speech Center at Middle Tennessee State University, said while it's common for universities to revise and make their policies more specific in response to changing times and student protests, he believes IU's current draft proposal is vague and — whether intentional or not — could have wide-ranging implications for free speech on campus.

"There's language here that would lead any reasonable reader to wonder exactly what the rules are," Paulson said. "If I was in their shoes, I would want to bring more precision to it."

Will IU students have free speech in dorms, classrooms?

The policy's first draft, which was distributed to IU students, faculty and staff for feedback in late June, defines "expressive activities" as a "public display of individual or group speech or other expression occurring on

property owned or controlled by Indiana University or at University-sponsored events," including "assemblies, speech, distribution of written material, carrying of signs, picketing, protests, counter-protests, or sit-ins." At its broadest interpretation, that definition classifies speech, from either groups or individuals, as "expressive activities."

But Paulson notes that because Section 2 of the policy says expressive activities "must not take place in areas that are used for instructional, administrative, or residential purposes ... such as classrooms, studios, laboratories, residential space, or office areas," the policy has the capacity to ban "individual or group speech" in dorms and classrooms.

"Let's be clear: that appears to be vague drafting, and not a draconian effort to limit free speech, but if you read it, isn't that what it says?" Paulson said. "Are they saying students don't have free speech in the dorms?"

Laura Beltz, director of policy reform at the Foundation for Individual Rights and Expression



Pro-Palestine demonstrators put up tents at Dunn Meadow on April 25.

RICH JANZARUK/HERALD-TIMES

(FIRE), a freedom of speech and civil liberties advocacy foundation, says the policy as currently written could also limit "nondisruptive" forms of protest in classrooms.

"This policy could be used to limit protected, nondisruptive protest, such as wearing an armband protesting an invited speaker or silently carrying a protest sign in a library," Beltz said in a written statement. "This broad drafting essentially bans any speech inside classrooms — a result that was surely unintended by the administration."

Paulson also says the provisions limiting speech around "office areas" is vague, as the term could be interpreted as including the outdoor areas surrounding offices.

"Does 'office area' mean inside offices? No one would argue with that," Paulson said. "But if office areas means the driveway leading up to the administration building, or the lawn next to the administration building, that would

probably be overly restrictive."

Are flyers signs that need approval from administration?

The draft policy states that signs may "not be affixed to or hung from any structure or property owned, leased, or managed by the University ... without the prior permission of University Capital Planning and Facilities."

As "signs" are not defined in the policy, it's unclear if this stipulation applies to basic flyers and other, similar materials, which is often done around campus, including the Indiana Memorial Union.

Beltz believes while the requirement for signs and structures to be requested and approved 10 days in advance is reasonable, it leaves few options for people to engage in speech anonymously, which she believes is an essential part of free expression on campuses.

"Being able to speak anonymously is so important, especially for

folks who are expressing more controversial viewpoints on campus," Beltz said.

Beltz says it's important for IU to have at least one designated space where students can post signs anonymously, without prior administration approval.

"Somewhere like a student union or something, where students would be able to share their thoughts without having to go through administrative hoops," Beltz said.

Student leader says Dunn Meadow encampment will 'continue to be agitating' to IU

IU's new policy on "expressive activities" cements the last-minute changes to the Dunn Meadow policy — including a ban on overnight camping and requiring prior approval for temporary structures — that led to more than 50 arrests in April.

The new policy will formally ban overnight camping between the hours of 11 p.m. and 6 a.m.

"There's language here that would lead any reasonable reader to wonder exactly what the rules are."

Ken Paulson, director of the Free Speech Center at Middle Tennessee State University

The policy explicitly states that "encampments and overnight Expressive Activity are not permitted in any indoor or outdoor location."

Since IU is a public university, Dunn Meadow and other outdoor gathering spaces are considered a public forum. However, IU still has the legal latitude to set time, place and manner restrictions on speech and actions taken in these spaces, especially in pursuit of educational goals.

"The university still has the right to designate when it will be available and what can be done there, as long as they're not limiting the content of speech," Paulson said.

IU sent the first draft of the expressive activities policy to members of the IU community on June 26, requesting feedback by July 15.

The IU Board of Trustees is set to meet at IU Bloomington on Monday, July 29 — three days before the effective start date for the current draft. An IU spokesperson said the university would "share information about any board action and associated policies with students, faculty and staff following the Board of Trustees meeting." The agenda for the July 29 meeting has not been uploaded to IU's website yet.

Bryce Greene, one of the leaders of the pro-Palestine encampment, who returned to campus last month after having a five-year ban successfully appealed, said the encampment will continue to "organize accordingly" in response to new rules.

"It's ridiculous that rather than looking at the students and addressing their concerns, they try to change rules in order to justify a new round of repression and violence," Greene said. "We're not precisely certain what our tactics will be, but I can say that we will continue to be agitating against the university."

Reach Brian Rosenzweig at brian@heraldt.com.

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IU trustees approve policy

Effective Thursday, there will be restrictions on protesting rights on all campuses

Brian Rosenzweig
The Herald-Times
USA TODAY NETWORK

Indiana University will tighten restrictions on student protests in the 2024-2025 academic year, including

effectively banning encampments at all nine IU campuses and restricting activities after 11 p.m.

Monday, IU's Board of Trustees approved a new expressive activities policy which takes effect Aug. 1.

The policy tightens time, place and

manner restrictions on protesting rights on all IU campuses, including banning camping on campus grounds "unless approved in conjunction with an approved university event," requiring advanced approval for erecting signs and structures, and restricting allowable expressive activities to between 6 a.m. and 11 p.m.

The policy was approved by a vote of 6-3, with trustees Kyle Siebert, Donna Spears and Vivian Winston dissenting.

Final draft uses softer language around encampment, restricted spaces

During the board meeting, IU General Counsel Tony Prather said his office received "more than 200 pages" of feedback from IU students and stakeholders on the initial draft of the policy sent out in late June.

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Policy

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That feedback, alongside comparing IU's policy to peer Big 10 institutions, was used to craft the final policy, Prather said.

The revised policy uses considerably softer language than the initial draft, allowing some leeway for camping/encampments with prior approval, removing language prohibiting "markings of any kind" on vertical surfaces and removing language that expressive activities "must not take place in areas that are used for instructional, administrative, or residential purposes."

First Amendment experts expressed concern the previous policy, as written, could severely limit student speech in classrooms and dorms.

The policy was a response to the ongoing pro-Palestinian encampment in Dunn Meadow first erected in April.

Universities across the country are similarly revising their free speech codes in response to encampments and protests from the spring semester, including Northwestern University and the University of Massachusetts Amherst.

Trustees Winston and Siebert introduce failed amendments, vote 'no'

Disagreement and dissent was visible amongst the trustees during the July 29 meeting, with the final draft passing 6-3 - a rare occurrence for a board that frequently votes unanimously. Student trustee Kyle Siebert, and elected trustees Donna Spears and Vivian Winston voted against the policy.

Both Siebert and Winston introduced amendments attempting to further soften the language and prevent more punitive measures with respect to students.

Trustee Siebert introduced an amendment to remove the policy's time restrictions and another to shorten the window for IU approving signs and structures from 10 days to three.

Both were seconded and brought to the floor for a vote, but failed.

Winston also introduced two amendments. Winston recommended amending a section that said, "Should anyone attempt



Pro-Palestine demonstrators put up tents at Dunn Meadow on April 25.

RICH JANZARUK/HERALD-TIMES

to prevent the removal of an unapproved structure, Indiana University's Associate Vice President/Superintendent for Public Safety will make the determination with respect to the engagement of any additional resources necessary to remove an unapproved structure." Winston recommended adding that calling and deploying Indiana State Police was "only allowable as a last resort."

The amendment failed to receive a second.

Winston also introduced an amendment to modify language that said conduct "reasonably believed to be in violation of the Expressive Activity Policy may result in immediate action." Winston recommended striking "immediate" and instead allow a window of three days for determining punitive action.

"I think immediate means that they're guilty until proven innocent, and I did not find anything in any other universities that had immediate sanctions," Winston said. "In the United States, you're innocent until proven guilty."

That amendment also failed to receive a second.

New expressive activity policy could give way for clearing of encampments

The policy has been critiqued by pro-

Palestinian protesters at IU Bloomington, IUB's Student Government, IU's American Association of University Professors chapter and First Amendment advocates for its vague wording and for allegedly targeting pro-Palestinian activism.

IU Faculty and Staff for Israel, a pro-Israel group on Bloomington's campus that's been critical of the encampment in Dunn Meadow, expressed support for the policy and encouraged the trustees to extend the policy to staff and visitors, as well as adopt or reference language from IU's codes on harassment within its definition of expressive activities.

Although encampments in Dunn Meadow and at other IU campuses have been in violation of IU policies since April, codifying the new expressive activity policy is seen by many as a step toward clearing encampments ahead of the 2024-2025 school year.

Naomi Satterfield, a PhD student at IU's School of Public Health, said the policy could have wide-ranging implications for expressive activities at IU, even outside of protest.

"The proposed policy does not define 'expressive activity,' so it can be wielded to silence anything that our administration perceives as such," Satterfield said.

"It's not difficult to see that this policy is not for Hoosiers."

Protesters, who erected the encampment to raise awareness for the

ongoing displacement of Palestinians in Gaza and encourage IU to disclose and divest from its financial ties to Israel, say the encampment has been an effective means of organizing and applying pressure to the university.

Bryce Greene, a leader of the Bloomington encampment and founder of IU's Palestine Solidarity Committee, said the policy was built to justify IU's actions on April 25 and 27, when more than 50 people were arrested.

"The freedom of expression policy that the university is pushing is again using this pretext of 'safety' to justify the previous brutality and to justify future brutality," Greene said.

According to a June memo from Prather, President Pamela

Whitten will direct an effort to "enhance the efficacy of the Expressive Activity Policy" in the spring 2025 semester through input from IU community members.

Greene, who attended the July 29 meeting, said during a public comment period the policy did not have the support of IU students and community members.

"Why do you hate students? No student I've talked to was in favor of this policy. No faculty member I've talked to was in favor of this policy," Greene said. "So why does the Board of Trustees think that the voices of students and faculty don't matter?"

Reach Brian Rosenzweig at brian@heraldt.com. Follow him on Twitter/X at [@brianwritesnews](https://twitter.com/brianwritesnews).



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IU's new expressive activity policy will promote free speech

Ralph Gaebler

Guest columnist

The article that appeared in The Herald-Times on July 30, 2024, entitled "Indiana University approves 'expressive activity' policy that could end encampments," contained several misconceptions that should be corrected.

First, the article quoted Naomi Satterfield, a PhD student at IU's School of Public Health, who stated that "[t]he proposed policy does not define 'expressive activity,' so it can be wielded to silence anything that our administration perceives as such. ... It's not difficult to see that this policy is not for Hoosiers."

However, the final version of the Expressive Activity Policy does define the term 'expressive activity.' It incorporates word for word the Indiana Code definition of both protected expressive activity (IC 21-39-8-5) and unprotected expressive activity that is "materially and substantially disrupt[ive]" (IC 21-39-8-4). The language in the Indiana Code has never been adjudicated to be vague or otherwise problematic, and there is no reason why it should be problematic as incorporated in the university's policy.

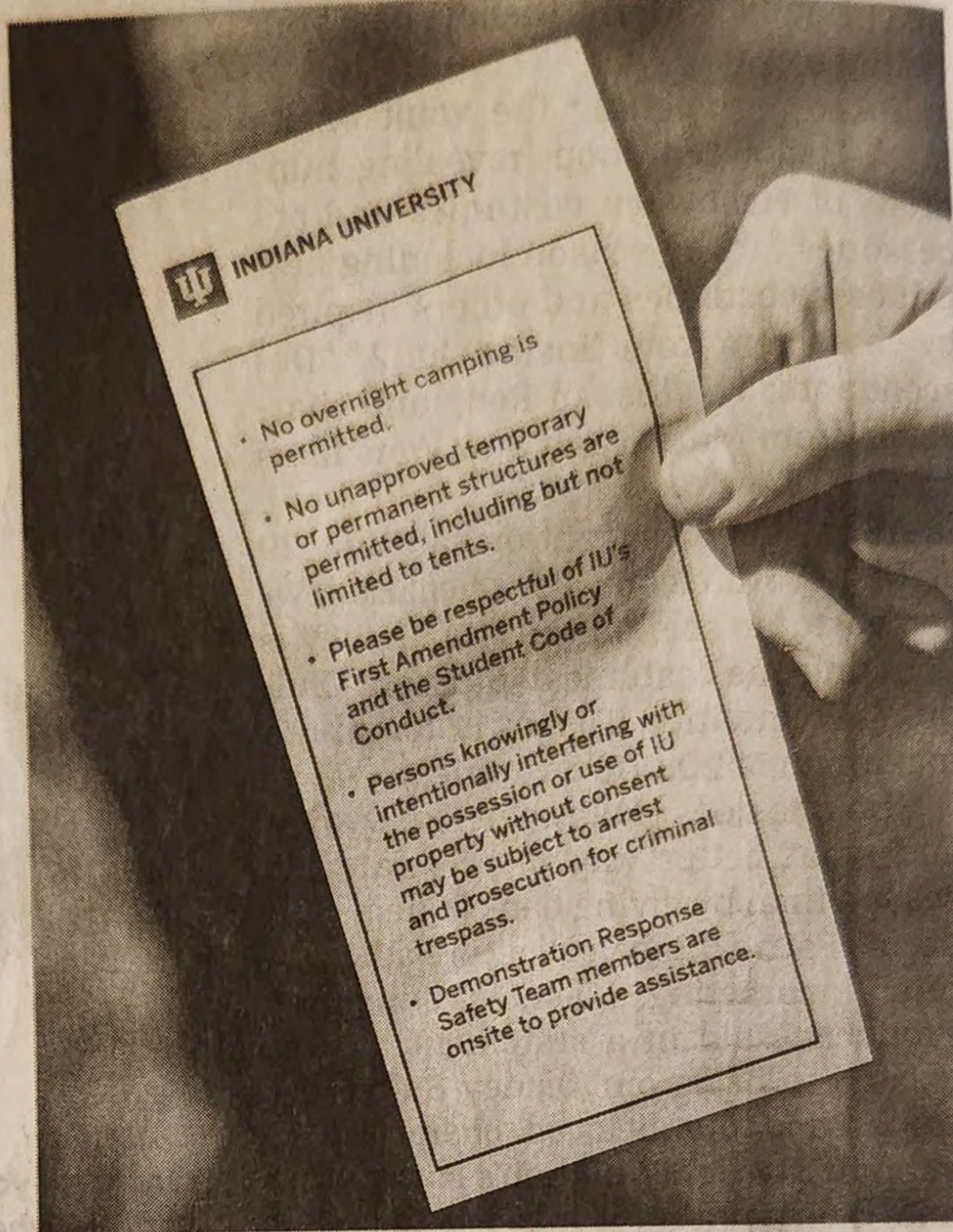
Nevertheless, it is worth noting the new policy is aimed only at forms of expressive activity that "disrupt official activities, business, or operations of the University." There are other forms of expressive activity that can be problematic because they threaten or interfere with individuals in the IU community.

These are governed by the Code of Student Rights, Responsibility, and Conduct, section II.C.15, which defines punishable harassment as "unwelcome or unwanted conduct that is persistent, severe, or pervasive, and impacts a student's ability to access their education, or an individual's personal safety, academic efforts, employment, or participation in university-sponsored programs and activities. This behavior includes, but is not limited to, direct or indirect written, verbal, physical, or electronic action or inaction."

The new Expressive Activity Policy does not supersede the prohibition of harassment in the Student Code, and the Office of Student Conduct will have to enforce the Code consistently to ensure that all members of the IU community can pursue their legitimate activities in a safe and respectful environment.

A second misconception is contained in the statement by the article's author that "[t]he revised policy uses considerably softer language than the initial draft ... removing language that expressive activities 'must not take place in areas that are used for instructional, administrative, or residential purposes.'" (Italics added.)

This statement suggests that the new Expressive Activity Policy does not apply to expressive activity that takes place in instructional, administrative, or residential spaces. However, this is not the case. While the new policy recognizes the historical impor-



A member of IU's demonstration response and safety team and Indiana University Police Department officers handed out rules to demonstrators at Dunn Meadow on Thursday, April 25. RICH JANZARUK/HERALD-TIMES

tance of Dunn Meadow as an area set aside for "freedom of expression and peaceful demonstrations in accordance with applicable laws and University policies and procedures," it states at the outset that it "applies to all Indiana University property." It thus strengthens, rather than diminishes, its scope of applicability. In fact, one of the great strengths of the new policy is its simple and straight-forward universality: it applies to everyone, regardless of political viewpoint, in all university structures and locations.

It provides all members of the IU community a clear road map of simple procedures they must comply with to engage in protected expressive activities. This ensures that everyone will feel free to engage in political speech in a safe and respectful environment without creating unsafe, dangerous, or threatening consequences for others.

This is the very point of fair and transparent time/place/manner restrictions; they do not impose restrictions to suppress speech, but in order to enable it to flourish. Thus, the new Expressive Activity Policy will promote, rather than suppress, free expression of any viewpoint.

Ralph Gaebler is a member of IU Faculty and Staff for Israel.

University still value free speech?

Benjamin Robinson
Guest columnist

The test for a free speech policy is whether it protects speech when speech is controversial — if it's not controversial, it seldom faces attack.

In a stunning success for democracy, at a time when success stories have been rare, students across the country protested Israel's assault on Gaza as it was supported by bipartisan leaders of our country. Regardless of one's attitudes toward these protests, they transformed public opinion on Zionism, Israel, and Palestine to align more with international law and human rights.

This July's extraordinary advisory opinion from the International Court of Justice on Israeli policies and practices in the Occupied Palestinian Territories (OPT) confirms key points around which the campus protests had galvanized opinion, characterizing Israeli policies and practices in the OPT as colonialism and apartheid. This opinion joined an earlier Court opinion finding it likely Israel was committing genocide in Gaza and another issuing arrest warrants for the leaders of the Israeli state and military.

But American democracy's fleeting success has led to a tremendous backlash against higher education by donors, administrators, and legislators. On July 29, the IU Board of Trustees, with three members dissenting, passed an "Expressive Activity Policy" that poses onerous burdens on free expression at IU, going so far as to outlaw all such expression between 11 p.m. and 6 a.m.

But this isn't all.

A paid review by lawyers Cooley LLP whitewashed IU Bloomington's violent attack on peaceful protestors at IU's historic assembly ground this past April, dismissed as "constitutionally dubious" by Monroe County Prosecutor Erika Oliphant, who dropped charges. Cooley's recommendations endorsed the new burdens on expression proposed in the trustees' draft policy.

Chillingly, they counselled centralized police operations, increased use of drones, surveillance, encryption, and information control. Two days before the Cooley report, IU officials announced the appointment of an FBI-trained chief enforcement officer, centralizing operations for IU campuses and anticipating the report's recommendation of new "Security Operations Center (SOC) to centralize technology, including CCTV and other electronic physical security devices."

Three weeks before, IU security announced across-the-board raises for officers, putting pressure on local police budgets, and drawing down funds that could support IU staff, whose salaries are at the bottom of the Big Ten.

But even this isn't all.

Last spring, our single-party Legislature passed one of the nation's sharpest attacks on tenure and academic freedom, subjecting the state's professors to anonymous complaints by people who need demonstrate no connection with a faculty member or their classroom. These complaints are collected for deciding tenure and promotion, and ideologically vetting faculty every five years thereafter.

This incursion into the principle of academic freedom in the classroom goes hand-in-glove with IU's policy attacking free speech on campus outside the classroom. It is no stretch to say these attacks on expressive rights mark the end of a free speech era at IU and perhaps the end of American higher education as the model for the world.

As former faculty council president Bob Eno has emphasized, generations of earlier IU leaders, from President Herman B. Wells to Chancellor Ken Gros Louis, believed speech was not just to be tolerated within narrow constraints, but cherished as central not only to IU's mission as a university, but our national mission as a democracy.

Under President Whitten and at least six of our divided Board of Trustees, IU no longer shares this once-sacred belief. Current leadership prefers to greet students exercising First Amendment rights and protesting for the international rule of law with snipers, assault rifles, armored vehicles, and truncheons.

A century of democratic vision has passed, and we are entering a sadder, darker era at IU.

Benjamin Robinson is associate professor of Germanic Studies at Indiana University and a resident of Bloomington.

Facing warnings, protesters begin clearing out encampment

Brian Rosenzweig

The Herald-Times | USA TODAY NETWORK

147 8/5/2024 PA1

Faced with warnings from Indiana University Police and a newly adopted expressive activities policy formally banning unapproved structures and overnight camping on IU property, organizers at the pro-Palestinian "Liberated Zone" in Dunn Meadow began vacating the encampment on Thursday, the day the new policy went into effect.

The encampment, which has stood for 98 days, is part of a movement of solidarity encampments erected at universities across the country to raise awareness for the mass displacement and humanitarian crisis facing civilians in the Gaza strip.

According to organizers at Dunn Meadow, IUPD officers and IU Demonstration Response and Safety Team (DRST) members came to the encampment Thursday morning to inform them IU's new expressive activities policy was effect and warn them tents would be taken down if not removed voluntarily.

"We're not willingly leaving," said Michelle Marshall, a recent IU alumnus who's been involved in the encampment since April. "That's not to say we won't step away when asked, but we're not prepared to totally abandon our encampment because of a policy change that we don't agree with, and that we believe is unconstitutional."

Organizers said they would comply with IU and IUPD instructions and had begun removing personal items from the encampment in anticipation of it being cleared. Still, they said, they won't leave Dunn Meadow until IU shuts them down.

"If they want us to leave, they'll have to remove us," Marshall said.

The encampment has become a lightning rod for pro-Palestinian activism and anti-administration sentiment at IU. On the night before the encampment began, the IU administration banned the use of unapproved structures, leading to confrontations with Indiana State Police (ISP) troopers and the arrest of 57 protesters in April.

In May, the Monroe County Prosecutor's Office dropped charges against those arrested, citing the "constitutionally dubious process by which the University passed and enforced its new policy regarding structures in Dunn Meadow." IU also rescinded all of the trespass orders it issued, most of which banned protesters from all IU properties for one year.

A new expressive activity policy, IU's Board of Trustees created in response to the encampment, passed by a 6-3 vote on Monday. That cleared the way for IU to remove the encampment ahead of the 2024-2025 school year. Although protesters had technically been in violation of IU's policy since April, IU held back on enforcing the rules since the April confrontations. IU's response to the encampments received attention in national publications like the New York Times and Chronicle of Higher Education and intensified calls for the resignation or termination of IU President Pamela Whitten.

Protesters

Continued from Page 1A

A recent "independent review" commissioned by IU from the Chicago-based Cooley law firm found IU's actions in changing the policy "caused a number of unintended negative consequences," but largely exonerated IU and ISP, saying they chose the "safest option available" in deploying state police based on their intelligence about the encampment and its risk for violence.

On Thursday, IU facilities personnel began power washing the sidewalks surrounding Dunn Meadow, many of which had been spray chalked with Palestinian flags or colors and signs calling for IU to divest from Israel.

Organizers said IU's response to the encampments and the process for clearing it show a disregard for the university's students.

"It shows they value their financial ties and money coming in from Crane investments more than their students' voices, which should matter more than that," an organizer, who asked to not be identified, said. "By signing this policy, they're completely ignoring student, staff and faculty voices. They don't represent us."

With the clearing of the encampment, student organizers – most of whom are affiliated with the IU Divestment Coalition and Palestine Solidarity Committee – say they plan to find other ways to protest and increase visibility for their cause leading into the new school year.

"We're planning on coming back even stronger than we were this summer," Marshall said. "We're going to continue doing rallies and targeted actions to get IU to divest from genocide. It won't look like an encampment, but there will be actions."

Reach Brian Rosenzweig at brian@heraldt.com. Follow him on Twitter/X at [@brianwritesnews](https://twitter.com/brianwritesnews).



Dunn Meadow's sidewalk is adorned with Palestinian flags and spray chalk messages. IU facilities personnel were power washed the sidewalks with spray chalk now banned under IU's new expressive activity policy.



Organizers for the "Liberated Zone" in Dunn Meadow wait for IU personnel to arrive and clear the encampment after removing their personal belongings on Thursday. PHOTOS BY BRIAN ROSENZWEIG/INDYSTAR



Signs detailing IU's new expressive activity policy are posted near Dunn Meadow Aug. 1.

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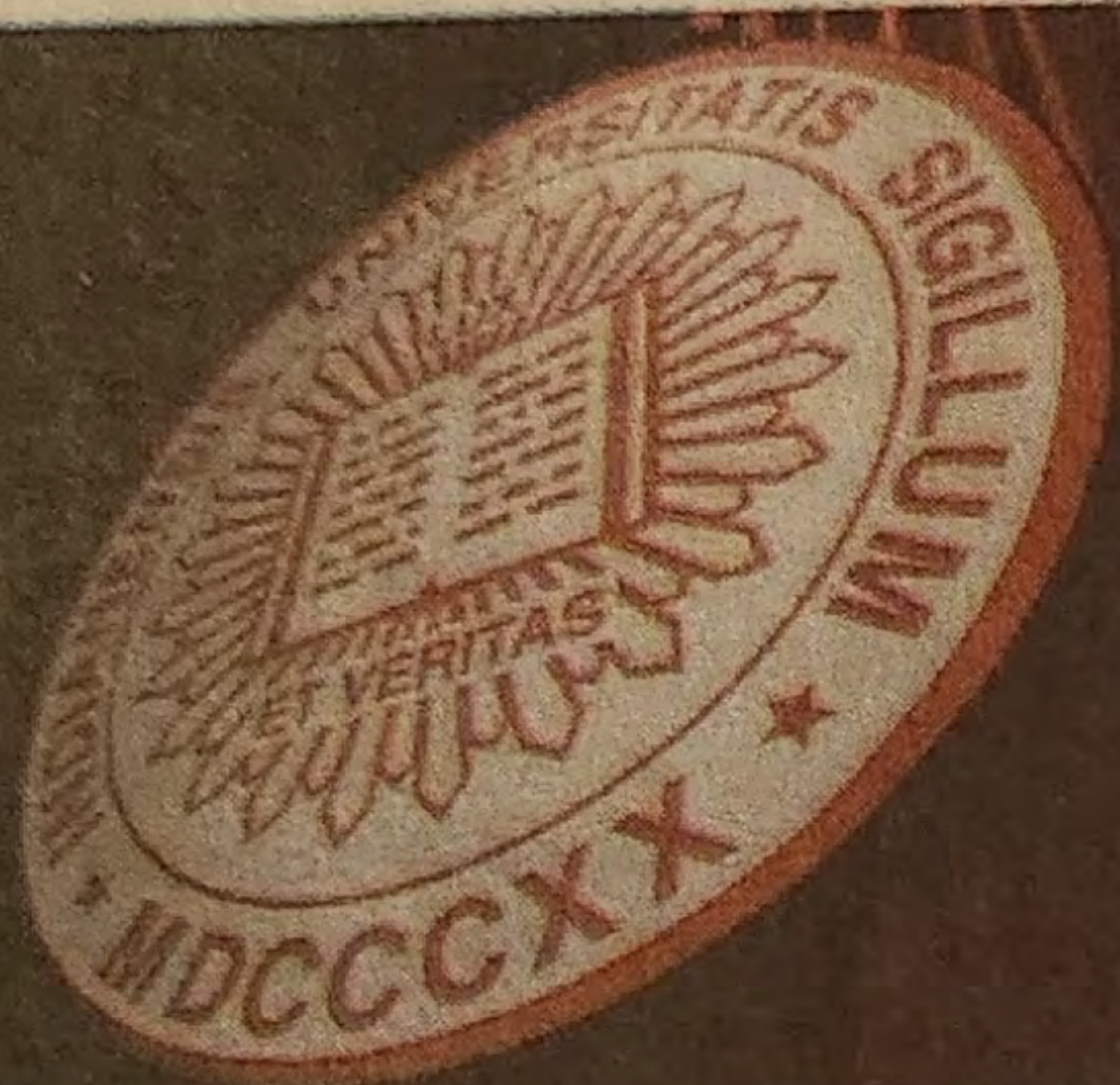


What IU's Expressive Activity Policy means for free speech

New policy balances free expression and respect on IU campuses, effective August 1

Indiana University

47 8/11/2024 P104



The IU Board of Trustees recently passed a new Expressive Activity Policy that applies to all IU campuses, including IU Bloomington. *Courtesy of Indiana University, photo by James Brosher*

The free exchange of ideas is a cornerstone of Indiana University's academic mission and relies on fostering an environment conducive to the proliferation of diverse perspectives. In line with this dedication across all IU campuses, the IU Board of Trustees recently voted to approve a new Expressive Activity Policy that took effect Aug. 1.

Developed with input from students, faculty and staff, it provides consistent guidelines so that campus community members can express themselves freely and openly while respecting the rights of others to do the same. Here are some of the changes to be aware of:

1. You CAN assemble and speak freely in public areas of campus.

IU's public spaces remain open forums for dialogue and debate. From Dunn Meadow to the quads of IU's regional campuses, campus community members are encouraged to share ideas and engage in meaningful discussion.

You CAN'T materially and substantially disrupt others' activities or block building access.

Respectful coexistence is key. While advocating for your beliefs, remember that others have the right to go about their daily activities without interference. Keep entrances clear and be mindful of normal university operations.

2. You CAN hold up signs expressing your viewpoints.

Visual expression is a powerful tool. Whether supporting a cause or challenging an idea, you're welcome to make your voice heard through signs and banners in appropriate areas.

You CAN'T affix signs to university property or place them in the ground without permission.

To maintain campus aesthetics and safety, attaching signs to buildings or structures, projecting symbols onto university buildings or placing signs in the ground is only permitted with the proper approval.

3. You CAN invite speakers on any subject to campus.

Exposure to a wide range of ideas is crucial for academic growth and critical thinking, and IU welcomes speakers from all backgrounds and viewpoints.

You CAN'T force others to listen or prevent invited speakers from speaking.

While inviting speakers is allowed, interfering with others' right to hear or an invited speaker's right to speak is not permitted.

4. You CAN use temporary structures with advanced approval.

Temporary structures may be used as part of expressive activity provided that organizers submit a request at least 10 days in advance and receive approval for safety and resource management.

You CAN'T engage in overnight camping as a form of protest.

While IU supports everyone's right to protest, camping or using any item to create a shelter is not a permitted form of expressive activity. This ensures campus safety and accessibility for all community members.

5. You CAN use amplified sound within reasonable limits.

Amplified sound is allowed, provided it doesn't materially and substantially disrupt classes, research or other university activities. Find the right balance between sharing your message and respecting others' right to learn and work.

You CAN'T continue expressive activities past 11 p.m. or before 6 a.m.

To maintain a positive living and learning environment, expressive activities are limited to certain hours. This allows ample time for engagement while respecting the needs of IU's residential community.

You CAN express yourself freely but must comply with all applicable laws.

While protecting free speech, IU upholds local, state and federal laws. Effective advocacy operates within legal boundaries.

This policy aims to benefit an environment where ideas can be shared and challenged openly and respectfully. It protects spaces for difficult conversations, values diverse perspectives and empowers everyone at IU to contribute to growing our understanding of the complex world we live in.



The policy went into effect Aug. 1 and strengthens IU's commitment to free speech while limiting disruptions. *Courtesy of Indiana University, Photo by James Brosherfor*

As the fall semester approaches, IU leaders encourage community members to familiarize themselves with these new guidelines and continue to engage in the exchange of ideas that define the IU experience. For detailed information, including FAQs and resources for planning expressive activities, visit freespeech.iu.edu

The voices of IU's campus community inherently shape it. This policy protects and amplifies those voices. So speak up, engage in dialogue, challenge ideas and be part of the conversation. It's what being a Hoosier is all about.

IU students moving in, marking beginning of school year

Brian Rosenzweig
The Herald-Times
USA TODAY NETWORK

Indiana University's class of 2028 and other dorm-dwelling students moved into campus over the weekend, ahead of the start of classes on Monday, Aug. 26.

The weekend also marked move-in day for IU's other campuses, including IU Indianapolis (formerly Indiana University Purdue University Indianapolis) and IU South Bend.

While IU has not yet released enrollment numbers for the freshman class, IU Bloomington's total enrollment has grown exponentially in recent years, from 43,064 students in 2020 to 47,527 in 2023.

See STUDENTS, Page 5A



Students move into Eigenmann Hall during the weekend for the 2024 fall semester on Monday, Aug. 26.



Caleb Sow laughs as he moves into Eigenmann Hall.

Students

Continued from Page 1A

Prior to 2021, IU's total enrollment had been declining by about 200 students per year since 2016.

IU has also grown more racially diverse in recent years.

In the fall of 2023, IU enrolled 4,291 Asian American students, a 131% increase from 2014.

The number of students who identify as "Hispanic/Latino" increased by 80% and those of two or more races went up 92% since 2014.

School year begins on heels of tumultuous spring semester

The 2024-2025 school year begins after a tumultuous semester last spring.

The Indiana Graduate Workers' Coalition lodged its first strike against the university since the spring of 2022, decreasing the popularity of IU President Pamela Whitten.

The situation culminated with a 93% vote of "no confidence" from 3,276 faculty members.

Following the IU administration's controversial actions with deploying police and arresting pro-Palestinian protesters in Dunn Meadow, faculty from IU's individual colleges also overwhelmingly voted in favor of terminating Whitten.

The 2024 fall semester also marks the first since the enactment of Senate Enrolled Act (SEA) 202.

The Republican-led legislation requires IU's board of trustees, and other state university governing boards, to



Alyssa Petscher wrangles her belongings as she moves into Hickory Hall with the help of Jessica Petscher and Octavio Vega.

review tenured faculty members every five years to ensure they meet "criteria related to free inquiry, free expression, and intellectual diversity."

Faculty at IU largely condemned the law when it was on the Senate floor last spring, warning it could stifle academic freedom and chill speech.

Prior to the SEA 202's passing, Whitten said the bill could "weaken the intellectual rigor essential to preparing students with critical thinking skills."

Reach Brian Rosenzweig at brian@heraldt.com. Follow him on Twitter/X at [@brianwritesnews](https://twitter.com/brianwritesnews).



Resident Advisor Brandon Smith, in green, helps a student move into Eigenmann Hall.

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ACLU sues IU over expressive activity policy

Brian Rosenzweig

The Herald-Times

USA TODAY NETWORK

The American Civil Liberties Union (ACLU) of Indiana has filed its third lawsuit against Indiana University this year, this time challenging IU's "expressive activity" policy, which took effect on Aug. 1.

The lawsuit, filed Thursday with the U.S. District Court for the Southern District of Indiana, says a provision in IU's policy that prohibits "expressive activity" between 11 p.m. and 6 a.m. is "overly broad" and violates the First Amendment.

"The policy is written so broadly that it applies to standing silently holding a sign, writing an editorial, talking to a friend to organize things in the future — all sorts of activities which we understand may be taking place at 11 or 11:30 p.m. that are not in any way disruptive," said Ken Falk, legal director of the ACLU of Indiana.

The challenge comes after Indiana University police officers referred two people to university deans for their participation in a candlelight vigil on Aug. 25 to mourn "the loss of freedom of expression" that occurred at 11:30 p.m. at the Sample Gates.

IU's policy, passed by a divided

See LAWSUIT, Page 5A

Lawsuit

Continued from Page 1A

board of trustees on July 29, prohibits “expressive activity” that occurs between 11 p.m. and 6 a.m. across all IU campuses. Its definition of expressive activities includes “communicating by any lawful verbal, written, audio visual, or electronic means,” participating in peaceful assembly, carrying signs, making speeches, protesting and more.

The ACLU suit seeks an preliminary injunction against the policy to stop its enforcement, as well as awarding costs and relief to its 10 plaintiffs. The involved parties include the three plaintiffs in the ACLU’s lawsuit against IU for their no-trespass orders against protesters, as well as IU professors Heather Akou and David McDonald and student organizer Bryce Greene.

Violations of IU’s policy can result in sanctions including citation, trespass and suspension. Within the first two days of the fall semester, an IU professor and student were found in violation of the policy for making speeches past 11 p.m.

Can public entities set restrictions on free speech?

Public entities are permitted under First Amendment law to set reasonable “time, place and manner” restrictions for speech and expression, but they must be both content-neutral and narrowly tailored.

The ACLU suit alleges IU’s policy is “substantially overbroad” as currently written. Falk cited the operations of the Indiana Daily Student, offices for which are on IU’s campus, as an example of a place where “expressive activity” could be occurring between 11 p.m. and 6 a.m.

“If a reporter is working on a story at 11:30 at night, he or she is violating the prohibition,” Falk said. “I’m sure IU would say they didn’t intend to say that, but that’s what the policy says. And that’s what overbreadth is all about.”

The Supreme Court has ruled that public entities can make certain time, place and manner restrictions, including prohibiting state employees from engaging in partisan activities, but has also been critical of statutes that are considered overly broad. In the 1972 case *Gooding v. Wilson*, the Supreme Court ruled Georgia’s enforcement of a law that prohibited “fighting words” was overly broad, as the term could be used liberally to prohibit expression protect-



An Indiana State Police officer stands in front of demonstrators in Dunn Meadow on Thursday, April 25. RICH JANZARUK/HERALD-TIMES

ed under the First Amendment.

ACLU lawsuit is organization’s third against Indiana University

The ACLU’s filing against IU’s “expressive activity” policy is the third lawsuit the organization has filed against IU in 2024.

The ACLU filed a lawsuit against IU in April for issuing no-trespass bans to three protesters who were arrested at the pro-Palestine solidarity encampment in Dunn Meadow, which the ACLU argued was prior restraint. In May, the ACLU filed a lawsuit against Senate En-

rolled Act (SEA) 202, claiming its provisions requiring boards of trustees to review faculty curriculums violates professors’ First and Fourteenth amendment rights. As public universities, both IU and Purdue were cited as defendants.

A federal judge dismissed the ACLU’s SEA 202 case earlier this month. The prior restraint case remains in the U.S. District Court for the Southern District of Indiana.

IU does not comment on pending litigation.

Reach Brian Rosenzweig at brian@heraldt.com. Follow him on Twitter/X at [@brianwritesnews](https://twitter.com/brianwritesnews).



Professor Ben Robinson stands with friends at the Sample Gate's during the candlelight vigil in support of free speech on Aug. 25.

RICH JANZARUK/HERALD-TIMES

IU free speech policy tested on first week

Jenny Porter Tilley and Brian Rosenzweig

USA TODAY NETWORK

Classes began at Indiana University in Bloomington this week, about a month after the board of trustees approved a new policy restricting speech on campus.

Already, multiple people were reported for breaking the policy, and the ACLU has filed a lawsuit against the university. Here's a look at what happened this week.

What does IU's expressive activities policy say?

The policy approved Aug. 1 tightens restrictions on the time, place and manner protests can take place on all IU campuses, including banning camping on campus grounds "unless approved in conjunction with an approved university event." It also requires advance approval for erecting signs and structures, and restricts "expressive" activities to between 6 a.m. and 11 p.m.

The policy came after an ongoing pro-Palestinian encampment was set up in Dunn Meadow on the campus in the spring.

Who was reported for violating IU's policy?

IU's police department reported associate professor Ben Robinson and informatics graduate student Bryce Green for violating the policy on Tuesday night. The two spoke at a candlelight vigil at Sample Gates to "(mourn) the loss of freedom of expression at Indiana University." It took place at 11:30 p.m.

"We wanted to draw attention to the draconian threat of the policy," Robinson said.

Why is the ACLU challenging IU's policy?

The ACLU of Indiana announced Thursday it filed a lawsuit, saying the policy is overly broad and violates the First Amendment.

"IU has approved a new policy that prohibits all expressive activity if it takes place between 11 p.m. and 6 a.m., even if the activity is not at all disruptive, such as standing silently, holding a sign, wearing a t-shirt with a communicative message, or discussing current events with friends," Ken Falk, ACLU's legal director, said in a statement. "The protections of the First Amendment do not end at 11:00 p.m., only to begin again at 6:00 a.m."

The complaint claims the plaintiffs the ACLU represents were caused "irreparable harm for which there is no adequate remedy at law."

IU's policy outlines sanctions for violations "including but not limited to citation, trespass, and/or interim suspension from campus."

Students who violate the policy can face suspension or expulsion. Faculty and staff can be suspended or terminated.

"IU has approved a new policy that prohibits all expressive activity if it takes place between 11 p.m. and 6 a.m., even if the activity is not at all disruptive ... The protections of the First Amendment do not end at 11:00 p.m., only to begin again at 6:00 a.m."

Ken Falk ACLU's legal director

WHITTEN'S APPOINTMENT



UNPOPULAR PRESIDENTS

Controversial university leaders becoming more common

Brian Rosenzweig The Herald-Times | USA TODAY NETWORK

To many Indiana University faculty and stakeholders, President Pamela Whitten's selection process in 2021 was unlike anything they'd seen before. After IU's trustees rejected a short list of candidates presented by a search committee consisting of faculty, students and trustees, the board asked the committee to consider Whitten for still-unknown reasons. Non-trustee members of the search committee were reportedly told about Whitten's selection days before it was announced and appeared to be largely left out of the board's decision. Unlike in other searches, the list of finalists was kept airtight, and years later, why the trustees favored Whitten remains elusive.

See WHITTEN, Page 3A

Indiana University President Pamela Whitten is overcome with emotion after receiving a standing ovation for her address during her inauguration as the 19th president of Indiana University at the Indiana University Auditorium on Nov. 4, 2021. RICH JANZARUK/HERALD-TIMES



Jill Bond
News director
The Herald-Times
USA TODAY NETWORK

About our series on Whitten's appointment

When Pamela Whitten was appointed Indiana University's first female president in 2021, the secretive search meant there was no chance for public vetting of the system's new leader. On the Bloomington campus, her selection immediately raised questions about the process and cries to protect a long-standing tradition of "shared governance" have rung on campus more often than the bells in the Metz Grand Carillon ever since.

The year Whitten took her seat at the head of the state's largest university system, IU law professor Steve Sanders dug into the search process and published a story on Medium highlighting the departure from traditional norms associated with Whitten's selection. Sanders relied on

See BOND, Page 4A

Why Whitten was chosen for IU still a mystery

Boris Ladwig
The Herald-Times
USA TODAY NETWORK

Pamela Whitten has ascended to presidential positions at state universities twice without being named by search committees among the initial finalists.

Whitten was named the 19th president of Indiana University in 2021 even though she was not among the initial finalists. Three years earlier, the same thing



Indiana University President Pamela Whitten high fives a graduate during the processional of the platform party inside Memorial Stadium during Indiana University's 193rd undergraduate ceremony on May 7, 2022.

RICHARD JANZARUK/HERALD-TIMES

See MYSTERY, Page 4A

Whitten

Continued from Page 1A

While IU has had a closed presidential search for several decades, not publishing candidate lists or inviting candidates to speak to campus members, Whitten's selection broke precedents for transparency and stakeholder input.

IU is an engine of economic activity throughout the state. With more than 90,000 students and 43,000 employees on seven campuses, if the university system were a city, it would be Indiana's seventh largest.

In an economic impact report IU published as part of its bicentennial in 2020, the university system estimated one in every 26 jobs in the state is supported by IU and its students. It estimated between spending by the university itself and the visitors and students it attracts, IU generates about \$880 million in economic activity every year.

It also reportedly produces more alumni than any other university system in the state, including more nurses, teachers, dentists, IT professionals, surgeons, lawyers, and public safety officers.

Whitten is essentially the CEO of one of the largest corporations in the state. She earns \$650,000 a year, per her employment agreement, and last year was awarded a \$162,500 bonus by the Board of Trustees, the maximum bonus allowed. IndyStar's government employee database, which sources from the Indiana Gateway for Government Units, lists Whitten's salary as \$829,209. In addition to salary, Whitten receives reimbursed travel and entertainment expenses, free housing, access to a car and a generous life insurance policy.

She is currently in the third year of a five-year term, with her contract set to end on June 30, 2026.

Since the outset of her presidency, questions surrounding Whitten's background, unorthodox selection process and vision for IU have been the foundation for mounting skepticism from students and faculty. Controversies with the near-severing of the Kinsey Institute and her administration's response to pro-Palestinian protests further intensified charges of Whitten being "anti-faculty" and weak in the face of external political pressure.

But while Whitten's selection and presidency have broken from precedent at IU, she's far from the only public university leader to come under fire for a secretive selection process and being out of touch with the campus community.

As trustees' roles become increasingly politicized, controversial or even flatly unpopular presidents who are conservative in leadership and go against the grain of faculty and student opinion are becoming more common.

University 'corporatization' leads to faculty-administration conflict

Presidential searches at public institutions have made national higher-education news in the past few years.

The University of South Carolina's 29th president, former West Point superintendent Robert Caslen, spent less than two years at the university after a selection process heavily influenced by the state's governor, Henry McMaster, drew national attention and risked the university's accreditation status.

The University of Florida's former president, Ben Sasse, left the role after just 18 months after a selection process that was similarly charged with being secretive and unduly influenced by Florida Gov. Ron DeSantis.

The University of North Carolina just permanently installed its controversial interim chancellor, Lee Roberts, who has been criticized for his lack of a higher education background and his controversial handling of student protests last spring.

In each of these cases, campus communities pushed back against a selection process that was less transparent and less democratic than previous presidential searches. According to sociologist and University of North Carolina professor Tressie McMillan Cottom, that's increasingly par for the course.

Cottom points to the trend of "corporatization" in higher education, in which higher education institutions — especially public universities — focus more on revenue generation, as a reason why presidential selections are becoming increasingly secretive and controversial.

"The argument has been that universities now function more like a multinational company than a university," Cottom said. "And because of that, academic expertise is not nearly as important for a leader to have, unlike someone from the private sector who understands budgets, finance, etc. That's been the opening."

Whitten comes from a traditional academic background, formerly serving as the president of Kennesaw State University in Georgia, the University of



Indiana University President Pamela Whitten gives remarks after being introduced at the Neal-Marshall Black Culture Center at Indiana University April 16, 2021. RICH JANZARUK/HERALD-TIMES

Georgia system's provost, and a dean at Michigan State University.

Yet, through budget cuts and her administration's response to growing faculty unrest, Whitten has cemented a reputation with many as being "anti-faculty" and unconcerned with principles of "shared governance" that faculty contend is essential to a Research 1 university.

Before IU, Whitten reportedly butted heads with students and faculty over publicly condemning racism at an institutional level at KSU and was accused of participating in "faculty intimidation" at UGA with a professor who called on the university to acknowledge its history of slavery.

But as university governing boards become more corporate — IU's features investment firm partners, CEOs and entrepreneurs — Cottom says they increasingly favor leaders who are willing to go against faculty opinion and make hard decisions in the face of declining state funding.

"There's just a lot of conservative thinking when you think a university should function more like a corporation," Cottom said. "And so I think there's this belief that the allegiances of an outside leader are much more favorable to a politically minded board."

Growth of search firms leads to secret searches, fuels mistrust

IU's Board of Trustees broke tradition from past recent presidential searches at IU when the trustees rejected a short list of candidates presented by the search committee and asked the committee to consider four other candidates, including Whitten.

Presidential searches at IU and other institutions had long been a more public-facing and democratic process, with the university publishing the names of short-listed candidates and finalists even visiting campus to speak with students.

That changed at IU, and across the country, in the past few decades, when many public institutions began working with private search firms to identify and recruit candidates. These search firms, or "headhunters," insist on maintaining privacy for their candidates throughout the search process, leaving campus communities in the dark until a new leader is identified.

James Finkelstein and Judith Wilde, professors at George Mason University who study leadership searches in higher education, say that between 1975 and 2015, the use of search firms at both private and public universities increased from 2% to 92%.

During the 2021 search process, IU contracted with two search firms: R. William Funk & Associates and Storbeck Search, for \$168,025.59 and \$50,000, respectively.

Finkelstein said the secrecy required by search firms fuels distrust between new administrations and faculty who weren't consulted in the process and often have no familiarity with the candidate.

"When that person gets announced and installed, they're already at a disadvantage, because faculty don't trust them," Finkelstein said. "And that lack of trust can be fatal for a president, because they have to rebuild trust where there is mistrust, because faculty don't trust the board."

Wilde notes search firms frequently don't engage in "due diligence," by checking a candidate's background, work history and references, or do so for an extra charge. This has led to scandals coming to light only after a leader is in-

tracts are for five years).

Failed presidents can be expensive, requiring huge buyouts to settle contracts and leadership searches to start all over again. IU is acutely aware of this; in April, IU Foundation's former President Dan Smith sent a letter to the trustees expressing serious concerns that the negative publicity IU was generating could majorly affect donor fundraising. Smith encouraged Whitten to hire management consultants to aid in refining her leadership style.

"In recent conversations with a few of our major donors and with several parents of prospective students, IU was referred to by them as being in an era of chaos," Smith said. "At some point in the foreseeable future, more of our major donors are going to shift the conversation away from President Whitten ... and ask why the IU trustees are willing to accept the chaos and endorse the team that creates it."

Political polarization leads to more conservative leadership

Since April, Whitten's faced a 93% majority vote of no confidence from over 800 members of IU's faculty and subsequent calls for termination from faculty at the majority of IU's colleges.

But several months later, Whitten remains in her position.

In many ways, Cottom says, Whitten's appointment is a product of the current state of higher education and national politics. Public confidence in the value of higher education has been falling and approximately 27% of Republicans favor defunding public colleges, citing a belief colleges spread liberal propaganda. Cottom says governing boards at state universities, especially in politically divided states, are more likely to appoint leaders who can balance the perception of combatting echo chambers while not angering prominent alumni donors.

"What we have here is political polarization coming home to roost," Cottom said. "Most public university systems are just trying to tread water, hoping the political climate changes. But I think that at every state level, there are more nefarious actors who are taking this moment of treading water to do more aggressive political takeovers."

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WHITTEN'S APPOINTMENT



UNPOPULAR PRESIDENTS

Controversial university leaders becoming more common

Brian Rosenzweig The Herald-Times | USA TODAY NETWORK

To many Indiana University faculty and stakeholders, President Pamela Whitten's selection process in 2021 was unlike anything they'd seen before. After IU's trustees rejected a short list of candidates presented by a search committee consisting of faculty, students and trustees, the board asked the committee to consider Whitten for still-unknown reasons. Non-trustee members of the search committee were reportedly told about Whitten's selection days before it was announced and appeared to be largely left out of the board's decision. Unlike in other searches, the list of finalists was kept airtight, and years later, why the trustees favored Whitten remains elusive.

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Indiana University President Pamela Whitten is overcome with emotion after receiving a standing ovation for her address during her inauguration as the 19th president of Indiana University at the Indiana University Auditorium on Nov. 4, 2021. RICH JANZARUK/HERALD-TIMES



Jill Bond
News director
The Herald-Times
USA TODAY NETWORK

About our series on Whitten's appointment

When Pamela Whitten was appointed Indiana University's first female president in 2021, the secretive search meant there was no chance for public vetting of the system's new leader. On the Bloomington campus, her selection immediately raised questions about the process and cries to protect a long-standing tradition of "shared governance" have rung on campus more often than the bells in the Metz Grand Carillon ever since.

The year Whitten took her seat at the head of the state's largest university system, IU law professor Steve Sanders dug into the search process and published a story on Medium highlighting the departure from traditional norms associated with Whitten's selection. Sanders relied on

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Why Whitten was chosen for IU still a mystery

Boris Ladwig
The Herald-Times
USA TODAY NETWORK

Pamela Whitten has ascended to presidential positions at state universities twice without being named by search committees among the initial finalists.

Whitten was named the 19th president of Indiana University in 2021 even though she was not among the initial finalists. Three years earlier, the same thing



Indiana University President Pamela Whitten high fives a graduate during the processional of the platform party inside Memorial Stadium during Indiana University's 193rd undergraduate ceremony on May 7, 2022.

RICHARD JANZARUK/HERALD-TIMES

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Mystery

Continued from Page 1A

happened at Kennesaw State University, where she was the fifth president. Whitten has been at the helm of one of Indiana's largest economic drivers for three years. She was paid \$829,209 last year after receiving a bonus from the board of trustees, and enjoys fringe benefits including free housing and a generous life insurance policy. Exactly why she was ushered into the positions — or by whose guiding hand, if any — is unclear.

IU search committee members don't want to talk, with most citing nondisclosure agreements, and the search committee chair has died. At Kennesaw State, even the search committee chair said he does not know why the committee's three finalists were eliminated — or by whom — though he said Whitten was among the top five choices.

The rise of search companies and fall of public scrutiny

The circumstances of Whitten's appointments reflect the generally clandestine nature by which university presidents are chosen, experts say, particularly in states such as Indiana and Georgia, where reliably conservative statehouse majorities feel ever more emboldened to keep the much more politically liberal state university campuses in check.

"There has long been debate about the value of transparency regarding candidate pools in higher education presidential searches," according to the website of AGB Search, a company that provides services related to executive searches and compensation evaluation for higher education institutions.

"Some institutions are required by law to reveal the names of applicants in a presidential search, including semi-finalists and finalists," the company said. "Others, while not legally required to do so, will reveal the names of finalists, as they may be expected to conduct campus tours and meet a variety of stakeholders."

In open searches, the name of every candidate who applies may be revealed, whereas in closed searches, candidates' names are kept confidential. In a hybrid approach, the names of only the finalists are revealed.

"Proponents of open searches believe full transparency is key to achieving the most successful outcome, giving all constituencies an opportunity to weigh in on the process and the applicant pool," according to AGB Search.

"Advocates of closed searches maintain that this approach better protects applicant privacy and the security of the candidate's current leadership role," the company said. "To that end, closed searches may yield larger and potentially more qualified candidate pools."

Presidential search experts said laws that require revealing finalists' names are increasingly rare. University boards are more inclined today to hand over the initial selection work to third parties such as private search firms, whose records can be much more easily shielded from public scrutiny than those of a search committee at a public university. But even when stakeholder search committees are used, as in the case of Indiana University, boards may prohibit public disclosure by requiring committee members sign NDAs.

"The way they do presidents now is nobody knows until the final selection," said Douglas Moodie, who was the search committee chair at Kennesaw State when Whitten was named president there in 2018. Moodie is a professor of management at Kennesaw State's Michael A. Leven School of Management, Entrepreneurship and Hospitality.

Most candidates serve as presidents

or provosts at other institutions, and universities fear if donors learn about the potential departure of the president or provost, raising money would become more difficult, he said.

"Makes you a lame duck very fast," Moodie said.

Such secrecy obscures what, if any, vetting occurred on the person chosen to lead a workforce larger than that of the state of Indiana. IU generates about \$880 million in economic activity just through payroll, construction, research and student and visitor spending every year. Arguably, whoever leads the university system impacts the vitality of the entire state.

However, Heather Pincock, associate professor of conflict management and interim Peace Studies coordinator, said Whitten's own history belies the rationale that private searches lead to less skittishness. Pincock also served on the executive committees of Kennesaw State's chapter of the American Association of University Professors and the faculty senate.

Whitten, while provost at the University of Georgia, was publicly named a finalist in several searches, Pincock said, including for chancellor at the University of Tennessee in 2016 and for president at Iowa State in 2017.

Andrew Pieper, professor of political science at KSU and past president of the university's AAUP chapter, also dismissed Moodie's rationale, saying plenty of universities have been naming finalists and never had an issue finding high-quality candidates.

Pieper said shrouding the selection process in secrecy raises suspicion among stakeholders, especially at public universities, and undermines the selected candidates because they face immediate questions of legitimacy and have no buy-in from faculty, staff, students and the community.

Moodie said he understands the transparency concerns raised by Pieper and AAUP, but he said they're confusing the hierarchy at a state university — top-down by design — with the more collaborative approaches that may be taken by top private schools.

"This isn't Ivy League," Moodie said. "We're a state university. We do what the governor tells us to do," he said.

The presidential search at Kennesaw State

Moodie agreed with Pieper that the search process at KSU was "completely unopen."

The university used headhunters and set up a committee of faculty and staff to identify three finalists, Moodie said.

The committee set some criteria for finalists, including that every candidate had to have a doctorate. That weeded out some of the more unusual candidates, such as local business owners or members of the clergy.

Moodie said the committee also saw a lot of deans apply but decided early on to consider only people who already served as provost or president. In hindsight, Moodie said that decision "may have been an error," because it eliminated highly qualified deans and captured a lot of applicants who likely were not seriously looking to lead KSU and instead used their application as leverage to negotiate for higher salaries in their current jobs.

The committee interviewed 12 semi-finalists and selected three finalists, but Moodie said the headhunters came back and said the three finalists were no longer available.

"I don't know what happened," Moodie said.

Pieper was not directly involved in the search, but he said leadership at the AAUP heard from several sources Whitten was not originally part of the top three.

Moodie said after elimination of the original top three, the search committee had to come up with two additional

names. The committee picked Whitten as one of those two.

Moodie said if Whitten had been a university president already — she was provost at the University of Georgia — she likely would have been among the top three from the start.

Of the 12 candidates the committee interviewed, Whitten stood out, he said, because she questioned the board on the university's performance, including low graduation rates.

"She'd done her homework," Moodie said.

Steve Sanders, IU associate dean for academic affairs, who has been critical of Whitten's selection process at IU, said it's "kind of a minimal expectation" that candidates for a university presidency prepare for an interview.

"The fact she came well prepared for the interview ... is different than, how does she make decisions, how does she treat subordinates, how does she relate to people," said Sanders, who also is a professor of law at IU's Maurer School of Law.

Moodie said he suspects the Board of Regents of the University System of Georgia ultimately picked Whitten to lead KSU in part because the board knew her from her work as provost at UGA.

The presidential search at IU

Information about the search at IU has been difficult to obtain. Of the 10 IU search committee members The Herald-Times contacted, three declined to be interviewed, citing the nondisclosure agreements. The seven others did not reply to electronic and phone messages.

Much of what is known publicly about the IU search was revealed by Sanders, who based an article he posted on Medium on "interviews with eight people who directly participated, in various capacities, in the process that culminated in Whitten's appointment."

Sanders wrote that he sent a draft of his story to three trustees, Whitten and others to invite them "to dispute any facts or provide comments. None did so."

Indiana University would not comment on whether Whitten reviewed Sanders' draft. The university declined to make Whitten available for an interview and instead emailed the following statement:

"President Whitten remains focused on propelling Indiana University into a better future, fulfilling the mandate from the Board of Trustees to respond to the changing higher education environment and build on our progress restoring IU's position as a world-class institution."

Sanders said in mid-August that he learned from conversations with the "people who directly participated" that Whitten was one of dozens of people the search consultant presented to the search committee.

"They did initial interviews by Zoom and then final interviews in person," he said. "She wasn't one of the people chosen for an interview."

"And we know that the search committee did choose four people as finalists to advance to the trustees, and the trustees, for their own reasons — again, this is where it's a little vague — didn't want any of those four ... and kind of sent the committee back to the drawing board," Sanders said.

At that point, Sanders said, it appears that the late Melanie Walker, a board trustee and chair of the search committee, championed Whitten, while the rest of the board "was just kind of detached from the process."

"Something about Whitten's personality, background, whatever was available to the committee, seemed to have stood out to Melanie Walker," he said.

Sanders said it's reasonable to conclude that Walker, who was scheduled to become the next board of trustees president, enjoyed the trust of the other

board members and was perceived as someone with the skills necessary to do that job.

"For those reasons, it may not be surprising that they were relatively deferential ... toward her recommendation," he said. "She was ... really the liaison between the board and the search committee."

"It seems like a reasonable inference that Melanie Walker would have been looking at these candidates through the lens of somebody who was going to be the president of the board of trustees," he said.

That spring semester, according to Sanders' sources, the search committee identified two additional people and conducted another set of interviews via Zoom.

"One person involved in the process characterized the committee's views on Whitten as 'mixed,' but said at least some committee members thought she was the best of the second-round candidates," Sanders wrote in his piece on Medium.

On March 24, 2021, the IU board of trustees announced it was "focusing on final candidates" and that "a diverse mix of external candidates has recently visited IU as part of the search process." Sanders wrote that sources told him "non-trustee members of the search committee were not involved in these interviews."

The university said on April 9 it had begun contract negotiations with a final candidate. IU announced Whitten's selection on April 16.

Sanders: No evidence of political pressure

Sanders said he can see good arguments for closed and open searches, and their suitability may differ depending on factors including the institution's size.

"I can see how maybe at a smaller, one-campus institution, the idea about buy-in and constituencies being comfortable with the president might be more important, or at least more practical than it is here" at a university with multiple campuses, he said.

A closed search, which, Sanders said, IU has used for at least 40 years, can work "as long as they have a search committee that is active and whose judgment is honored."

"That's what we didn't have here," he said.

Sanders acknowledged "Republican legislatures are becoming more, you know, skeptical toward universities and ... have more of a hunger to control what's going on ... (but) nobody indicated to me that they were feeling political pressure to name Whitten."

"I talked to quite a few people in different parts of the search, and nobody ever said, 'Well, you know, the governor kept pestering us that this has to be the person,'" Sanders said.

And, he said, Whitten has to be judged on her actions, not on how she was chosen. "She's not responsible for the way she was chosen. ... Whitten has to rise or fall based on her own decisions," he said.

Sanders said while Whitten has had "what most people would regard as a difficult presidency ... you can't say there is a direct correlation between the search process and the success of her presidency because hindsight is 20/20."

The fact the search committee did not interview her "suggests they may have thought that she was not prepared to do a job at this level ... and experience has validated that judgment," Sanders said. "Again, in hindsight, that may be correct, but I don't know that it was inevitable."

"You could imagine other situations where somebody emerges out of that process but turns out to be a wonderful president," he said.

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Bond

Continued from Page 1A

anonymous sources, but our reporting found nothing to contradict what he published.

Even after Sanders' extensive review, a question remained: Why did the Board of Trustees choose her?

Whitten, who has a history of upsetting faculty wherever she goes, was seemingly handpicked by the Board of Trustees to lead IU. Her selection was done under a shroud of secrecy, with most aspects of how she was identified and why she was chosen sealed by nondisclosure agreements and hidden from public view by the use of private search firms.

As the staff of The Herald-Times, aided by a couple of ambitious interns, attempted to find an answer, we learned observers are documenting a wide-

spread shift in how university presidents are chosen and the idea of shared governance — which may have just been an idea all along — continues to be eroded on college campuses all over the U.S.

It was no secret that political forces were in play in some of Whitten's actions at Kennesaw State University.

As part of our reporting, we looked for publicly documented relationships between politicians in the state and Whitten. We didn't find anything noteworthy, but the state's governor has control of the Indiana University presidential office, even if it's done at an arm's length through appointments to the Board of Trustees.

Unfortunately, the person who appears to have been Whitten's greatest champion among the trustees died a few months after Whitten's selection was announced. How much due diligence was conducted and what Melanie Walker thought Whitten would bring to the university is not publicly known. We

do know Whitten was unpopular and involved in several conflicts in her previous leadership roles at Kennesaw State University and the University of Georgia.

Whitten has continued her penchant for controversy and upset at IU. In the three years she has been president, she has faced calls for her resignation or termination, no confidence votes, and criticism for her handling of student protests and numerous other decisions.

H-T reporters spoke to many people familiar with her leadership both before and after she came to IU. Most of them were too afraid to speak and few would do so on the record, fearing Whitten would blacklist them, as she reportedly threatened to do to a University of Georgia professor.

The H-T also reached out to the members of the IU presidential search committee, but a nondisclosure agreement they were required to sign kept

them silent.

It's no wonder IU faculty are untrusting of Whitten and her administration. Leading through fear fosters anxiety and the trustees gave the university community no opportunity to buy into her appointment ahead of time.

People we spoke to at KSU were divided about her leadership and its impact on the university. The same is true on IU's campus today. Maybe she's the medicine IU needs to propel it forward and ensure its graduates enjoy tangible benefits in their careers. Maybe her decisions and the unfavorable publicity they receive will end up damaging the university's reputation and recruitment efforts for years to come.

With the trustees still backing Whitten and the rest of her leadership team, only time will tell.

Jill Bond is news director for The Herald-Times. She can be reached at jbond@heraldt.com.

Centralization effects on IU's College of Arts and Sciences

Marissa Meador

The Herald-Times | USA TODAY NETWORK

Carl Ipsen and James Farmer thought they were going to a routine meeting with the associate dean of the College of Arts and Sciences (CAS) at Indiana University in March 2023. They were looking to pitch an increased budget for the Food Institute, which for eight years had provided a physical space on the Bloomington campus for faculty and students to research food, cook and discuss.

Instead, they were told their budget would be zero.

"The College (of Arts and Sciences) didn't have the means anymore, but certainly the university didn't step up and say, 'This is a valuable resource and we should keep it,'" Ipsen, founder of the institute, said. "We didn't have any champions in this regard."

Faculty at IU Bloomington have been questioning whether they have any champions among President Pamela Whitten's leadership, and based on her history they may be right to wonder. Whitten has been at odds with the people she leads at both her previous posts, as president at Kennesaw State University and provost at the University of Georgia.

Ipsen said the Food Institute was just one of the cuts necessary to afford an increase in graduate worker stipends, which the administration agreed to after the graduate workers' strike in 2022. Provost Rahul Shrivastav raised wages, but did not provide the extra funds. Since the CAS has a large percentage of graduate students, its leaders had to scramble to find the money, though an IU spokesman said the university has helped the CAS subsidize the increase.

Ipsen wasn't the last to have this experience. In the past three years, the IU administration has pursued a campaign to centralize budgets, research and hiring while enhancing its focus on Indianapolis and lucrative applied research fields.

These structural changes have prompted faculty to worry about CAS programs and budgets being whittled away and diminished discretionary decision-making, leading to widespread uncertainty and even fear that IU Bloomington's role as the flagship campus is in jeopardy. Several have expressed concern about degradation in the idea of shared governance — where faculty and administration collaborate on the direction of the university — and fear centralization of control is one more crack in that understanding.



Shrivastav

Centralization

Continued from Page 1A

In a statement, IU spokesman Mark Bode told The Herald-Times that IU is working to ensure the long-term sustainability of its liberal arts offerings in addition to its investment in emerging fields.

The H-T spoke to several administrators and faculty who see IU's decisions differently, acknowledging a general decline in liberal arts enrollment while also expressing a fundamental distrust in the administration charged with solving the problem.

Money flows to the top

In recent years, faculty said they've noticed more and more taxes from Bloomington's CAS being collected by IU's university-wide system, increasing the administration's ability to spend in its chosen areas of investment.

"The key difference that's happened over the course of the last three years has been taking off the top more money from the campuses for central administration," Rebecca Spang, interim dean of the Hutton Honors College, said.

While a budget redesign is still underway, the current structure provides individual schools with funding based on enrollment under a model called responsibility center management. Then the schools are taxed by both the university system and the Bloomington campus.

These taxes are known as the indirect cost rate and are negotiated with the federal government, according to Bode.

"Many universities correctly view (indirect costs) as a reimbursement of these costs the university has already paid," he said.

Bode said the increase in campus "taxes" on grants and contracts "is being used for research administration, research services, infrastructure improvements, proposal development services, and research IT technologies, among other (things)."

For the CAS, these assessments have hovered around \$73 million in the past three years, while university assessments have increased by more than \$12 million. The combined total the campus and university pulled from the college was \$124 million in fiscal year 2024.

At the same time, a CAS budget line labeled "other revenue" — mostly campus investment, which Bode said includes a subsidy from the university to help cover graduate worker stipends — has shot up \$19 million, contributing to an increase in total income. Expenses increased the same, driven primarily by the increase in compensation.

Several people the H-T spoke to said they felt IU's centralization, combined with an amplified focus on the Indianapolis campus, signaled a shift away from Bloomington. They pointed toward federal funds flowing into Indianapolis, the site of a new biotech hub, and a corresponding investment from IU in applied sciences, whether it's for faculty, infrastructure or encouraging research.

While centralization itself is not a bad thing, several faculty said, many lack trust in the administrators guiding the

shift of money and control.

"When nobody knows what's going on, it allows for a power grab," said Elizabeth Housworth, a mathematics professor who serves on the Budget Model Redesign Committee. "And the center has the advantage."

Bode attributed some of the changes to the university's need to evolve.

"While IU's historically decentralized budget and operational models have served us well in many ways, there are tremendous opportunities, particularly in interdisciplinary and emerging areas like health, life sciences, and AI, where we have to evolve our approach and collaborate differently to take full advantage. We rely on the expertise and creativity of our talented faculty across disciplines, particularly in the College (of Arts and Sciences), to make these strategic areas of opportunity come to life, both in meeting student interests and aspirations and addressing most pressing issues of the day through transformative research," he wrote in an email.

An uncertain future for the liberal arts

Part of faculty's concern with a perceived focus on applied science — think patents and partnerships with companies — is that it may take away from the research the CAS champions, which several said is essential for graduate student education and the university's rankings.

"There's no way that we can have a top-ranked research university, a university that belongs in AAU (American Association of Universities), if we don't have first-rate graduate programs," Spang said.

Spang came to IU in 2007 as one of four tenure-track faculty hired in the history department that year. The history department is down eight tenure-track faculty from 2020 and none has been replaced, Spang said.

The department is one of several disciplines that have seen fewer majors, fitting with a national decline in liberal arts enrollment.

"If the idea is that we need to allocate faculty where the students are, and obviously there's a lot of logic to that, then you're just going to keep hiring people to teach accounting and finance or business law, and you're not going to replace the Ottoman historian," she said.

Spang argues higher education has a responsibility to provide a robust liberal arts program for the students who do study it, as well as building a variety of skills that allow flexibility.

"Fundamentally, I think, university education is supposed to 'prepare you' for the future, but no one knows what the future will be," she said.

Portuguese major slashed

Months ago, it was a rumor. Now it's reality — the Portuguese major at IU is no more.

"While you still can study Portuguese, I think it really has a bad message to cancel the Portuguese major at the same time as we continue to use the decades-old advertising line that IU teaches more languages than any university in the country," Spang said.

The cut came even as Portuguese is considered a critical language by the U.S. Department of State.

Housworth said the provost and the state of Indiana are concerned about programs and majors with too few students — including certain languages.

The problem with enrollments has caused serious budget issues for the CAS, including a shortfall of millions of dollars in 2015. Declining enrollments are owed partly to an increase in dual-credit offerings in Indiana high schools.

In 2015, the former CAS dean tried to cut the doctoral theater program to save money, but alumni complained to then-President Michael McRobbie, prompting him to reverse the decision, Housworth said.

The administration ultimately bailed out the CAS, lending credence to the idea that central funds and decision making could help prevent the need for a rescue.

While some view the cuts as necessary treatment for a declining program, Housworth said, others feel shock at the sudden changes and consistent chaos.

Other recent changes the H-T confirmed included the elimination of the study abroad program in Salerno, Italy, a merger of the Institute for the Digital Arts and Humanities with the Institute for Advanced Studies, and the rebranding of the Integrated Freshman Learning Experience, which involved six weeks in a research lab and an honors science course and now links to the IU 2030 Plan's new Intensive First-Year Seminar courses.

Bloomington office slashed to target 'dollar-driven' research

At the same time, IU has quietly pulled the rug out from under researchers at the Bloomington campus to centralize one of IU's greatest assets.

Provost Shrivastav has said he believes IU is underperforming when it comes to attracting large research grants, Housworth said. Centralizing research from each campus under one administrative office aims to pool money and direct it toward lucrative research opportunities.

IU has signaled it sees external funding as the "core metric of research excellence," according to a 2022 report from the Bloomington Faculty Council's Research Reorganization Task Force. The task force gathered faculty input on IU's centralization efforts and found the proposal "fundamentally flawed" because it undermines the Bloomington provost's role in guiding research. At the time, IU had already begun to implement its reorganization, prompting the task force to describe the Bloomington Office of the Vice Provost for Research as "hollowed out."

While the report acknowledged the benefits of centralization, it cautioned against IU's "dollar-driven" approach, highlighting the less tangible benefits of other types of research that draw awards, fellowships and fuel doctoral and undergraduate education.

It asked IU to pause the reorganization, but the university forged ahead and completed it. The vice provost for research resigned, according to the report, and the office's role has significantly diminished since.

"With any change, if you're changing a structure, there's going to be rough patches," said Caroline Jarrold, who chaired the task force at the time.

With a focus on large grant-attracting research, the new model mainly affects disciplines that rely on internal funding for research, which is usually arts and humanities. As IU underwent the transition, the occasional hiccup caused uncertainty and anxiety for people on the ground, Jarrold said. For those involved in scholarly centers that have merged, the change can feel chaotic, while most effects are not felt by the general IU community.

Jarrold said it's unclear if elements affected by centralization will completely recover in the next few years, although she hopes they will.

"The mission is better served when the people who serve the mission are close," she said.

In addition to centralization, IU began keeping a greater percentage of research grant funds in July 2023. Each university takes a certain percentage of grant funds to recoup costs associated with providing infrastructure and complying with grant policies, but IU has traditionally returned 91% of that chunk to schools. Now, schools only see 70% of funds returned, tripling the amount of money IU retains centrally.

IU still redistributed more of its indirect cost recovery than other research institutions, according to information on IU's website.

"If the money is held in lots of small pots, then no pot is large enough to do a big project," Housworth said.

The change isn't unreasonable, Housworth said, but it has caused confusion about where researchers are supposed to go to ask for more money now that the decision is no longer made by just the school dean.

A stronger grip on faculty hires

Another major change involves faculty hiring, which now requires administrative approval for schools with a deficit like the CAS and has seen millions of dollars routed toward top-down initiatives such as the provost's Faculty 100 initiative.

Faculty 100 aims to recruit 100 tenure track faculty, but critics say the effort is being poorly executed and is behind schedule.

Housworth said the provost's rationale for this centralized hiring approach is to increase the number of grant-attracting faculty. It also diversifies revenue, preparing IU for a possible enrollment cliff.

While some centralization efforts make sense, the problems arise when faculty don't trust the administration's intentions, Housworth said — and only transparency can repair the relationship.

As administrators deliberate the future budget model, the CAS and other areas of IU will remain in flux. With pressures to cut, "micromanaged" hiring and a general shift in focus to applied sciences, Housworth isn't sure much good can come from the process for the CAS.

"You could see that the trend is that the center believes the college needs to be smaller," she said.

'Clash of cultures'



Indiana University President Pamela Whitten discusses the university's mental wellness offerings Aug. 13 during a meeting of the IU trustees at Alumni Hall. RICH JANZARUK/HERALD-TIMES

Whitten upset Georgia profs before heading to IU

Boris Ladwig The Herald-Times | USA TODAY NETWORK

*"She would make a good sergeant major." • "She was reluctant to acknowledge simple reality."
• "She wants control." • "Her interpersonal skills were extremely lacking."
• "She didn't care what the faculty thought."*

That's how Indiana University President Pamela Whitten was described by faculty at Kenesaw State University, where she was president before she came to IU. Those descriptions came from two detractors — and one defender. The faculty members agreed Whitten's abrasive style rankled lots of KSU professors — but they disagreed about whether it damaged the university, a state institution with 45,000 students on two campuses northwest of the Atlanta metro area.

Whitten's critics said her contempt for faculty opinions shredded relations with professors, undermined their expertise and made a mockery of the concept of shared governance. "She's not a leader. She's a decision maker," said Andrew Pieper, professor of political science at KSU and past president of the university's chapter of the American Association of University Professors.

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Whitten

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"Her style was not to convince anyone," he said. "Her style was to dictate what was going to happen."

The critics also said Whitten avoided problems the university was facing in favor of implementing changes that were based on impulse — rather than analysis — and which would look good on her resume. Those decisions, they said, often caused frustration and hardships among long-serving professors and staff.

A take-charge leader or a dismissive despot?

However, Douglas Moodie, a KSU professor and the search committee chair at KSU when Whitten was named president, said after years of turmoil, the university needed a president like Whitten, who took charge and made necessary decisions without regard to their — or her — popularity.

"She told it as it was," he said, "and that upset some people."

Moodie, who also is a professor of management at the Michael A. Leven School of Management, Entrepreneurship and Hospitality at KSU, said many of the policies Whitten implemented did not originate with her, but with political leaders at the highest levels of the state.

"It wasn't just Pamela," he said, "but she was the lightning rod."

Pieper said it became clear to him from his first meeting with Whitten that she was reluctant to acknowledge reality the way faculty, students and staff at KSU saw it.

"I got the feeling that we wouldn't be able to agree on what color the walls in the room were," he said.

Whitten focused primarily on public relations and on what could make the university look better, he said, but she often refused to even acknowledge actual problems, telling faculty members they simply didn't understand and dismissing them as "whiners and complainers."

That approach proved challenging for most of the stakeholders, Pieper said.

"If you can't get on the same page about what the problem is, then you're not going to be able to solve the problem," he said.

Confusion at KSU about importance of research

For example, Pieper said, while KSU was a local college until the 1980s, the university was classified in 2015 by Carnegie as R3, or a university with moderate research activity. Leaders at the time said they would never pursue an R2 classification, which denotes high research activity.

Pieper said the classification reflects how many master's or doctoral students the university produces, but says nothing about the quality of instruction. Most faculty members came to KSU to teach undergraduates and therefore did not care about the classification.

During Whitten's presidency, Carnegie changed its classifications, which meant a large share of R3 universities automatically became R2 universities, he said. KSU also received the R2 designation, though barely, Pieper said, and for Whitten, it became an opportunity to generate positive headlines.

"It wasn't an achievement at all," Pieper said.

It was akin to changing the size of an inch and saying that a previously 5-foot-tall person now is 6 feet tall, he said.

However, Whitten used the reclassification to shift the university's entire mission to making sure it would retain the R2 classification, Pieper said. Faculty went through years of bureaucracy, planning sessions and creation of roadmaps about how the university had to keep its new classification.

In Pieper's view, Whitten threw the university into turmoil because the new classification looked good on her resume.

Indeed, the news release announcing Whitten's departure from KSU listed three primary accomplishments during her time at the university, including the "R2 research designation that places it among a select group of colleges and universities in the nation."

The push to retain the classification changed almost everything about the university, Pieper said. Rather than focus on improving the quality of instruction and student educational experiences, he said faculty felt enormous pressure to produce more research and field inquiries about why this or that doctoral student did not finish.

KSU assistant professor Heather Pincock agreed, saying Whitten often proposed things that looked good on paper and on her resume but she gave little thought to what it took to implement those things and how it affected people



A protester holds up a sign calling for the termination of Indiana University President Pamela Whitten during a protest outside of Bryan Hall on April 29. BRIAN ROSENZWEIG/HERALD-TIMES

at the university.

Pincock is the university's associate professor of conflict management and interim peace studies coordinator. She served on the executive committees of KSU's AAUP chapter and the faculty senate during Whitten's tenure.

As one example, Pincock cited changes Whitten made to the faculty workload policy. Pincock said the changes initially were presented as an increase to teaching expectations, prompting confusion among faculty because of the previous demand to produce more research.

While the changes ultimately had little impact, Pincock said they came with an implied threat that if faculty did not produce enough research, they would see a greater teaching load. The framing of teaching as a punishment, especially at a teaching-focused university, "was kind of offensive to people," Pincock said.

The changes also came at the same time the university had experienced salary stagnation, which resulted in newly recruited professors sometimes having a higher salary than 20-year faculty members, further deteriorating morale, Pincock said.

Moodie, the search committee chair, said he believes lack of funding helps explain many of the problems identified by Pieper and Pincock.

"We're paid to be a teaching university ... (and) we don't have the money to be a research university ... but our bosses still want us to do research," he said.

'The sort of person you want to hire'

Moodie said he appreciated Whitten's clear and direct approach and lauded her for also teaching a class, which previous presidents had not and even many deans do not.

"I was very impressed with her," Moodie said.

"I think if you're a governor and you want things done ... then Pamela is the sort of person you hire," he said.

From news coverage in Indiana, Moodie said it appears Whitten has taken the same approach in the Hoosier State as she did in the Peach State.

With similar results. Whitten's style and actions have annoyed faculty and other stakeholders at IU as well. Whitten's lowlights in Indiana include:

- The cancellation of a planned exhibition of IU alumna Samia Halaby's first American retrospective, with faculty, students and free speech advocates speculating the administration censored Halaby for her pro-Palestinian viewpoints.

- Ordering the change of a decades-old policy related to free assembly on the eve of a pro-Palestine protest, an action that three legal experts said likely violated the Constitution.

- In April, 93% of the IU faculty on the Bloomington campus voted in favor of a no-confidence motion against Whitten.

Some local stakeholders also have shown their disdain for Whitten and the university's board of trustees with creative memes on social media.

- After a board member called Whitten the "Beyoncé of higher education," a Reddit posted a photo of Beyoncé's



Indiana University President Pamela Whitten looks on during the Indiana football spring game at Memorial Stadium on April 18. BOBBY GODDIN/HERALD-TIMES

former band, "Destiny's Child," adding Whitten to the photo and inserting the word "Manifest" before the band's name.

- A poster for a Cake Day 2024 celebration prompted someone to add a fake quote from Whitten — "Let them eat cake" — a phrase alleged to have been spoken by Marie Antoinette, the last queen consort of France, who is said to have uttered the words when told that France's starving peasants had no bread.

Shared governance? What's that?

Pieper and Pincock also said Whitten implemented drastic changes without seeking input from faculty, a break from long-standing tradition that allowed for at least the perception of collaboration and the pursuit of common goals.

Pincock said that at faculty senate meetings, administrators before Whitten were given about 10 minutes to introduce changes, and faculty would use the bulk of the remaining time to provide input to improve the proposals. When Whitten took over, she began "filibustering" the meetings, re-reading memos and statements about what changes would be implemented, leaving faculty essentially no time to discuss the proposals' impact.

Pieper said meetings that previously had served as a room for discussion among bodies of equals became, under Whitten, "a place for announcements."

Feedback was not welcome and didn't matter, he said. Whitten often said the faculty "simply didn't understand things."

For example, Pieper said, the faculty senate overwhelmingly voted against the massive changes to faculty workloads, but Whitten disregarded the feedback and implemented the changes anyway.

He said her approach undermined stakeholders' previous understanding that they shared governance of the university.

Pieper said leaders collaborate and bring respected colleagues into the conversation so they can bring to bear their expertise to create the best solutions.

Pincock said, "It became clear over time that she really didn't care what the

faculty thought or wanted."

Moodie acknowledged Whitten's style irritated faculty members, though he personally welcomed it as refreshing.

When professors achieve tenure, he said, they tend to relax a bit, and Whitten does not like to mince words.

"If people were being lazy ... she would tell them," Moodie said. "She did not sugar-coat anything."

Moodie, who has been at KSU for 26 years, said he agreed with Whitten's critics that she did not seek as much input as prior presidents, nor took much faculty input into consideration.

"A lot of faculty are used to being babied," he said. "There definitely was a clash of cultures."

Whitten did not like to waste time, and she knew policy changes that originated in the statehouse or governor's mansion would be implemented, no matter how much the faculty grumbled, Moodie said.

"She didn't care what anybody said," he said. "Rhinoceros skin."

Steve Sanders, IU associate dean for academic affairs and professor of law at IU's Maurer School of Law, said he believes making people feel heard is valuable, even if the decisions don't go their way. Sanders has been critical of the search at IU that resulted in Whitten's appointment.

"People do often say about good leaders, 'You know, they didn't always do what I thought they should do, but at least I felt like I was heard and my views were respected,'" Sanders said.

"I just think that goes a long way," he said.

Sanders said Kenneth Gros Louis, who served as chancellor of the Bloomington campus from 1988 to 2001, "had this wonderful ability to kind of, like, get what he wanted done, while making everybody believe that not only he had listened, but that he had, like, incorporated their advice and all of that."

"That's truly extraordinary leadership," he said.

Indiana University declined to make Whitten available for an interview, but sent a statement to say that she was "focused on propelling Indiana University into a better future."

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Whitten ^{HT 9/19/24} gets a \$175k ²⁰²⁴ bonus, 25% ¹² of salary

Binghui Huang and Brian Rosenzweig
Indianapolis Star
USA TODAY NETWORK

The Indiana University Board of Trustees Friday awarded President Pamela Whitten a bonus of \$175,500, as the campus leader continues to face student and faculty criticism for her handling of Pro-Palestine protestors and other political issues.

Some board members argued for her bonus, 25% of her \$702,000 salary, by listing her accomplishments such as shepherding some \$900 million into science and technology research, overseeing the transition from IUPUI to IU Indianapolis and launching IU Innovates, a program that support student startups and business ventures.

Whitten's bonus, the most the board could award her, comes five months after IU faculty overwhelmingly voted that they had "no confidence" in her leadership.

Fewer than 30% of faculty participated in the vote. But the movement to vote "no-confidence" signaled mounting frustrations with campus leadership's response to pressures from Indiana legislators to control higher education as well as the university's handling of pro-Palestinian activism among faculty and students.

In March 200 faculty members called for the no confidence vote due to a number of concerns over academic freedom amid political pressures, including the cancellation of a Palestinian artist's exhibit.

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Faculty expressed concerned with Whitten's decisions even before Pro-Palestinians protests erupted on college campuses across the country. In November, scientists, students and community members protested a proposal that the university distance itself from the Kinsey Institute.

Protesters have continued to be a presence on campus, including at the Board of Trustee meetings Thursday and Friday.

During the vote on Whitten's bonus, trustee and chair of the student relations committee Kyle S. Seibert said he thinks more work needs to be done to create a "fair and equitable evaluation process" for determining the president's bonus. Seibert said he also would like to see more feedback from faculty, staff and students.

Trustee Donna B. Spears, one of two trustees who voted against the bonus, said she did not agree with the amount awarded but emphasized her support for Whitten. Trustee Vivian Winston voted against the bonus but did not comment further when approached by the IndyStar.

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Cash

IU fires two for 'morale issues'

WFIU/WTIU executive director, CFO removed

HT-1/1/2024
Brian Rosenzweig

The Herald-Times
USA TODAY NETWORK

PAI

Indiana University Radio and Television Services' (RTVS) executive director and chief financial officer were fired Wednesday, according to a report from WFIU.

Indiana University provost Rahul Shrivastav first told RTVS staff mem-



Kimmel

bers via email that executive director Brad Kimmel and CFO Christina Lirot were no longer in their positions on Wednesday afternoon. According to WFIU, Shrivastav told leadership that RTVS "was not going in the right direction" following an outside assessment from a consultant who reported that there were "morale issues" among RTVS staff.

Lirot was reportedly escorted out of the RTVS building by a staff member, according to WFIU.

IU spokesperson Mark Bode said IU does not comment on "personnel matters."

"RTVS's vital community and university service missions remain a

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Firing

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priority for IU, and we aim to ensure even more success and impact from RTVS moving forward," Bode said in a statement.

Jay Kincaid, current director of facilities and technology at IU's Media School, was appointed RTVS' interim di-

rector. Rhonda Inman, principal accountant for IU's Office of the Vice Provost for Finance & Administration will lead RTVS finance and administration on an interim basis, according to WFIU.

WFIU and WTIU maintain editorial independence from IU.

Kincaid confirmed Kimmel and Lirot no longer work at Indiana University Friday, adding "there's really nothing else to say that hasn't already been said."

RTVS, located on Seventh Street on the IU Bloomington campus, houses WFIU Public Radio and WTIU Public Television, as well as an audio, video, and event support production unit that provides services to clients including IU Athletics, the IU Health Bloomington Hospital, and national news broadcasters like NBC, CNN and Al-Jazeera.

Before coming to IU in late 2020, Kimmel served as the CEO of WNIN Public Media in Evansville. According to

his LinkedIn page, Kimmel founded his own broadcast media company, Bradley David Productions, in 1994, which produced programming for national TV networks.

According to a now-deleted page on IU's website, Lirot joined IU in 1999 and is an IU alumnus.

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Ht 10/1/2024 PAP

IU to allow more activities past 11 p.m.

Brian Rosenzweig

The Herald-Times

USA TODAY NETWORK

Indiana University amended its controversial expressive activity policy, allowing for some "expressive activities" to occur between 11 p.m. to 6 a.m. while doubling down on prohibiting "protesting, making speeches, circulating petitions and all other unapproved activities" during those hours.

The policy now specifically allows for certain "permitted" activities to take place between 11 p.m. to 6 a.m., including "spontaneously and contemporaneously assembling and distributing literature," events that receive prior written approval from the university, and IU scheduled or authorized events that take place during those hours.

The amendments passed by a measure of 5-2 during IU's Board of Trustees meeting on Friday, with board members Vivian Winston and Kyle Siebert dissenting (board members Donna Spears and Cindy Lucchese were absent). Winston and Siebert both previously voted against the expressive activity policy when it first passed in July, with Siebert introducing a failed motion to remove time restrictions from the policy.

The amended policy is set to go into effect immediately.

Amendments come after months of confusion, contradiction surrounding policy

The expressive activity policy was first passed in July and took effect Aug. 1 in response to pro-Palestinian encampments in IU's Dunn Meadow.

Originally, the policy had said that all expressive activity had to take place between the hours of 6 a.m. to 11 p.m. But during the first three months of the fall semester, IU faced mounting questions about the policy's constitutional grounds and apparent uneven enforcement.

In August, the American Civil Liberties Union (ACLU) of Indiana sued IU over the policy, saying its provision on time restrictions was

er) and can be purchased at the box office, or line in advance at buskirkchumley.org/event/a_wonderful_life. Reach Brian Rosenzweig at brian@heraldt.com. Follow him on Twitter/X at [@brianwritesnews](https://twitter.com/brianwritesnews).

“complete and unequivocal dismissal of all claims” the county agreed to pay Sojourn House Inc. \$135,000. Other items in the settlement: ● Sojourn House can have up to eight residents suffering from post-traumatic stress disorder or

● The number of visitors associated with the house will be limited. Staff volunteers and others with business there must pass background checks and be put on an access list. Contact H-T reporter Laura Lane at llane@heraldt.com or 812-318-5967.

Policy

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“overly broad” and in violation of the First Amendment. The case is still ongoing in court.

In October, protesters participating in a weekly vigil that intentionally took place past 11 p.m. drew attention to the fact that students cheering and gathering past 11 p.m. for ESPN’s College GameDay were not cited under the policy, while vigil protesters regularly were.

Last week, the policy was again questioned when a candlelight vigil event, seemingly in error, was approved to take place past 11 p.m. only for IU to quickly backtrack and say the vigil needed to conclude “no later” than 11 p.m.

“Since the policy went into effect, we’ve received questions about how it applies to various events taking place on our campuses,” IU Vice President and General Counsel Anthony Prather said during the Friday trustee meeting. “These changes are meant to address those questions and increase clarity so those who wish to exercise their rights know what’s permitted and what’s not.”

“Since the policy went into effect, we’ve received questions about how it applies to various events taking place on our campuses. These changes are meant to address those questions ...”

Anthony Prather IU Vice President and General Counsel

Controversial expressive activity policy once again divides trustees

During the vote on the policy amendments, elected trustee Vivian Winston and student trustee Kyle Siebert once again broke from the rest of the board — who tend to vote unanimously — in opposing the amendments, saying the time restrictions were still problematic.

In July, Winston, Siebert and trustee Donna Spears (who was absent during the Nov. 15 meeting), voted against the policy being enacted. Both Winston and Siebert echoed their concerns about the time restrictions during the vote on Friday.

“I feel like the time restriction rule has made it too difficult to fairly enforce,” Winston said during the meeting.

“I’m on board with the policy 90% of the time,” Siebert said. “I struggle with the restrictions.”

Amendments come on the day of delayed settlement conference

On the same morning the trustees passed amendments to the expressive activity policy in Fort Wayne, plaintiffs and defendants on the ACLU case against the policy were meeting in Indianapolis for a settlement conference.

The settlement conference was ultimately delayed on Friday. Bryce Greene, a prominent pro-Palestinian activist on campus and a plaintiff on the suit, said he believed both parties were concerned potential changes to the policy could make parts of the lawsuit moot.

Still, he believes the pressure from IU students and faculty is what led to the amendment change.

“The top line is that IU wouldn’t be changing this policy had it not been for this lawsuit,” Greene said. “It’s certainly not a loss for us.”

Freelance reporter Tim Harmon contributed to this article.

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GOP eyes new era of college oversight

Plans may mean more federal intervention

Zachary Schermele

USA TODAY

WASHINGTON — There's an irony to how some Republicans are thinking about policing the nation's colleges.

On one hand, conservatives believe in small government and fewer regulations. An executive order issued by then-President Donald Trump in 2017 directed every federal agency, including the U.S. Department of Education, to "alleviate unnecessary regulatory burdens." Before he secured a second term this month, Trump called for the Education Department to be dismantled.

On the other hand, Republicans have become increasingly critical of campus "wokeness" and are pitching big ideas about reforming how colleges work. But those proposals would likely require more government intervention, not less.

The president-elect, for instance, wants to create a new tuition-free university funded entirely by taxes on the richest schools. Others in his party have demanded that the federal government intervene to curb diversity, equity and inclusion positions and programs while doing more to address antisemitism on campuses. Several far-reaching GOP bills in Congress — proposing to reshape the student loan system to end "wokeness" on campus — would dramatically change the rules governing colleges and the students they serve.

With the Republican Party set to control all the levers of power in Washington on Jan. 20, the GOP's plans to overhaul higher education are on a collision course with its efforts to limit the federal government's authority. Big changes may be difficult given Republicans' slim margins on Capitol Hill and recent Supreme Court rulings limiting government intervention. But all indications point to a new era of college oversight.

"It's our job to expose what's happening" on college campuses, Rep. Virginia Foxx, the outgoing chair of the committee overseeing education in the U.S. House of Representatives, told USA TODAY in an interview this week. "That's



Rep. Virginia Foxx, R-N.C., the outgoing chair of the committee overseeing education in the U.S. House, said federal overreach in education must be curbed.

JACK GRUBER/USA TODAY, FILE

what oversight does."

Still, the North Carolina congresswoman agrees with Trump that federal overreach must be curbed.

"It is going to be difficult to get the federal government out of its role in education," she said.

Andy Smarick, a senior fellow at the Manhattan Institute, a conservative think tank, said two different visions could shape how the Republican Party approaches higher education policy.

One of those blueprints would involve "getting the federal government out of education as much as possible," he said. If Trump chooses that path, he could inhibit the Education Department's ability to make rules and issue guidance. Or he could try to abolish the agency as he has pledged (though experts say such a proposal would likely face an uphill battle in Congress, even with Republican control).

Another approach, according to Smarick, would be to issue more conservative regulations.

"Traditionally, Republicans have done the former," he said. "It appears that Donald Trump doesn't come from that school."

During Trump's first term, the Edu-

cation Department rescinded many Obama-era rules and wrote its own versions of them. One that received lots of attention concerned Title IX, a federal statute that prevents sex-based misconduct at schools that receive federal funding. Under Betsy DeVos, Trump's education secretary, the Education Department raised the bar on how much evidence was necessary for investigations, prompting critics to say she'd bolstered the rights of people accused of sexual assault and harassment.

The agency reversed course under President Joe Biden, eliminating the Trump-era rules and attempting to expand the definition of sex-based misconduct to include discrimination based on sexual orientation and gender identity. The Biden administration's new policies have since been halted in most states amid legal challenges.

Shiwali Patel, who worked as an attorney in the Education Department's Office for Civil Rights during the Obama administration and resigned during Trump's first term, said she worries about the plans Republicans have for her former workplace.

"They clearly have an agenda to roll back any sort of progress made under

the Biden administration on Title IX," she said, "and to go even further and weaponize Title IX to engage in further discrimination against students."

If Trump rescinds the Biden administration's guidance, students who identify as LGBTQ+ and those who experience sexual misconduct may feel less safe on some campuses, according to Brendan Cantwell, a higher education professor at Michigan State University.

"It is going to feel like your campus is providing you fewer protections," he said.

The federal government's student loan system could also see big changes in Trump's second term. Although Biden approved billions in student loan relief for millions of Americans, his attempts to launch new repayment programs or fix existing ones have been met with more unfavorable court battles.

It's likely that the incoming administration will reverse some of those programs or shrink them, said Karen McCarthy, the vice president of public policy and federal relations at the National Association of Student Financial Aid Administrators.

"There are lots of ways to kill something," she said. "You can just not prioritize it."

Much remains unclear about what the Republican trifecta will do to change the nation's colleges. In the meantime, some Washington experts are turning for clues to a conservative bill that Foxx, the Republican congresswoman from North Carolina, introduced this past January.

The 224-page College Cost Reduction Act would impose sweeping — and controversial — reforms to the higher education system. The proposals in the bill include stricter caps on student loan borrowing and a program that would effectively force colleges to co-sign loans. While some have argued the bill would prevent certain groups from attending college and leave more Americans saddled with debt, Foxx and her GOP colleagues say it would make the system fairer and unburden taxpayers.

Foxx said she's consulting with congressional leadership about bringing the bill to the House floor before the end of the year.

PRO-PALESTINE ACTIVISTS

IU students, faculty fear 'chilling' of free speech

Brian Rosenzweig

The Herald-Times

USA TODAY NETWORK

Students and faculty are worried instances of the Indiana University administration allegedly targeting pro-Palestinian speech in recent months will chill free speech and academic freedom on campus.

Jeffrey Isaac, an IU political science professor, warned Tuesday of a "new McCarthyism" entrenching IU and the country. Isaac was a speaker on a panel on free speech law and censorship hosted by IU's American Constitution Society (ACS) chapter.



Sinno

"It is unprecedented in my lifetime, and I'm 66 years old," Isaac said.

Isaac has been an outspoken critic of the IU administration, which recently suspended political science professor Abdulkader Sinno and canceled Palestinian-born IU alumna Samia Halaby's planned exhibition at the Eskenazi Museum of Art. Isaac has argued the actions feed into a trend of censoring pro-Palestinian advocates on campus. In a column submitted to The Herald-Times, Isaac drew connections between these decisions and a November letter from Rep. Jim Banks asking President Pamela Whitten to respond "aggressively" to reports of antisemitism at IU.

Isaac is not alone. Since the onset of the Israel-Hamas conflict, faculty and pro-Palestinian student advocates on campus have alleged IU has been targeting pro-Palestinian speech — and they worry it will set a precedent.

Sinno's suspension erodes trust between administration and Palestinian Solidarity Committee

In December, IU's vice provost suspended professor Abdulkader Sinno, faculty advisor to the Palestinian Solidarity Committee (PSC), for failing to follow proper protocols when registering a room for a PSC speaker event. Bryce Greene, the PSC's graduate student advisor and founder, said Sinno and the group were held to a stricter standard.

"I personally can't imagine any other organization that would have an issue, even if they had filled out paperwork incorrectly or used a room that the university didn't want to be used," Greene said. "That was one example in which we saw that university is predisposed to make harsh sanctions

Speech

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against people who step out of line and support pro-Palestinian activism."

On Tuesday, Isaac said he believes Sinno was suspended as an example to the PSC and other pro-Palestinian activists.

"The university has said to all of them, 'You better watch out what you do and say,'" Isaac said. "And that is unjust."

Vice Provost Carrie Docherty cited Sinno's failure to request security measures for the PSC event as part of the reason for his suspension. But Greene said in the months since Sinno's suspension, the university has not provided additional security and safety resources to the group.

"That seems to confirm that the intended effect was punishment, was disruption, and there is a natural chilling effect that comes from people being worried about their jobs and professional lives," Greene said. "And that is the climate they've created."

Sinno said he worries the actions could erode trust between the administration and IU students and faculty.

"There are more and more protests on campus in response to the university canceling the art of Halaby, and the case of my suspension," Sinno said. "The different segments of the university are beginning to see that (the decisions are) not in the best interests of everyone in our community."

Samia Halaby's exhibit cancellation raises questions about viewpoint discrimination

Indiana University galvanized both the campus community and the larger art world when it canceled the first American retrospective of Palestinian-born IU alumna Samia Halaby, which was set to open at the Eskenazi this spring. Halaby, an abstract artist whose work deals with themes of Palestinian displacement, was informed Dec. 20 by the museum's director David Brenneman that the museum would no longer be hosting her work.

A university spokesperson said, "Academic leaders and campus officials canceled the exhibit

due to concerns about guaranteeing the security of the exhibit for its duration," but critics have disputed this claim.

On Jan. 19, the Foundation for Individual Rights and Expression (FIRE), a freedom of speech civil liberties group, sent a letter to President Whitten expressing concern about the exhibit cancellation. The letter urged Whitten to remember IU's obligations as a public university to refrain from viewpoint discrimination, an unconstitutional form of speech regulation against "speakers who express views on disfavored subjects."

Graham Piro, a program officer for FIRE who authored the letter, said while concerns of violence can be a valid grounds for regulating

speech, IU's failure to provide any evidence of the alleged safety concerns for Halaby's exhibit cast doubt on the administration's argument.

"If there are genuine concerns, the university has to show that," Piro said. "They have to demonstrate, publicly, that there were concerns, and also demonstrate why the university couldn't have addressed those concerns. Indiana (University) basically has to show its work."

Steve Sanders, a constitutional law professor at IU's Maurer School of Law, said if there were security concerns surrounding Halaby's exhibit, the university should first attempt to hold the exhibition safely.

"I think the fact that doesn't appear that an