



Reprinted
February 27, 2024

ENGROSSED SENATE BILL No. 202

DIGEST OF SB 202 (Updated February 26, 2024 5:44 pm - DI 152)

Citations Affected: IC 4-15; IC 21-27; IC 21-38; IC 21-39;
IC 21-39.5; IC 21-49.

Synopsis: State educational institution matters. Amends the duties of state educational institutions' diversity committees. Provides that certain offices or individuals established or employed by a state educational institution (institution) regarding diversity programming must include within the mission of the office or position programming that substantially promotes both cultural and intellectual diversity.
(Continued next page)

Effective: July 1, 2024.

**Deery, Raatz, Johnson T, Byrne,
Donato, Crane, Rogers**

(HOUSE SPONSORS — BEHNING, DAVIS, TESHKA, HEATON)

January 9, 2024, read first time and referred to Committee on Education and Career Development.

January 25, 2024, amended, reported favorably — Do Pass.

February 5, 2024, read second time, amended, ordered engrossed.

February 6, 2024, engrossed. Read third time, passed. Yeas 39, nays 9.

HOUSE ACTION

February 12, 2024, read first time and referred to Committee on Education.

February 22, 2024, amended, reported — Do Pass.

February 26, 2024, read second time, amended, ordered engrossed.

ES 202—LS 6786/DI 110



Digest Continued

Establishes various requirements and restrictions for institutions regarding free inquiry, free expression, and intellectual diversity that does the following: (1) Requires the establishment of certain policies regarding: (A) disciplinary actions for certain persons that materially and substantially disrupt protected expressive activity; (B) limiting or restricting the granting of tenure or a promotion if certain conditions related to free inquiry, free expression, and intellectual diversity are not met; and (C) disciplinary actions that will be taken if, after a review, a determination has been made that a tenured faculty member has failed to meet certain criteria related to free inquiry, free expression, and intellectual diversity. (2) Requires the review and consideration, at least every five years, of certain criteria related to free inquiry, free expression, and intellectual diversity. (3) Requires the establishment of a procedure that allows students and employees to submit complaints that a faculty member or contractor is not meeting certain criteria related to free inquiry, free expression, and intellectual diversity and establishes requirements regarding the procedure and submitted complaints. (4) Establishes consideration requirements before an institution renews an employment agreement or other contract with, makes a bonus decision regarding, or completes a review or performance assessment of a faculty member or contractor. (5) Prohibits requiring an applicant, employee, or contractor to pledge allegiance to or make a statement of personal support for: (A) certain policies or actions; or (B) political or ideological movements. (6) Establishes restrictions regarding awarding admission, enrollment, employment, benefits, hiring, reappointment, promotion, or granting tenure to an applicant, employee, or contractor on the basis of the viewpoints expressed in a submitted pledge or statement. (7) Requires certain information be included in an institution's programming for new students. (8) Requires the adoption of a statement on neutrality that makes a distinction between the official positions of an institution from the individual viewpoints of the institution's employees, contractors, students, and alumni. (9) Allows the commission for higher education (commission) to establish a survey that attempts to collect information from students regarding the current perceptions of whether free speech and academic freedom are recognized and fostered by an institution in a manner that welcomes expression of different opinions and ideologies and requires an institution to promote and provide the survey to students. (10) Establishes various reporting requirements by institutions or the commission concerning complaints submitted regarding faculty members or contractors who are not meeting certain criteria related to free inquiry, free expression, and intellectual diversity. (11) Provides that certain individuals may request the commission to review a final decision by an institution concerning a violation of these provisions. Provides that the commission may enter into an agreement with the office of administrative law proceedings to review violations of certain provisions and issue an opinion on behalf of the commission. Requires each institution to submit certain information by September 1, 2024, and on September 1 of each year thereafter.



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February 27, 2024

Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 202

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-15-10.5-4, AS ADDED BY P.L.205-2019,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 4. **(a) Except as provided in subsection (b)**, as
4 used in this chapter, "agency" means an authority, board, branch,
5 bureau, commission, committee, council, department, division, office,
6 service, or other instrumentality of the executive, including the
7 administrative, department of state government. The term does not
8 include any of the following:
9 (1) Any body corporate and politic set up as an instrumentality of
10 the state.
11 (2) Any private, nonprofit, government related corporation.
12 (3) The judicial department of state government.
13 (4) The legislative department of state government.
14 (5) A state educational institution.
15 (6) A political subdivision.

ES 202—LS 6786/DI 110



1 **(b) The term includes a state educational institution if the office,**
 2 **pursuant to IC 21-39.5-6-2(d), reviews a state educational**
 3 **institution's final decision regarding a violation of IC 21-39.5 and**
 4 **issues an opinion on behalf of the commission for higher education.**

5 SECTION 2. IC 21-27-3-5, AS ADDED BY P.L.167-2007,
 6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2024]: Sec. 5. (a) The board of trustees shall create a diversity
 8 committee to do the following:

9 (1) Review and recommend faculty employment policies
 10 concerning **cultural and intellectual** diversity issues.

11 (2) Review faculty and administration personnel complaints
 12 concerning **cultural and intellectual** diversity issues.

13 (3) Make recommendations to promote and maintain **cultural and**
 14 **intellectual** diversity among faculty members.

15 (4) Make recommendations to promote recruitment and retention
 16 of minority **and underrepresented** students.

17 (b) The diversity committee shall issue an annual report stating the
 18 findings, conclusions, and recommendations of the committee to the
 19 board of trustees.

20 SECTION 3. IC 21-27-4-4, AS ADDED BY P.L.167-2007,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 4. (a) The board of trustees shall create a diversity
 23 committee at the home campus and at each regional campus to do the
 24 following:

25 (1) Review and recommend faculty employment policies
 26 concerning **cultural and intellectual** diversity issues.

27 (2) Review faculty and administration personnel complaints
 28 concerning **cultural and intellectual** diversity issues.

29 (3) Make recommendations to promote and maintain **cultural and**
 30 **intellectual** diversity among faculty members.

31 (4) Make recommendations to promote recruitment and retention
 32 of minority **and underrepresented** students.

33 (b) The diversity committee shall issue an annual report stating the
 34 findings, conclusions, and recommendations of the committee to the
 35 board of trustees.

36 SECTION 4. IC 21-27-5-4, AS ADDED BY P.L.167-2007,
 37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2024]: Sec. 4. (a) The board of trustees shall create a diversity
 39 committee to do the following:

40 (1) Review and recommend faculty employment policies
 41 concerning **cultural and intellectual** diversity issues.

42 (2) Review faculty and administration personnel complaints



1 concerning **cultural and intellectual** diversity issues.
 2 (3) Make recommendations to promote and maintain **cultural and**
 3 **intellectual** diversity among faculty members.
 4 (4) Make recommendations to promote recruitment and retention
 5 of minority **and underrepresented** students.
 6 (b) The diversity committee shall issue an annual report stating the
 7 findings, conclusions, and recommendations of the committee to the
 8 board of trustees.
 9 SECTION 5. IC 21-27-6-7, AS AMENDED BY P.L.174-2018,
 10 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2024]: Sec. 7. (a) The board of trustees shall create a diversity
 12 committee at the home campus and at each campus to do the following:
 13 (1) Review and recommend faculty employment policies
 14 concerning **cultural and intellectual** diversity issues.
 15 (2) Review faculty and administration personnel complaints
 16 concerning **cultural and intellectual** diversity issues.
 17 (3) Make recommendations to promote and maintain **cultural and**
 18 **intellectual** diversity among faculty members.
 19 (4) Make recommendations to promote recruitment and retention
 20 of minority **and underrepresented** students.
 21 (b) The diversity committee shall issue an annual report stating the
 22 findings, conclusions, and recommendations of the committee to the
 23 state board.
 24 SECTION 6. IC 21-27-7-6, AS ADDED BY P.L.167-2007,
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2024]: Sec. 6. (a) The board of trustees shall create a diversity
 27 committee at the home campus and at each regional campus to do the
 28 following:
 29 (1) Review and recommend faculty employment policies
 30 concerning **cultural and intellectual** diversity issues.
 31 (2) Review faculty and administration personnel complaints
 32 concerning **cultural and intellectual** diversity issues.
 33 (3) Make recommendations to promote and maintain **cultural and**
 34 **intellectual** diversity among faculty members.
 35 (4) Make recommendations to promote recruitment and retention
 36 of minority **and underrepresented** students.
 37 (b) The diversity committee shall issue an annual report stating the
 38 findings, conclusions, and recommendations of the committee to the
 39 board of trustees.
 40 SECTION 7. IC 21-27-8-7, AS ADDED BY P.L.167-2007,
 41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2024]: Sec. 7. (a) The board shall create a diversity committee



- 1 to do the following:
- 2 (1) Review and recommend faculty employment policies
- 3 concerning **cultural and intellectual** diversity issues.
- 4 (2) Review faculty and administration personnel complaints
- 5 concerning **cultural and intellectual** diversity issues.
- 6 (3) Make recommendations to promote and maintain **cultural and**
- 7 **intellectual** diversity among faculty members.
- 8 (4) Make recommendations to promote recruitment and retention
- 9 of minority **and underrepresented** students.
- 10 (b) The diversity committee shall issue an annual report stating the
- 11 findings, conclusions, and recommendations of the committee to the
- 12 board.
- 13 SECTION 8. IC 21-27-9-6, AS ADDED BY P.L.167-2007,
- 14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2024]: Sec. 6. (a) The board of trustees shall create a diversity
- 16 committee at the home campus and at each regional campus to do the
- 17 following:
- 18 (1) Review and recommend faculty employment policies
- 19 concerning **cultural and intellectual** diversity issues.
- 20 (2) Review faculty and administration personnel complaints
- 21 concerning **cultural and intellectual** diversity issues.
- 22 (3) Make recommendations to promote and maintain **cultural and**
- 23 **intellectual** diversity among faculty members.
- 24 (4) Make recommendations to promote recruitment and retention
- 25 of minority **and underrepresented** students.
- 26 (b) The diversity committee shall issue an annual report stating the
- 27 findings, conclusions, and recommendations of the committee to the
- 28 board of trustees.
- 29 SECTION 9. IC 21-38-10 IS ADDED TO THE INDIANA CODE
- 30 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2024]:
- 32 **Chapter 10. Diversity Programming**
- 33 **Sec. 1. A state educational institution that establishes, supports,**
- 34 **sustains, or employs an office or individual whose primary duties**
- 35 **include coordinating, creating, developing, designing,**
- 36 **implementing, organizing, planning, or promoting noncredit**
- 37 **earning diversity programming shall include within the mission of**
- 38 **the office or position programming that substantially promotes**
- 39 **both cultural and intellectual diversity.**
- 40 SECTION 10. IC 21-39-8-12, AS ADDED BY P.L.145-2022,
- 41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2024]: Sec. 12. A state educational institution shall:



- 1 (1) create student protected expressive activity policies that are
 2 consistent with this chapter;
 3 **(2) create a policy that includes a range of disciplinary actions**
 4 **with regard to an employee, student, student organization, or**
 5 **contractor of the state educational institution that materially**
 6 **and substantially disrupts the protected expressive activity of**
 7 **another employee, student, student organization, or**
 8 **contractor of the state educational institution;**
 9 ~~(2)~~ **(3) make protected expressive activity policies created under**
 10 **subdivisions (1) and (2) public in the state educational**
 11 **institution's handbooks, on the state educational institution's**
 12 **Internet web site, website, and at the state educational institution's**
 13 **student orientation programs; and**
 14 ~~(3)~~ **(4) develop materials, programs, and procedures to ensure that**
 15 **individuals who are responsible for disciplining and educating**
 16 **students, including administrators, campus police officers,**
 17 **residence life officials, and professors, understand the policies,**
 18 **regulations, and duties of the state educational institution**
 19 **regarding protected expressive activity on campus.**

20 SECTION 11. IC 21-39.5 IS ADDED TO THE INDIANA CODE
 21 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2024]:

23 **ARTICLE 39.5. STATE EDUCATIONAL INSTITUTIONS:**
 24 **THE PROTECTION OF FREE INQUIRY, FREE EXPRESSION,**
 25 **AND INTELLECTUAL DIVERSITY**

26 **Chapter 1. Definitions**

27 **Sec. 1. The definitions in this chapter apply throughout this**
 28 **article.**

29 **Sec. 2. "Board of trustees" refers to the board of trustees of**
 30 **each of the following:**

- 31 **(1) Ball State University.**
 32 **(2) Indiana State University.**
 33 **(3) Indiana University.**
 34 **(4) Ivy Tech Community College.**
 35 **(5) Purdue University.**
 36 **(6) University of Southern Indiana.**
 37 **(7) Vincennes University.**

38 **Sec. 3. "Faculty member" means an employee of an institution**
 39 **whose employment duties include teaching students of the**
 40 **institution.**

41 **Sec. 4. "Institution" refers to a state educational institution.**

42 **Sec. 5. "Intellectual diversity" means multiple, divergent, and**



1 varied scholarly perspectives on an extensive range of public policy
2 issues.

3 **Sec. 6. "Promotion" means the advancement of a faculty**
4 **member's employment position to a higher rank, level, or**
5 **distinction within an institution.**

6 **Sec. 7. "Tenure" means a status of continuous employment**
7 **granted to a faculty member of an institution in which the faculty**
8 **member may not be dismissed except for good cause or in**
9 **accordance with one (1) or more of the following:**

10 (1) **The policies and procedures adopted by the institution.**

11 (2) **An employment agreement entered into between the**
12 **institution and faculty member.**

13 **Chapter 2. Tenure, Promotion, Employment, Complaints, and**
14 **Disciplinary Actions**

15 **Sec. 1. (a) This section applies to an institution that grants**
16 **tenure or promotions to faculty members.**

17 (b) **Subject to subsection (c), each board of trustees of an**
18 **institution shall establish a policy that provides that a faculty**
19 **member may not be granted tenure or a promotion by the**
20 **institution if, based on past performance or other determination by**
21 **the board of trustees, the faculty member is:**

22 (1) **unlikely to foster a culture of free inquiry, free expression,**
23 **and intellectual diversity within the institution;**

24 (2) **unlikely to expose students to scholarly works from a**
25 **variety of political or ideological frameworks that may exist**
26 **within and are applicable to the faculty member's academic**
27 **discipline; or**

28 (3) **likely, while performing teaching duties within the scope**
29 **of the faculty member's employment, to subject students to**
30 **political or ideological views and opinions that are unrelated**
31 **to the faculty member's academic discipline or assigned**
32 **course of instruction.**

33 (c) **A policy established under subsection (b) must provide that**
34 **the board of trustees of an institution may not consider the**
35 **following actions by a faculty member when determining whether**
36 **a faculty member may not be granted tenure or a promotion by the**
37 **institution:**

38 (1) **Expressing dissent or engaging in research or public**
39 **commentary on subjects.**

40 (2) **Criticizing the institution's leadership.**

41 (3) **Engaging in any political activity conducted outside the**
42 **faculty member's teaching or mentoring duties at the**



- 1 **institution.**
- 2 **Sec. 2. (a) Not later than five (5) years after the date that a**
- 3 **faculty member is granted tenure by an institution and not later**
- 4 **than every five (5) years thereafter, the board of trustees of an**
- 5 **institution shall review and determine whether the faculty member**
- 6 **has met the following criteria:**
- 7 **(1) Helped the institution foster a culture of free inquiry, free**
- 8 **expression, and intellectual diversity within the institution.**
- 9 **(2) Introduced students to scholarly works from a variety of**
- 10 **political or ideological frameworks that may exist within the**
- 11 **curricula established by the:**
- 12 **(A) board of trustees of the institution under**
- 13 **IC 21-41-2-1(b); or**
- 14 **(B) faculty of the institution acting under authority**
- 15 **delegated by the board of trustees of the institution.**
- 16 **(3) While performing teaching duties within the scope of the**
- 17 **faculty member's employment, refrained from subjecting**
- 18 **students to views and opinions concerning matters not related**
- 19 **to the faculty member's academic discipline or assigned**
- 20 **course of instruction.**
- 21 **(4) Adequately performed academic duties and obligations.**
- 22 **(5) Met any other criteria established by the board of trustees.**
- 23 **(b) If the board of trustees of an institution reviews and makes**
- 24 **a determination that a faculty member meets the criteria under**
- 25 **subsection (a), the board of trustees shall certify that the board**
- 26 **reviewed and made a determination that the faculty member met**
- 27 **the criteria.**
- 28 **(c) In determining whether a faculty member has adequately**
- 29 **met the criteria under subsection (a), the board of trustees of an**
- 30 **institution may not consider the following actions by a faculty**
- 31 **member:**
- 32 **(1) Expressing dissent or engaging in research or public**
- 33 **commentary on subjects.**
- 34 **(2) Criticizing the institution's leadership.**
- 35 **(3) Engaging in any political activity conducted outside the**
- 36 **faculty member's teaching duties at the institution.**
- 37 **(d) The institution shall adopt a policy that establishes**
- 38 **disciplinary actions, including:**
- 39 **(1) termination;**
- 40 **(2) demotion;**
- 41 **(3) salary reduction;**
- 42 **(4) other disciplinary action as determined by the institution;**



- 1 or
- 2 (5) any combination of subdivisions (1) through (4);
- 3 that the institution will take if the board of trustees determines in
- 4 a review conducted under subsection (a) that a tenured faculty
- 5 member has failed to meet one (1) or more of the criteria described
- 6 in subsection (a)(1) through (a)(5).
- 7 (e) The board of trustees of each institution shall, at least every
- 8 five (5) years, review and renew or amend:
- 9 (1) the process for reviewing and making a determination
- 10 under subsection (a); and
- 11 (2) any criteria established under subsection (a)(5).
- 12 Sec. 3. (a) This section applies to the following:
- 13 (1) A faculty member.
- 14 (2) A person with whom the institution contracts to teach a
- 15 student of the institution.
- 16 (b) Before an institution:
- 17 (1) renews an employment agreement or other contract with;
- 18 (2) makes a bonus decision regarding; or
- 19 (3) completes a review or performance assessment of;
- 20 a faculty member or person described in subsection (a), the
- 21 institution shall give substantial consideration to the faculty
- 22 member's or person's performance regarding the criteria
- 23 described in section 2(a)(1) through 2(a)(5) of this chapter.
- 24 Sec. 4. (a) Each institution shall do the following:
- 25 (1) Establish a procedure that allows both students and
- 26 employees to submit complaints that a faculty member or
- 27 person described in section 3(a) of this chapter is not meeting
- 28 the criteria described in section 2(a)(1) through 2(a)(5) of this
- 29 chapter.
- 30 (2) Provide information regarding the procedure established
- 31 under subdivision (1):
- 32 (A) at student orientations;
- 33 (B) on the institution's website; and
- 34 (C) during employee onboarding programs.
- 35 (3) Refer complaints submitted under subdivision (1) to
- 36 appropriate human resource professionals and supervisors
- 37 for consideration in employee reviews and tenure and
- 38 promotion decisions.
- 39 (4) Make complaints submitted under subdivision (1) and any
- 40 relevant documents, summaries, or investigations available to
- 41 the board of trustees of the institution.
- 42 (5) Not later than April 1, 2025, and not later than April 1



1 each year thereafter, submit a report to the commission for
2 higher education that summarizes the following:

3 (A) The procedure that the institution established under
4 subdivision (1) for the submission of complaints.

5 (B) How and when the institution has provided or made
6 available the information concerning the submission of
7 complaints procedure to students, faculty members, other
8 employees, and contractors of the institution.

9 (C) The number of complaints submitted, disaggregated by
10 a brief description of the types or categories of complaints
11 submitted, during the previous calendar year.

12 (b) The commission for higher education shall do the following:

13 (1) Prepare a report that provides the following information:

14 (A) The total number of complaint submissions that each
15 institution received as provided by the institution under
16 subsection (a)(5).

17 (B) The number of complaint submissions as described in
18 clause (A), disaggregated by a brief description of the types
19 or categories of complaints submitted.

20 (2) Not later than July 1, 2025, and not later than July 1 of
21 each odd-numbered year thereafter, submit the report
22 described in subdivision (1) to the legislative council in an
23 electronic format under IC 5-14-6.

24 (c) An institution and the commission for higher education may
25 not include information in a report submitted under this section
26 that identifies the following:

27 (1) A student or employee who submits a complaint under this
28 section.

29 (2) A faculty member or person described in section 3(a)(2) of
30 this chapter against whom a complaint was submitted.

31 Sec. 5. If an institution is unable to fully comply with this
32 chapter due to an employment agreement entered into with a
33 faculty member or person described in section 3(a) of this chapter
34 before July 1, 2024, the institution shall attempt to comply with this
35 chapter to the extent possible under the employment agreement
36 with the faculty member or person.

37 Sec. 6. Nothing in this chapter prohibits or restricts a board of
38 trustees of an institution from:

39 (1) delegating responsibility under policies approved by the
40 board of trustees to conduct the faculty reviews and make the
41 determinations described in this chapter; or

42 (2) establishing additional policies or criteria.



1 **Chapter 3. Requirements Regarding Students, Employees,**
 2 **Contractors, and Applicants**

3 **Sec. 1. (a) This section applies to the following:**

- 4 (1) **An applicant for admission, enrollment, or employment at**
 5 **an institution.**
 6 (2) **An employee of the institution.**
 7 (3) **A person with whom the institution contracts to teach a**
 8 **student of the institution.**

9 **(b) An institution may not require an applicant, an employee, or**
 10 **a person described in subsection (a) to pledge allegiance to or make**
 11 **a statement of personal support for any:**

- 12 (1) **policy or action that would treat similarly situated people**
 13 **or groups of people differently based on the race, color,**
 14 **national origin, sex, sexual orientation, or religion; or**
 15 (2) **political or ideological movement.**

16 **(c) If an institution receives a pledge or statement described in**
 17 **subsection (b), including any statement regarding diversity, equity,**
 18 **and inclusion, or related topics, the institution may not award:**

- 19 (1) **admission, enrollment, or employment;**
 20 (2) **benefits;**
 21 (3) **hiring, reappointment, or promotion; or**
 22 (4) **granting tenure;**

23 **to an applicant, an employee, or a person described in subsection**
 24 **(a) on the basis of the viewpoints expressed in the pledge or**
 25 **statement.**

26 **Sec. 2. An institution shall include the following information in**
 27 **the institution's programming for new students:**

- 28 (1) **The importance of:**
 29 (A) **free inquiry and free expression; and**
 30 (B) **intellectual diversity of viewpoints.**
 31 (2) **The appropriate and inappropriate responses to speech**
 32 **that a student finds offensive or disagreeable.**

33 **Chapter. 4. Policy on Neutrality**

34 **Sec. 1. The board of trustees of each institution shall adopt a**
 35 **policy on the neutrality of the institution that makes a distinction**
 36 **between the official positions of the institution, including its**
 37 **schools, colleges, and departments, from the individual viewpoints**
 38 **of the institution's employees, contractors, students, and alumni.**

39 **Sec. 2. A policy adopted under section 1 of this chapter must**
 40 **limit the circumstances in which an employee or group of**
 41 **employees from the institution may establish an official institution,**
 42 **school, college, or department position on political, moral, or**



1 ideological issues to only those circumstances that affect the core
 2 mission of the institution and its values of free inquiry, free
 3 expression, and intellectual diversity.

4 **Sec. 3. Nothing in this chapter may be construed to limit the:**

5 (1) free speech of any individual beyond any employment
 6 requirements established by the institution; or

7 (2) ability of an institution to advocate for state funding or
 8 educational policies to the state or federal government.

9 **Chapter 5. Reporting Requirements**

10 **Sec. 1. The commission for higher education may establish a**
 11 **student survey that attempts to collect information from students**
 12 **of an institution regarding the current perceptions of whether free**
 13 **speech and academic freedom are recognized and fostered by the**
 14 **institution in a manner that welcomes expression of different**
 15 **opinions and ideologies with respect to, but not limited to, classes,**
 16 **faculty members and other instructors, peer interactions, speakers,**
 17 **and campus groups.**

18 **Sec. 2. If the commission for higher education establishes a**
 19 **student survey under section 1 of this chapter, each institution may**
 20 **promote and provide to students the survey established under**
 21 **section 1 of this chapter.**

22 **Sec. 3. If the commission for higher education establishes a**
 23 **student survey under section 1 of this chapter, the commission for**
 24 **higher education may do the following:**

25 (1) Prepare a biennial report that summarizes, for each
 26 institution, the information collected from the student survey
 27 responses.

28 (2) Submit the report described in subdivision (1) to the
 29 legislative council in an electronic format under IC 5-14-6.

30 (3) Post the report on the commission for higher education's
 31 website.

32 **Sec. 4. Not later than September 1, 2024, each institution shall**
 33 **submit the following to the commission for higher education:**

34 (1) Data describing the institution's budget allocations for
 35 diversity, equity, and inclusion initiatives.

36 (2) Information regarding the definitions, guidelines, and
 37 parameters the institution used in determining which
 38 initiatives were considered by the institution to be diversity,
 39 equity, and inclusion initiatives.

40 **This section expires July 1, 2025.**

41 **Sec. 5. Not later than November 1, 2024, the commission for**
 42 **higher education shall do the following:**



- 1 (1) Review the information submitted by the institutions
- 2 under section 4 of this chapter.
- 3 (2) Submit a report to the budget committee regarding
- 4 consistent definitions, guidelines, and parameters that would
- 5 allow the information submitted under section 4 of this
- 6 chapter to be compared across institutions and academic
- 7 years.

8 This section expires July 1, 2025.

9 Chapter 6. Construction and Enforcement

10 Sec. 1. Nothing in this article may be construed to do the
11 following:

- 12 (1) Preclude efforts to gauge an applicant's commitment,
- 13 plans, or past performance in fostering intellectual diversity.
- 14 (2) Prohibit an institution from:
- 15 (A) requiring a student, faculty member, contractor, or
- 16 any other employee of the institution to comply with
- 17 federal or state antidiscrimination laws; or
- 18 (B) taking action against a student, faculty member,
- 19 contractor, or any other employee of the institution for a
- 20 violation of federal or state antidiscrimination laws.
- 21 (3) Limit or restrict the academic freedom of faculty members
- 22 or prevent faculty members from teaching, researching, or
- 23 writing publications about diversity, equity, and inclusion or
- 24 other topics.
- 25 (4) Prohibit an institution from considering the subject matter
- 26 competency of any candidate for employment, reappointment,
- 27 tenure, or promotion when the subject matter is germane to
- 28 the candidate's or faculty member's field of scholarship.
- 29 (5) Prohibit an institution from considering the candidate's or
- 30 faculty member's past or potential for future contributions to
- 31 fostering a culture of intellectual diversity at the institution.
- 32 (6) Prohibit an institution from complying with federal
- 33 requirements to be eligible for federal grants.

34 Sec. 2. (a) As used in this chapter, "petitioner" means any of the
35 following:

- 36 (1) A student of an institution.
- 37 (2) An employee of an institution.
- 38 (b) After completing any applicable complaint process
- 39 established by the institution regarding a violation of this article,
- 40 a petitioner may request that the commission for higher education
- 41 review the institution's final decision under the following
- 42 circumstances:



- 1 **(1) A procedural defect materially affected the institution's**
 2 **final decision.**
- 3 **(2) New evidence that materially affects the institution's final**
 4 **decision and was not reasonably available at the time the final**
 5 **decision was rendered becomes available.**
- 6 **(3) The institution's investigator had a conflict of interest or**
 7 **bias concerning the petitioner that materially affected the**
 8 **institution's final decision.**
- 9 **(4) The petitioner believes the institution disregarded law in**
 10 **rendering a final decision.**
- 11 **(c) The commission for higher education shall review the**
 12 **request submitted under subsection (b) and issue a final opinion**
 13 **regarding the request not later than sixty (60) days after the date**
 14 **that the commission for higher education receives the request.**
- 15 **(d) The commission for higher education may enter into an**
 16 **agreement with the office of administrative law proceedings**
 17 **established by IC 4-15-10.5 to carry out this section.**
- 18 SECTION 12. IC 21-49-4 IS ADDED TO THE INDIANA CODE
 19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2024]:
- 21 **Chapter 4. State Educational Institution Information Reporting**
 22 **Sec. 1. Not later than September 1, 2024, each state educational**
 23 **institution shall submit to the commission for higher education the**
 24 **following information:**
- 25 **(1) For each academic year, beginning with the 2017-2018**
 26 **academic year, the total number of state educational**
 27 **institution:**
- 28 **(A) full-time and tenured professors;**
 29 **(B) adjunct instructors;**
 30 **(C) other contingent faculty; and**
 31 **(D) nonacademic support or administrative employees.**
- 32 **(2) For each academic year, the total number of employees at**
 33 **the state educational institution whose primary or secondary**
 34 **job duties or job titles include diversity, equity, and inclusion.**
- 35 **(3) For each academic year, the total number of state**
 36 **educational institution adjudications or proceedings**
 37 **regarding violations of policies regarding diversity, equity,**
 38 **and inclusion or harassment.**
- 39 **(4) A list and description of what the state educational**
 40 **institution does to ensure free speech rights of students.**
- 41 **(5) A list and description of what the state educational**
 42 **institution does to ensure intellectual freedom for professors.**



- 1 (6) A list and description of what the state educational
- 2 institution does to ensure intellectual and ideological diversity
- 3 of professors.
- 4 (7) Information regarding the definitions, guidelines, and
- 5 parameters the institution used in determining which
- 6 information under subdivisions (1) through (6) to include in
- 7 the submission under this section.
- 8 **This section expires July 1, 2025.**
- 9 **Sec. 2. Not later than November 1, 2024, the commission for**
- 10 **higher education shall do the following:**
- 11 (1) Review the information submitted by the institutions
- 12 under section 1 of this chapter.
- 13 (2) Submit a report to the budget committee regarding
- 14 consistent definitions, guidelines, and parameters that would
- 15 allow the information submitted under section 1 of this
- 16 chapter to be compared across state educational institutions
- 17 and academic years.
- 18 **This section expires July 1, 2025.**
- 19 **Sec. 3. Not later than September 1, 2024, and September 1 of**
- 20 **each year thereafter, a state educational institution shall submit to**
- 21 **the state budget committee a report with the following information**
- 22 **for the preceding state fiscal year:**
- 23 (1) The total number of state educational institution:
- 24 (A) full-time and tenured professors;
- 25 (B) adjunct instructors;
- 26 (C) other contingent faculty; and
- 27 (D) nonacademic support or administrative employees.
- 28 (2) The total number of employees at the state educational
- 29 institution whose primary or secondary job duties or job titles
- 30 include diversity, equity, and inclusion.
- 31 (3) The total number of state educational institution
- 32 adjudications or proceedings regarding violations of policies
- 33 regarding diversity, equity, and inclusion or harassment.
- 34 (4) A list and description of what the state educational
- 35 institution did to ensure free speech rights of students.
- 36 (5) A list and description of what the state educational
- 37 institution did to ensure intellectual freedom for professors.
- 38 (6) A list and description of what the state educational
- 39 institution did to ensure intellectual and ideological diversity
- 40 of professors.
- 41 (7) The institution's budget allocations for diversity, equity,
- 42 and inclusion initiatives.



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 202, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 21-19-3-2, AS ADDED BY P.L.2-2007, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. The board of trustees is composed of ~~nine (9)~~ **the following eleven (11)** members:

(1) Nine (9) members appointed by the governor as follows:

~~(1)~~ **(A)** Six (6) members who must be at large.

~~(2)~~ **(B)** Two (2) members who must be alumni of Ball State University.

~~(3)~~ **(C)** One (1) member who must be a Ball State University student.

(2) Two (2) at-large members appointed by the legislative council who are not members of the general assembly.

SECTION 2. IC 21-19-3-3 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 3: ~~Not more than six (6) of the nonstudent members of the board of trustees may be of the same sex:~~

SECTION 3. IC 21-19-3-9, AS ADDED BY P.L.2-2007, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. A vacancy occurring on the board of trustees from death, incapacitation, or resignation shall be filled by appointment of the ~~governor~~ **appropriate appointing authority** for the unexpired term. Vacancies in offices held by alumni members shall be filled from nominees submitted by the Ball State University alumni council.

SECTION 4. IC 21-20-3-2, AS ADDED BY P.L.2-2007, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. The board of trustees has ~~nine (9)~~ **eleven (11)** members.

SECTION 5. IC 21-20-3-3 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 3: ~~This section does not apply to the student trustee appointed to the board of trustees. Not more than:~~

~~(1) one (1) of the trustees elected to the board of trustees; and~~

~~(2) two (2) of the trustees appointed to the board of trustees;~~

~~may reside in the same county.~~

SECTION 6. IC 21-20-3-12, AS AMENDED BY P.L.29-2012,



SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. (a) The governor shall appoint five (5) members of the board of trustees. ~~for~~

(b) The legislative council shall appoint two (2) at-large members of the board of trustees who are not members of the general assembly.

(c) The members appointed under this section shall serve terms of three (3) years.

~~(b)~~ (d) Whenever a vacancy occurs in the membership of the board of trustees who are appointed by the governor **or legislative council** because of death or resignation or for any other reason, the vacancy shall be filled by an appointment of the **governor original appointing authority** for the unexpired term.

SECTION 7. IC 21-21-3-2, AS ADDED BY P.L.2-2007, SECTION 262, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. The board of trustees is composed of ~~nine (9)~~ **the following eleven (11)** trustees:

(1) Nine (9) members appointed by the governor as follows:

~~(1)~~ **(A)** Seven (7) competent individuals, one (1) of whom must be a student.

~~(2)~~ **(B)** Two (2) competent individuals who are alumni of Indiana State University nominated by the alumni council of Indiana State University.

(2) Two (2) at-large members appointed by the legislative council who are not members of the general assembly.

SECTION 8. IC 21-21-3-8 IS REPEALED [EFFECTIVE JULY 1, 2024]. ~~Sec. 8: At least one (1) woman must be on the board of trustees.~~

SECTION 9. IC 21-21-3-9, AS ADDED BY P.L.2-2007, SECTION 262, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. (a) The ~~governor~~ **appropriate appointing authority** shall fill a vacancy occurring in the board of trustees from death, resignation, or removal from the state for the unexpired term of the retiring trustee.

(b) The alumni council of Indiana State University shall nominate the appointee to fill a vacancy caused by the loss of an alumni member.

SECTION 10. IC 21-22-3-1, AS ADDED BY P.L.2-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. Ivy Tech Community College shall be governed by a state board of trustees appointed by the governor **and the legislative council as provided under section 3 of this chapter.**

SECTION 11. IC 21-22-3-3, AS AMENDED BY P.L.174-2018,



SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) The number of members of the state board of trustees must equal the number of regions established by the state board of trustees plus ~~one (1)~~ **three (3)** additional ~~member,~~ **members**, but shall not exceed ~~fifteen (15)~~ **seventeen (17)** total members.

(b) The legislative council shall appoint two (2) at-large members to the state board of trustees who are not members of the general assembly. The governor shall appoint the remaining members described in subsection (a).

(c) The state board of trustees shall divide the state of Indiana into regions. Each region shall be represented by one (1) trustee appointed by the governor.

(d) Each member of the state board of trustees appointed by the governor must have knowledge or experience in one (1) or more of the following areas:

- (1) Manufacturing.
- (2) Commerce.
- (3) Labor.
- (4) Agriculture.
- (5) State and regional economic development needs.
- (6) Indiana's educational delivery system.

(e) One (1) member appointed by the governor must serve as an at-large member. Appointments shall be for three (3) year terms, on a staggered basis.

~~(b)~~ **(f) An individual who holds an elective or appointed office of the state is not eligible to serve as a member of the state board of trustees. A member of a campus board may be appointed to the state board of trustees but must then resign from the campus board.**

SECTION 12. IC 21-22-3-4, AS AMENDED BY P.L.174-2018, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. The ~~governor appropriate appointing authority~~ shall fill all vacancies on the state board of trustees. All members of the state board of trustees who are serving on July 1, 2018, are entitled to serve until the ~~ends end~~ of their terms. At the end of a trustee's term or otherwise upon the occurrence of a vacancy, the ~~governor appropriate appointing authority~~ may appoint a trustee in accordance with section 3 of this chapter.

SECTION 13. IC 21-23-3-1, AS ADDED BY P.L.2-2007, SECTION 264, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. The board of trustees consists of ~~ten (10)~~ **twelve (12)** members, to be appointed for the term of service and in the manner provided by this chapter. The terms of all trustees



terminate on July 1 of the year in which their terms of office expire.

SECTION 14. IC 21-23-3-2, AS AMENDED BY P.L.213-2015, SECTION 237, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) The governor shall appoint ten (10) trustees, **which includes the Purdue University alumni selected under section 3 of this chapter**, for Purdue University for the term beginning on July 1 in conformity with this chapter.

(b) The general assembly urges the governor to appoint at least one (1) resident of Allen County to the board of trustees of Purdue University.

(c) Two (2) at-large members shall be appointed to the board of trustees by the legislative council. The members appointed under this subsection may not be members of the general assembly.

SECTION 15. IC 21-23-3-4 IS REPEALED [EFFECTIVE JULY 1, 2024]. ~~Sec. 4. Seven (7) of the trustees shall be appointed by the governor.~~

SECTION 16. IC 21-23-3-8, AS ADDED BY P.L.2-2007, SECTION 264, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. In case any vacancy occurs on the board of trustees by reason of the resignation, removal from the state, expiration of the term of office, or otherwise of any of the trustees appointed by the ~~governor~~, **applicable appointing authority**, the vacancy shall be filled by the ~~governor~~ **applicable appointing authority** from the respective classes as provided in this section to serve only for the unexpired term.

SECTION 17. IC 21-23-3-9, AS ADDED BY P.L.2-2007, SECTION 264, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. **(a)** The acceptance of an appointment by the governor **or legislative council** signifies that the appointee will give the appointee's best efforts to the interests of Purdue University and that the appointee will regularly attend the meetings of the board of trustees.

(b) The secretary of the board of trustees shall report the attendance of each meeting of the board of trustees to the governor **and legislative council regarding the respective members appointed by the governor or legislative council**. If a member is absent for two (2) consecutive meetings without sufficient excuse, it shall be considered sufficient cause for the governor **or legislative council** to ask for the resignation of the member **whom the governor or legislative council appointed**.

SECTION 18. IC 21-24-3-2, AS ADDED BY P.L.2-2007, SECTION 265, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2024]: Sec. 2. The board of trustees consists of ~~nine (9)~~ **eleven (11)** members who shall serve terms of four (4) years. However, the term of a student member of the board of trustees is two (2) years.

SECTION 19. IC 21-24-3-4, AS ADDED BY P.L.2-2007, SECTION 265, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. The **members of the** board of trustees **appointed by the governor** must include at least the following:

(1) One (1) member who is an alumnus of the University of Southern Indiana or an alumnus of the regional campus.

(2) One (1) member who is a full-time student in good standing enrolled in the University of Southern Indiana.

~~(3) One (1) member who is a resident of Vanderburgh County.~~

SECTION 20. IC 21-24-3-5, AS ADDED BY P.L.2-2007, SECTION 265, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) The governor shall appoint **nine (9)** of the members of the board of trustees.

(b) The legislative council shall appoint two (2) at-large members to the board of trustees. The members appointed under this subsection may not be members of the general assembly.

~~(b)~~ (c) If a vacancy occurs during the term of any member, the **governor appointing authority** shall appoint an individual to serve the unexpired term of the vacating member.

SECTION 21. IC 21-25-3-1, AS ADDED BY P.L.2-2007, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. The board of trustees consists of ~~ten (10)~~ **twelve (12)** trustees.

SECTION 22. IC 21-25-3-2, AS ADDED BY P.L.2-2007, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. **(a)** Nine (9) members of the board of trustees shall be appointed by the governor, ~~one (1) of whom must be a resident of Knox County and~~ one (1) **of whom** must be an alumnus of Vincennes University. In addition, the governor shall appoint one (1) trustee who is a full-time student of Vincennes University during the student's term.

(b) The legislative council shall appoint two (2) at-large members to the board of trustees. The members appointed under this subsection may not be members of the general assembly."

Page 4, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 30. IC 21-38-2-1, AS ADDED BY P.L.2-2007, SECTION 279, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2024]: Sec. 1. (a) This section applies to the boards of trustees of the following state educational institutions:

- (1) Indiana University.
- (2) Purdue University.
- (3) Indiana State University.
- (4) Ball State University.

(b) **Except as provided in section 7 of this chapter**, each member of the board of trustees of a state educational institution is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 31. IC 21-38-2-3, AS AMENDED BY P.L.3-2008, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) **Except as provided in section 7 of this chapter**, a member of the board of trustees of Ivy Tech Community College is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b), unless the member holds another position that is considered a lucrative office within the meaning of Article 2, Section 9 of the Constitution of the State of Indiana.

(b) A member of the board of trustees of Ivy Tech Community College is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 32. IC 21-38-2-5, AS ADDED BY P.L.2-2007, SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. **Except as provided in section 7 of this chapter**, each member of the board of trustees of the University of Southern Indiana is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

SECTION 33. IC 21-38-2-6, AS ADDED BY P.L.2-2007, SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. **Except as provided in section 7 of this chapter**, the members of the board of trustees of Vincennes University shall serve without compensation, except that each member



is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 34. IC 21-38-2-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 7. Any member of a board of trustees of a state educational institution who is a state employee:**

- (1) is not entitled to a minimum salary per diem provided by IC 4-10-11-2.1; and**
- (2) is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency."**

Page 12, after line 24, begin a new paragraph and insert:

"SECTION 39. IC 21-49-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

Chapter 4. State Educational Institution Information Reporting

Sec. 1. Each state educational institution shall, at the time the state educational institution submits its legislative budget request, submit to the budget committee a report that includes the following information:

- (1) For each academic year, beginning with the 2000-2001 academic year, the total number of state educational institution:**
 - (A) full-time and tenured professors;**
 - (B) adjunct instructors;**
 - (C) other contingent faculty; and**
 - (D) nonacademic support or administrative employees.**
- (2) For each academic year, the total number of employees at the state educational institution whose primary or secondary job duties or job titles include diversity, equity, and inclusion.**
- (3) For each academic year, the total number of state educational institution adjudications or proceedings regarding violations of policies regarding diversity, equity, and inclusion or harassment.**
- (4) A list and description of what the state educational institution does to ensure free speech rights of students.**



- (5) A list and description of what the state educational institution does to ensure intellectual freedom for professors.
- (6) A list and description of what the state educational institution does to ensure intellectual and ideological diversity of professors."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 202 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 9, Nays 4.

SENATE MOTION

Madam President: I move that Senate Bill 202 be amended to read as follows:

Page 17, delete lines 7 through 29, begin a new paragraph and insert:

"Sec. 4. Not later than September 1, 2024, each institution shall submit the following to the commission for higher education and the state budget committee:

- (1) Data describing the institution's budget allocations for diversity, equity, and inclusion initiatives.
- (2) Information regarding the definitions, guidelines, and parameters the institution used in determining which initiatives were considered by the institution to be diversity, equity, and inclusion initiatives.

This section expires July 1, 2025.

Sec. 5. Not later than November 1, 2024, the commission for higher education shall do the following:

- (1) Review the information submitted by the institutions under section 4 of this chapter.
- (2) Recommend to the budget committee consistent definitions, guidelines, and parameters that would allow the information submitted under section 4 of this chapter to be compared across institutions and academic years.

This section expires July 1, 2025.

Sec. 6. At the time an institution submits its legislative budget request, the institution shall, in a manner prescribed by the state



budget committee, submit to the state budget committee data describing the institution's budget allocations for diversity, equity, and inclusion initiatives."

Page 18, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 38. IC 21-49-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

Chapter 4. State Educational Institution Information Reporting

Sec. 1. Not later than September 1, 2024, each state educational institution shall submit to the commission for higher education and the state budget committee the following information:

(1) For each academic year, beginning with the 2017-2018 academic year, the total number of state educational institution:

- (A) full-time and tenured professors;**
- (B) adjunct instructors;**
- (C) other contingent faculty; and**
- (D) nonacademic support or administrative employees.**

(2) For each academic year, the total number of employees at the state educational institution whose primary or secondary job duties or job titles include diversity, equity, and inclusion.

(3) For each academic year, the total number of state educational institution adjudications or proceedings regarding violations of policies regarding diversity, equity, and inclusion or harassment.

(4) A list and description of what the state educational institution does to ensure free speech rights of students.

(5) A list and description of what the state educational institution does to ensure intellectual freedom for professors.

(6) A list and description of what the state educational institution does to ensure intellectual and ideological diversity of professors.

(7) Information regarding the definitions, guidelines, and parameters the institution used in determining which information under subdivisions (1) through (6) to include in the submission under this section.

This section expires July 1, 2025.

Sec. 2. Not later than November 1, 2024, the commission for higher education shall do the following:

(1) Review the information submitted by the institutions under section 1 of this chapter.



- (2) Recommend to the budget committee consistent definitions, guidelines, and parameters that would allow the information submitted under section 1 of this chapter to be compared across state educational institutions and academic years.

This section expires July 1, 2025.

Sec. 3. At the time a state educational institution submits its legislative budget request, the state educational institution shall, in a manner prescribed by the state budget committee, submit to the state budget committee the following information:

- (1) For each academic year, the total number of state educational institution:
 - (A) full-time and tenured professors;
 - (B) adjunct instructors;
 - (C) other contingent faculty; and
 - (D) nonacademic support or administrative employees.
- (2) For each academic year, the total number of employees at the state educational institution whose primary or secondary job duties or job titles include diversity, equity, and inclusion.
- (3) For each academic year, the total number of state educational institution adjudications or proceedings regarding violations of policies regarding diversity, equity, and inclusion or harassment.
- (4) A list and description of what the state educational institution does to ensure free speech rights of students.
- (5) A list and description of what the state educational institution does to ensure intellectual freedom for professors.
- (6) A list and description of what the state educational institution does to ensure intellectual and ideological diversity of professors."

Delete page 19.

(Reference is to SB 202 as printed January 26, 2024.)

DEERY

SENATE MOTION

Madam President: I move that Senate Bill 202 be amended to read as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:
"SECTION 1. IC 21-19-3-2, AS ADDED BY P.L.2-2007, SECTION

ES 202—LS 6786/DI 110



260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. The board of trustees is composed of **the following** nine (9) members:

- (1) **Seven (7) members** appointed by the governor as follows:
 - (1) ~~(A)~~ Six (6) members who must be at large.
 - (2) ~~Two (2)~~ members who must be alumni of Ball State University.
 - (3) ~~(B)~~ One (1) member who must be a Ball State University student.
- (2) **Two (2) members** appointed as follows:
 - (A) **One (1) member** who:
 - (i) is appointed by the president pro tempore of the senate with advice from the minority leader of the senate;
 - (ii) is an alumnus of Ball State University; and
 - (iii) is not a member of the general assembly.
 - (B) **One (1) member** who:
 - (i) is appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives;
 - (ii) is an alumnus of Ball State University; and
 - (iii) is not a member of the general assembly.

SECTION 2. IC 21-19-3-3, AS AMENDED BY P.L.29-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. ~~Not more than six (6) of the nonstudent members of~~ The board of trustees may be of **not consist of members who are all of** the same sex.

SECTION 3. IC 21-19-3-6 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 6: (a) The Ball State University alumni council shall designate the term and nominate a person for each of the two (2) alumni memberships on the board of trustees:

(b) The Ball State University alumni council, through the president of Ball State University, shall submit the names of the nominees to the governor for the governor's immediate appointment to the board of trustees.

SECTION 4. IC 21-19-3-7 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 7: At least thirty (30) days before the expiration of the term of an alumni member, the Ball State University Alumni Council, or its successor, must submit, through the president of Ball State University, the name of the nominee to succeed the retiring alumni member. The governor shall appoint the nominee as an alumni member of the board of trustees.



SECTION 5. IC 21-19-3-8, AS ADDED BY P.L.2-2007, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) ~~With the exception of the student member of the board of trustees, Except as provided under subsections (c) and (d),~~ all appointments to the Ball State University board of trustees are for four (4) year terms. **Except for appointments under section 2(2) of this chapter,** each term of a nonstudent board member begins on January 1 of the appropriate year.

(b) The term of a member continues until the member's successor is appointed and qualified.

(c) The student member of the board of trustees is appointed for a two (2) year term. The student member's term begins on July 1 of the year in which the student member is appointed. The student member must be a full-time student at Ball State University throughout the student member's term.

(d) The term of a member appointed under section 2(2) of this chapter shall expire on June 30 of each odd-numbered year.

SECTION 6. IC 21-19-3-9, AS ADDED BY P.L.2-2007, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. A vacancy occurring on the board of trustees from death, incapacitation, or resignation shall be filled by appointment of the ~~governor~~ **appropriate appointing authority** for the unexpired term. ~~Vacancies in offices held by alumni members shall be filled from nominees submitted by the Ball State University alumni council.~~

SECTION 7. IC 21-19-3-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10. (a) **As used in this section "alumnus appointed member" refers to a current member of the board of trustees who was an alumnus appointment by the governor before July 1, 2024.**

(b) **An alumnus appointed member may serve until the member's term expires.**

(c) **Notwithstanding section 9 of this chapter, the president pro tempore of the senate shall appoint an alumnus member as provided under section 2(2)(A) of this chapter upon the earlier of:**

- (1) the expiration of an alumnus appointed member's term;**
- (2) a vacancy on the board of trustees by an alumnus appointed member.**

(d) **Notwithstanding section 9 of this chapter, after the president pro tempore of the senate appoints an alumnus member under subsection (c), the speaker of the house of representatives shall appoint an alumnus member as provided under section 2(2)(B) of this chapter upon the earlier of:**



(1) the expiration of the remaining alumnus appointed member's term; or

(2) a vacancy on the board of trustees by the remaining alumnus appointed member.

(e) This section expires July 1, 2029.

SECTION 8. IC 21-20-3-3 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 3: This section does not apply to the student trustee appointed to the board of trustees. Not more than:

(1) one (1) of the trustees elected to the board of trustees; and

(2) two (2) of the trustees appointed to the board of trustees;

may reside in the same county.

SECTION 9. IC 21-20-3-4, AS AMENDED BY P.L.29-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) ~~Three (3) members~~ **One (1) member** of the board of trustees shall be elected by the alumni of Indiana University under this chapter. In the year in which the term of ~~any~~ **the** member of the board of trustees elected by the alumni expires, a successor to the trustee shall be elected by the alumni of Indiana University, to serve for a term of three (3) years beginning July 1 next succeeding the election.

(b) When a vacancy occurs ~~in the membership~~ **regarding the member** of the board of trustees who ~~are~~ **is** elected by the alumni, because of death, resignation, or any other reason, the vacancy shall be filled by selection by the Indiana University alumni association executive council for the unexpired term.

SECTION 10. IC 21-20-3-5, AS ADDED BY P.L.2-2007, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The ~~members~~ **member** of the board of trustees who ~~are~~ **is** elected by the alumni of Indiana University must be ~~alumni~~ **an alumnus** of Indiana University.

SECTION 11. IC 21-20-3-8, AS AMENDED BY P.L.29-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. The election of ~~members~~ **the member** of the board of trustees shall be held at Indiana University on the secular day immediately preceding July 1. At that time ~~trustees~~ **the trustee** shall be elected to:

(1) serve for a term of three (3) years from July 1 next succeeding the trustee's election; and

(2) complete any unexpired term or terms.

SECTION 12. IC 21-20-3-9, AS AMENDED BY P.L.29-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The university librarian shall conduct the



elections to select the ~~three (3)~~ **alumni members one (1) alumnus member** of the board of trustees **elected by the alumni of Indiana University**. All alumni (as described in section 6 of this chapter) are eligible to participate in the election either by electronic or printed ballot, and each eligible individual may cast only one (1) vote. A request for a printed ballot must be made in writing to the university librarian not later than May 1 of an election year. The university librarian may adopt rules and regulations as necessary to carry out this section.

SECTION 13. IC 21-20-3-12, AS AMENDED BY P.L.29-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The governor shall appoint ~~five (5)~~ **six (6)** members of the board of trustees, ~~for including the student member appointed under section 13 of this chapter.~~

(b) **The president pro tempore of the senate with advice from the minority leader of the senate shall appoint one (1) member of the board of trustees who:**

- (1) **is an alumnus of Indiana University; and**
- (2) **is not a member of the general assembly.**

(c) **The speaker of the house of representatives with advice from the minority leader of the house of representatives shall appoint one (1) member of the board of trustees who:**

- (1) **is an alumnus of Indiana University; and**
- (2) **is not a member of the general assembly.**

(d) **Except as provided under section 13 of this chapter, the members appointed under subsection (a) shall serve terms of three (3) years.**

(e) **The term of a member appointed under subsection (b) or (c) shall expire on June 30 of each odd-numbered year.**

~~(b)~~ (f) **Whenever a vacancy occurs in the membership of the board of trustees who are appointed by the governor, president pro tempore of the senate, or speaker of the house of representatives because of death or resignation or for any other reason, the vacancy shall be filled by an appointment of the governor appropriate appointing authority for the unexpired term.**

SECTION 14. IC 21-20-3-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12.5. The board of trustees may not consist of members who are all of the same sex.**

SECTION 15. IC 21-20-3-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) As used in this section**



"alumnus appointed member" refers to a current member of the board of trustees who was an alumnus appointment by the governor before July 1, 2024.

(b) An alumnus appointed member may serve until the member's term expires.

(c) Notwithstanding section 12(f) of this chapter, the speaker of the house of representatives shall appoint an alumnus member as provided under section 12(c) of this chapter upon the earlier of:

- (1) the expiration of an alumnus appointed member's term; or**
- (2) a vacancy on the board of trustees by an alumnus appointed member.**

(d) Notwithstanding section 12(f) of this chapter, after the speaker of the house of representatives appoints an alumnus member under subsection (c), the president pro tempore of the senate shall appoint an alumnus member as provided under section 12(b) of this chapter upon the earlier of:

- (1) the expiration of the remaining alumnus appointed member's term; or**
- (2) a vacancy on the board of trustees by the remaining alumnus appointed member.**

(e) This section expires July 1, 2029.

SECTION 16. IC 21-21-3-2, AS ADDED BY P.L.2-2007, SECTION 262, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. The board of trustees is composed of nine (9) trustees ~~appointed by the governor~~ as follows:

- (1) Seven (7) competent individuals, one (1) of whom must be a student, ~~appointed by the governor~~.**
- (2) Two (2) competent individuals who are alumni of Indiana State University nominated by the alumni council of Indiana State University.**

(2) One (1) member who:

- (A) is appointed by the president pro tempore of the senate with advice from the minority leader of the senate;**
- (B) is an alumnus of Indiana State University; and**
- (C) is not a member of the general assembly.**

(3) One (1) member who:

- (A) is appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives;**
- (B) is an alumnus of Indiana State University; and**
- (C) is not a member of the general assembly.**

SECTION 17. IC 21-21-3-2.5 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2.5. The board of trustees may not consist of trustees who are all of the same sex.**

SECTION 18. IC 21-21-3-3, AS ADDED BY P.L.2-2007, SECTION 262, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) ~~Subject to subsection~~ **Except as provided under subsections (b) and (c)**, the term of a trustee is four (4) years.

(b) The term of a student trustee is two (2) years.

(c) The term of a member appointed under section 2(2) or 2(3) of this chapter shall expire on June 30 of each odd-numbered year.

SECTION 19. IC 21-21-3-6 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 6: ~~An alumni member appointed to the board of trustees must have completed a prescribed course of study by Indiana State University or one (1) of the following predecessors of Indiana State University:~~

~~(1) Indiana State Normal School:~~

~~(2) Indiana State Teachers College:~~

~~(3) Indiana State College:~~

SECTION 20. IC 21-21-3-8 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 8: ~~At least one (1) woman must be on the board of trustees:~~

SECTION 21. IC 21-21-3-9, AS ADDED BY P.L.2-2007, SECTION 262, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. ~~(a) The governor~~ **appropriate appointing authority** shall fill a vacancy occurring in the board of trustees from death, resignation, or removal from the state for the unexpired term of the retiring trustee.

~~(b) The alumni council of Indiana State University shall nominate the appointee to fill a vacancy caused by the loss of an alumni member:~~

SECTION 22. IC 21-21-3-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 10. (a) As used in this section "alumnus appointed member" refers to a current member of the board of trustees who was an alumnus appointment by the governor before July 1, 2024.**

(b) An alumnus appointed member may serve until the member's term expires.

(c) Notwithstanding section 9 of this chapter, the speaker of the house of representatives shall appoint an alumnus member as provided under section 2(3) of this chapter upon the earlier of:

(1) the expiration of an alumnus appointed member's term; or

(2) a vacancy on the board of trustees by an alumnus



appointed member.

(d) Notwithstanding section 9 of this chapter, after the speaker of the house of representatives appoints an alumnus member under subsection (c), the president pro tempore of the senate shall appoint an alumnus member as provided under section 2(2) of this chapter upon the earlier of:

- (1) the expiration of the remaining alumnus appointed member's term; or**
- (2) a vacancy on the board of trustees by the remaining alumnus appointed member.**

(e) This section expires July 1, 2029.

SECTION 23. IC 21-22-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 3.5. The state board of trustees may not consist of members who are all of the same sex.**

SECTION 24. IC 21-23-3-1, AS ADDED BY P.L.2-2007, SECTION 264, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The board of trustees consists of ten (10) members, to be appointed for the term of service and in the manner provided by this chapter. **Except as provided under section 7(c) of this chapter**, the terms of all trustees terminate on July 1 of the year in which their terms of office expire.

SECTION 25. IC 21-23-3-2, AS AMENDED BY P.L.213-2015, SECTION 237, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The governor shall appoint ~~ten (10)~~ **eight (8)** trustees for Purdue University for the term beginning on July 1 in conformity with this chapter.

(b) The general assembly urges the governor to appoint at least one (1) resident of Allen County to the board of trustees of Purdue University.

(c) The president pro tempore of the senate with advice from the minority leader of the senate shall appoint one (1) trustee who:

- (1) is an alumnus of Purdue University; and**
- (2) is not a member of the general assembly.**

(d) The speaker of the house of representatives with advice from the minority leader of the house of representatives shall appoint one (1) trustee who:

- (1) is an alumnus of Purdue University; and**
- (2) is not a member of the general assembly.**

SECTION 26. IC 21-23-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2.5. The board of trustees may**



not consist of members who are all of the same sex.

SECTION 27. IC 21-23-3-3, AS ADDED BY P.L.2-2007, SECTION 264, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) ~~Three (3) members~~ **One (1) member** of the board of trustees shall be selected by the members of the Purdue alumni association. ~~One (1) of the members~~ **The member** must be a graduate of the school of agriculture. ~~All members~~ **The member** of the board of trustees selected under this section must be ~~members~~ **a member** of the alumni association and graduates of Purdue University.

(b) At the annual meeting of the Purdue alumni association for the year in which the term of office of ~~any one (1) of the trustees~~ **the trustee** selected under this section expires, a successor shall be selected by the members of the Purdue alumni association, in the manner that the Purdue alumni association prescribes. The president of the Purdue alumni association shall certify all selections made by the Purdue alumni association.

(c) If, at any time, a vacancy occurs on the board of trustees, occasioned by the death, resignation, expiration of term, or otherwise of ~~any of the members~~ **the member** of the board of trustees selected by the members of the Purdue alumni association, the vacancy shall be filled by selection by the president of the Purdue alumni association. The member selected to fill a vacancy serves until the next annual meeting of the Purdue alumni association when a successor to fill out the unexpired term shall be selected in the manner provided in subsection (b). The member selected by the Purdue alumni association shall be appointed by the governor to fill out the unexpired term.

SECTION 28. IC 21-23-3-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 4: ~~Seven (7) of the trustees shall be appointed by the governor.~~

SECTION 29. IC 21-23-3-7, AS ADDED BY P.L.2-2007, SECTION 264, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) **Except as provided in subsections (b) and (c)**, all members of the board of trustees serve for three (3) years. ~~except for~~

(b) The student member ~~who~~ serves for two (2) years.

(c) **The term of a member appointed under section 2(c) or 2(d) of this chapter shall expire on June 30 of each odd-numbered year.**

SECTION 30. IC 21-23-3-8, AS ADDED BY P.L.2-2007, SECTION 264, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. In case any vacancy occurs on the board of trustees by reason of the resignation, removal from the



state, expiration of the term of office, or otherwise of any of the trustees appointed by the ~~governor~~, **appropriate appointing authority**, the vacancy shall be filled by the ~~governor~~ **appropriate appointing authority** from the respective classes as provided in this section to serve only for the unexpired term.

SECTION 31. IC 21-23-3-9, AS ADDED BY P.L.2-2007, SECTION 264, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The acceptance of an appointment by the governor, **president pro tempore of the senate, or speaker of the house of representatives** signifies that the appointee will give the appointee's best efforts to the interests of Purdue University and that the appointee will regularly attend the meetings of the board of trustees.

(b) The secretary of the board of trustees shall report the attendance of each meeting of the board of trustees to the governor, **president pro tempore of the senate, or speaker of the house of representatives regarding the respective members appointed by the governor, president pro tempore of the senate, or speaker of the house of representatives**. If a member is absent for two (2) consecutive meetings without sufficient excuse, it shall be considered sufficient cause for the governor, **president pro tempore of the senate, or speaker of the house of representatives** to ask for the resignation of the member **whom the governor, president pro tempore of the senate, or speaker of the house of representatives appointed**.

SECTION 32. IC 21-23-3-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) **As used in this section "alumnus appointed member" refers to a current member of the board of trustees who was an alumnus appointment by the governor before July 1, 2024.**

(b) **An alumnus appointed member may serve until the member's term expires.**

(c) **Notwithstanding section 8 of this chapter, the president pro tempore of the senate shall appoint an alumnus member as provided under section 2(c) of this chapter upon the earlier of:**

- (1) **the expiration of an alumnus appointed member's term; or**
- (2) **a vacancy on the board of trustees by an alumnus appointed member.**

(d) **Notwithstanding section 8 of this chapter, after the president pro tempore of the senate appoints an alumnus member under subsection (c), the speaker of the house of representatives shall appoint an alumnus member as provided under section 2(d) of this**



chapter upon the earlier of:

- (1) the expiration of the remaining alumnus appointed member's term; or
- (2) a vacancy on the board of trustees by the remaining alumnus appointed member.

(e) **This section expires July 1, 2029.**

SECTION 33. IC 21-24-3-2, AS ADDED BY P.L.2-2007, SECTION 265, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) The board of trustees consists of ~~nine (9)~~ **ten (10)** members who shall, **except as provided under subsections (b) and (c)**, serve terms of four (4) years. ~~However,~~

(b) The term of a student member of the board of trustees is two (2) years.

(c) **The term of a member appointed under section 5(b) or 5(c) of this chapter shall expire on June 30 of each odd-numbered year.**

SECTION 34. IC 21-24-3-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2024]: **Sec. 2.5. The board of trustees may not consist of members who are all of the same sex.**

SECTION 35. IC 21-24-3-4, AS ADDED BY P.L.2-2007, SECTION 265, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. The **members of the** board of trustees **appointed by the governor** must include at least the following:

(~~1~~) **One (1) member who is an alumnus of the University of Southern Indiana or an alumnus of the regional campus.**

(~~2~~) **(1) One (1) member who is a full-time student in good standing enrolled in the University of Southern Indiana.**

(~~3~~) **(2) One (1) member who is a resident of Vanderburgh County.**

SECTION 36. IC 21-24-3-5, AS ADDED BY P.L.2-2007, SECTION 265, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) The governor shall appoint **eight (8)** of the members of the board of trustees.

(b) **The president pro tempore of the senate with advice from the minority leader of the senate shall appoint one (1) member to the board of trustees who:**

(1) is an alumnus of the University of Southern Indiana; and

(2) is not a member of the general assembly.

(c) **The speaker of the house of representatives with advice from the minority leader of the house of representatives shall appoint one (1) member of the board of trustees who:**

(1) is an alumnus of the University of Southern Indiana; and



(2) is not a member of the general assembly.

(b) (d) If a vacancy occurs during the term of any member, the **governor appropriate appointing authority** shall appoint an individual to serve the unexpired term of the vacating member.

SECTION 37. IC 21-24-3-6 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 6: (a) There is established a screening committee of the University of Southern Indiana to nominate the alumnus member of the board of trustees:

(b) The screening committee consists of five (5) members appointed by the executive body of the university alumni association designated by the board of trustees:

(c) Within seventy-five (75) days after the date that a vacancy occurs on the board of trustees for the alumnus member, the screening committee shall submit a list of at least three (3) names of eligible individuals to a person designated by the board of trustees:

(d) When the names are received by the person designated by the board of trustees, the designated person shall submit the names to the governor:

(e) The governor shall appoint the alumnus member of the board of trustees from the list of names submitted under subsection (d): However, if the governor does not receive the names of at least three (3) eligible individuals under subsection (d) within ninety (90) days after the alumnus member vacancy on the board occurs, the governor may appoint any individual who is otherwise eligible under this chapter to serve as the alumnus member of the board of trustees:

SECTION 38. IC 21-24-3-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) As used in this section "alumnus appointed member" refers to a current member of the board of trustees who was an alumnus appointment by the governor before July 1, 2024.

(b) An alumnus appointed member may serve until the member's term expires.

(c) The president pro tempore of the senate shall, not later than July 1, 2024, appoint an alumnus member under section 5(b) of this chapter.

(d) Notwithstanding section 5 of this chapter, the speaker of the house of representative shall appoint an alumnus member as provided under section 5(c) of this chapter upon the earlier of:

- (1) the expiration of the alumnus appointed member's term;
- or
- (2) a vacancy on the board of trustees by the alumnus appointed member.



(e) This section expires July 1, 2029.

SECTION 39. IC 21-25-3-1, AS ADDED BY P.L.2-2007, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. The board of trustees consists of ~~ten (10)~~ **eleven (11)** trustees.

SECTION 40. IC 21-25-3-2, AS ADDED BY P.L.2-2007, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. **(a) ~~Nine (9)~~ Eight (8)** members of the board of trustees shall be appointed by the governor, one (1) of whom must be a resident of Knox County. ~~and one (1) must be an alumnus of Vincennes University.~~ In addition, the governor shall appoint one (1) trustee who is a full-time student of Vincennes University during the student's term.

(b) The president pro tempore of the senate with advice from the minority leader of the senate shall appoint one (1) member to the board of trustees who:

- (1) is an alumnus of Vincennes University; and**
- (2) is not a member of the general assembly.**

(c) The speaker of the house of representatives with advice from the minority leader of the house of representatives shall appoint one (1) member of the board of trustees who:

- (1) is an alumnus of Vincennes University; and**
- (2) is not a member of the general assembly.**

SECTION 41. IC 21-25-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2.5. The board of trustees may not consist of members who are all of the same sex.**

SECTION 42. IC 21-25-3-4, AS ADDED BY P.L.2-2007, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. **(a) Except as provided under subsections (b) and (c),** the term of each appointed trustee is three (3) years. ~~However,~~

(b) The term of the student appointee is one (1) year.

(c) The term of a member appointed under section 2(b) or 2(c) of this chapter shall expire on June 30 of each odd-numbered year.

SECTION 43. IC 21-25-3-5, AS ADDED BY P.L.2-2007, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. **(a) Except as provided under subsection (b),** if a vacancy occurs in the membership of the board of trustees, the vacancy shall be filled by the board of trustees for the unexpired term.

(b) If a vacancy occurs among the members of the board of



trustees appointed under section 2(b) or 2(c) of this chapter, the appropriate appointing authority shall fill the vacancy on the board of trustees.

SECTION 44. IC 21-25-3-6, AS ADDED BY P.L.2-2007, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. **Except for a member who is appointed under section 2(b) or 2(c) of this chapter**, the appropriate number of appointive trustees shall be appointed before the first Monday of October of each year. **Except for a member appointed under section 2(b) or 2(c) of this chapter**, the first Monday is the first day of their terms.

SECTION 45. IC 21-25-3-7, AS ADDED BY P.L.2-2007, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. There shall be the following four (4) ~~ex officio~~ members of the board of trustees **who are nonvoting advisory members**:

- (1) The president of the university.
- (2) The superintendent of the Vincennes Community School Corporation.
- (3) The superintendent of the South Knox School Corporation.
- (4) The superintendent of the North Knox School Corporation.

SECTION 46. IC 21-25-3-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. (a) **As used in this section "alumnus appointed member" refers to a current member of the board of trustees who was an alumnus appointment by the governor before July 1, 2024.**

(b) **An alumnus appointed member may serve until the member's term expires.**

(c) **The speaker of the house of representatives shall, not later than July 1, 2024, appoint an alumnus member under section 2(c) of this chapter.**

(d) **Notwithstanding section 5 of this chapter, the president pro tempore of the senate shall appoint an alumnus member as provided under section 2(b) of this chapter upon the earlier of:**

- (1) **the expiration of the alumnus appointed member's term;**
- or**
- (2) **a vacancy on the board of trustees by the alumnus appointed member.**

(e) **This section expires July 1, 2029.**

SECTION 47. IC 21-25-5-3, AS ADDED BY P.L.2-2007, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. Six (6) trustees **appointed under**



IC 21-25-3-2 constitute a quorum at any regular or special meeting of the board of trustees."

Delete pages 2 through 5.

Page 6, delete lines 1 through 15.

Page 19, after line 18, begin a new paragraph and insert:

"SECTION 57. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 202 as printed January 26, 2024.)

DEERY

SENATE MOTION

Madam President: I move that Senate Bill 202 be amended to read as follows:

Page 1, after line 15, begin a new paragraph and insert:

"SECTION 3. IC 21-19-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3.5. One (1) member appointed by the governor under section 2(1) of this chapter must be a resident of Delaware County."

Page 2, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 8. IC 21-20-3-12.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12.7. One (1) member appointed by the governor under section 12(a) of this chapter must be a resident of Monroe County."

Page 3, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 10. IC 21-21-3-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2.7. One (1) member appointed by the governor under section 2(1) of this chapter must be a resident of Vigo County."

Page 4, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 15. IC 21-23-3-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2.7. One (1) member appointed by the governor under section 2(a) of this chapter must be a resident of Tippecanoe County."

Page 5, reset in roman line 32.

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Page 6, line 8, reset in roman "one (1) of whom".

Page 6, line 9, reset in roman "must be a resident of Knox County and".

(Reference is to SB 202 as printed January 26, 2024.)

GOODE

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 202, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 14.

Page 15, delete lines 1 through 8.

Page 15, line 20, reset in roman "minority".

Page 15, line 20, after "minority" insert "**and**".

Page 15, line 36, reset in roman "minority".

Page 15, line 36, after "minority" insert "**and**".

Page 16, line 9, reset in roman "minority".

Page 16, line 9, after "minority" insert "**and**".

Page 16, line 24, reset in roman "minority".

Page 16, line 24, after "minority" insert "**and**".

Page 16, line 40, reset in roman "minority".

Page 16, line 40, after "minority" insert "**and**".

Page 17, line 13, reset in roman "minority".

Page 17, line 13, after "minority" insert "**and**".

Page 17, line 29, reset in roman "minority".

Page 17, line 29, after "minority" insert "**and**".

Page 17, delete lines 33 through 42.

Delete page 18.

Page 19, delete lines 1 through 9.

Page 20, line 20, delete "or mentoring".

Page 20, line 40, delete "Each" and insert "**Subject to subsection (c), each**".

Page 21, line 9, delete "mentoring".

Page 21, between lines 13 and 14, begin a new paragraph and insert:

"(c) A policy established under subsection (b) must provide that the board of trustees of an institution may not consider the



following actions by a faculty member when determining whether a faculty member may not be granted tenure or a promotion by the institution:

- (1) Expressing dissent or engaging in research or public commentary on subjects.
- (2) Criticizing the institution's leadership.
- (3) Engaging in any political activity conducted outside the faculty member's teaching or mentoring duties at the institution."

Page 21, line 25, delete "mentoring".

Page 21, delete line 39 and insert "met the criteria under subsection (a)".

Page 22, line 4, delete "mentoring".

Page 22, line 25, delete "or".

Page 22, line 26, delete "mentor".

Page 23, delete lines 31 through 36, begin a new line block indented and insert:

- "(2) Not later than July 1, 2025, and not later than July 1 of each odd-numbered year thereafter, submit the report described in subdivision (1) to the legislative council in an electronic format under IC 5-14-6."**

Page 24, line 17, delete "or".

Page 24, line 18, delete "mentor".

Page 26, line 1, after "education" insert ":".

Page 26, line 1, delete "and".

Page 26, delete line 2.

Page 26, line 14, delete "Recommend" and insert "Submit a report".

Page 26, line 14, after "committee" insert "regarding".

Page 26, delete lines 19 through 23.

Page 27, delete lines 11 through 13.

Page 27, delete lines 16 through 21 and insert "a petitioner may request that the commission for higher education review the institution's final decision under the following circumstances:

- (1) A procedural defect materially affected the institution's final decision.
- (2) New evidence that materially affects the institution's final decision and was not reasonably available at the time the final decision was rendered becomes available.
- (3) The institution's investigator had a conflict of interest or bias concerning the petitioner that materially affected the institution's final decision.



(4) The petitioner believes the institution disregarded law in rendering a final decision."

Page 27, line 23, delete "order" and insert "**opinion**".

Page 27, line 31, delete "and".

Page 27, line 32, delete "the state budget committee".

Page 28, line 21, delete "Recommend" and insert "**Submit a report**".

Page 28, line 21, after "committee" insert "**regarding**".

Page 28, delete lines 27 through 30, begin a new paragraph and insert:

"Sec. 3. Not later than September 1, 2024, and September 1 of each year thereafter, a state educational institution shall submit to the state budget committee a report with the following information for the preceding state fiscal year:"

Page 28, line 31, delete "For each academic year, the" and insert "**The**".

Page 28, line 37, delete "For each academic year, the" and insert "**The**".

Page 28, line 40, delete "For each academic year, the" and insert "**The**".

Page 29, line 3, delete "does" and insert "**did**".

Page 29, line 5, delete "does" and insert "**did**".

Page 29, line 7, delete "does" and insert "**did**".

Page 29, between lines 8 and 9, begin a new line block indented and insert:

"(7) The institution's budget allocations for diversity, equity, and inclusion initiatives."

Page 29, delete line 9.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 202 as reprinted February 6, 2024.)

BEHNING

Committee Vote: yeas 8, nays 4.



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 202 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-15-10.5-4, AS ADDED BY P.L.205-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. **(a) Except as provided in subsection (b)**, as used in this chapter, "agency" means an authority, board, branch, bureau, commission, committee, council, department, division, office, service, or other instrumentality of the executive, including the administrative, department of state government. The term does not include any of the following:

- (1) Any body corporate and politic set up as an instrumentality of the state.
- (2) Any private, nonprofit, government related corporation.
- (3) The judicial department of state government.
- (4) The legislative department of state government.
- (5) A state educational institution.
- (6) A political subdivision.

(b) The term includes a state educational institution if the office, pursuant to IC 21-39.5-6-2(d), reviews a state educational institution's final decision regarding a violation of IC 21-39.5 and issues an opinion on behalf of the commission for higher education."

Page 6, line 9, delete "or".

Page 6, line 29, delete "has:" and insert "**has met the following criteria:**".

Page 6, line 30, delete "helped" and insert "**Helped**".

Page 6, line 31, delete "institution;" and insert "**institution.**".

Page 6, line 32, delete "introduced" and insert "**Introduced**".

Page 6, line 33, after "the" insert "**curricula established by the:**

(A) board of trustees of the institution under IC 21-41-2-1(b); or

(B) faculty of the institution acting under authority delegated by the board of trustees of the institution."

Page 6, delete lines 34 and 35.

Page 6, line 36, delete "while" and insert "**While**".

Page 6, line 36, delete "or".

Page 6, line 40, delete "instruction;" and insert "**instruction.**".

Page 6, line 41, delete "adequately" and insert "**Adequately**".



Page 6, line 41, delete "obligations;" and insert "**obligations.**".

Page 6, delete line 42.

Page 7, line 1, delete "met" and insert "**Met**".

Page 7, line 15, delete "or".

Page 9, line 17, delete "from establishing additional policies or" and insert "**from:**

(1) delegating responsibility under policies approved by the board of trustees to conduct the faculty reviews and make the determinations described in this chapter; or

(2) establishing additional policies or criteria."

Page 9, delete line 18.

Page 12, between lines 32 and 33, begin a new paragraph and insert:

"(d) The commission for higher education may enter into an agreement with the office of administrative law proceedings established by IC 4-15-10.5 to carry out this section."

Renumber all SECTIONS consecutively.

(Reference is to ESB 202 as printed February 22, 2024.)

BEHNING

