

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

STEVEN ALAN CARR,	)	
DAVID G. SCHUSTER,	)	
	)	
Plaintiffs,	)	1:24-cv-01578
	)	
v.	)	
	)	
TRUSTEES OF PURDUE	)	
UNIVERSITY, in their official	)	
capacities,	)	
	)	
Defendants.	)	

**Complaint for Declaratory and Injunctive Relief / Notice of Claim of  
Unconstitutionality of an Indiana Statute**

**Introduction**

1. Indiana Code § 21-39.5 *et seq.*, part of Senate Enrolled Act 202 (“S.E.A. 202” or “the Act”), imposes a variety of requirements and restrictions on faculty members at Indiana’s public colleges and universities. It does so by requiring that those institutions’ boards of trustees enact specific policies—the contents of which are dictated by the statute—regarding faculty members’ in and out-of-classroom activities, including their instructional activities and interactions with students.

2. The Act mandates that the boards of trustees enact policies requiring that faculty members be denied tenure or promotion, and that they be subjected to discipline through and including termination, if they are deemed “unlikely” to “foster a culture of free

inquiry, free expression, and intellectual diversity” within their institution, or if they are deemed to have failed to foster such cultures in the past. It also requires the boards to enact policies imposing the same consequences if faculty are deemed unlikely to or to have failed to “expose students to scholarly works from a variety of political or ideological frameworks that may exist within and are applicable to the faculty member’s academic discipline.” The Act also mandates that the boards implement policies requiring that tenured faculty members be formally reevaluated every five years for compliance with these mandates.

3. The plaintiffs, tenured faculty members at Purdue University, previously filed a lawsuit in this Court challenging the constitutionality of this Act. *Carr et al. v. Trustees of Purdue University, et al.* 1:24-cv-772-SEB-MJD (S.D. Ind.). That complaint was dismissed without prejudice for lack of subject-matter jurisdiction, because at the time the plaintiffs filed their complaint, Purdue University had not yet promulgated the policies mandated by the Act. Those policies have now been adopted and require the plaintiffs to comply with the Act. Those policies and the Act violate the First and Fourteenth Amendments to the United States Constitution, and the plaintiffs are entitled to a declaration that they are unconstitutional and to an injunction preventing their enforcement.

**Jurisdiction, venue, cause of action**

4. This Court has jurisdiction of this case pursuant to 28 U.S.C. § 1331.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391, as venue is proper as to Purdue University anywhere in the State of Indiana. *See, e.g.*, 2002 WL 1610951, at \*4 (S.D. Ind. 2002) (and collecting cases).

6. Declaratory relief is authorized by 28 U.S.C. §§ 2201, 2202 and by Rule 57 of the Federal Rules of Civil Procedure.

7. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of state law of rights secured by the Constitution of the United States.

### **Parties**

8. Steven Alan Carr is an adult resident of Allen County, Indiana and a tenured faculty member at Purdue University Fort Wayne, where he will teach in the 2024-2025 school year.

9. David G. Schuster is an adult resident of Allen County, Indiana. He is a tenured faculty member at Purdue University Fort Wayne and will teach there in the 2024-2025 school year.

10. The Board of Trustees of Purdue University is its executive body, charged with taking all acts necessary and expedient to put and keep Purdue University, in all of its campuses, in operation. Ind. Code § 21-27 *et seq.* The individual members of the Board are sued in their official capacities.

### **The challenged statute**

11. Senate Enrolled Act 202 amends the Indiana Code concerning higher education.

12. Section 11 of the Act creates a new statutory article, codified at Indiana Code § 21-39.5 *et seq.*, entitled “State Educational Institutions: The Protection of Free Inquiry, Free Expression, and Intellectual Diversity.”

13. The statutory prohibitions and requirements imposed by this article apply to state higher educational institutions (referred to in the Act as “institutions”), including Purdue University and its Board of Trustees. Ind. Code § 21-39.5-1 *et seq.*

14. The portion of the Act codified at Indiana Code § 21-39.5-2-1(b) provides in relevant part as follows:

[E]ach board of trustees of an institution shall establish a policy that provides that a faculty member may not be granted tenure or a promotion by the institution if, based on past performance or other determination by the board of trustees, the faculty member is:

(1) unlikely to foster a culture of free inquiry, free expression, and intellectual diversity within the institution; [or]

(2) unlikely to expose students to scholarly works from a variety of political or ideological frameworks that may exist within and are applicable to the faculty member’s academic discipline.

15. The statutory terms “free inquiry” and “free expression” are not defined, either in this statutory provision or elsewhere in the Code, but the term “intellectual diversity” is defined as “multiple, divergent, and varied scholarly perspectives on an extensive range of public policy issues.” Ind. Code § 21-39.5-1-5.

16. S.E.A. 202 further provides, in relevant part:

Not later than five (5) years after the date that a faculty member is granted tenure by an institution and not later than every five (5) years thereafter,

the board of trustees of an institution shall review and determine whether the faculty member has met the following criteria:

(1) Helped the institution foster a culture of free inquiry, free expression, and intellectual diversity within the institution.

(2) Introduced students to scholarly works from a variety of political or ideological frameworks that may exist within the 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.

(3) While performing teaching duties within the scope of the faculty member's employment, refrained from subjecting student to views and opinions concerning matters not related to the faculty member's academic discipline or assigned course of instruction.

(4) Adequately performed academic duties and obligations.

(5) Met any other criteria established by the board of trustees.

Ind. Code § 21-39.5-2-2(a).

17. The Act requires each institution to "adopt a policy that establishes disciplinary actions, including (1) termination; (2) demotion; (3) salary reduction; (4) other disciplinary action as determined by the institution; or (5) any combination of subdivisions (1) through (4)" that "the institution will take if the board of trustees determines in a review conducted under subsection (a) that a tenured faculty member has failed to meet one (1) or more of the criteria described in [Indiana Code § 21-39.5-2-2] (a)(1) through (a)(5)." Ind. Code § 21-39.5-2-2(d).

18. An institution is also required, before "renew[ing] an employment agreement with," "mak[ing] a bonus decision regarding," or "complet[ing] a review or performance

assessment” of a faculty member, to “give substantial consideration to the faculty member’s...performance regarding the criteria described in section [Indiana Code § 21-39.5-2-2] (a)(1) through [(a)(5) of this chapter.” Ind. Code § 21-39.5-2-3(b).

19. Each institution is required to establish and communicate a procedure by which students and employees may submit complaints that any faculty member “is not meeting the criteria described in [Indiana Code § 21-39.5-2-2] (a)(1) through [(a)(5).” Ind. Code § 21-39.5-2-4(a)(1), (2). If any complaints are received, the Act requires the institution to refer them to “appropriate human resource professionals and supervisors for consideration in employee reviews and tenure and promotion decisions.” Ind. Code § 21-39.5-2-4(a)(3).

#### **Policies adopted by Purdue University**

20. S.E.A. 202 requires Purdue University to adopt policies to implement the Act’s substantive requirements, described above.

21. Purdue University has, effective July 1, 2024, adopted a policy (S-27) implementing the substantive requirements of Indiana Code § 21-39.5, which provides as follows:

As a public institution in the state of Indiana, Purdue University endeavors to foster a culture of free inquiry, free expression and intellectual diversity. The University also endeavors to employ faculty, lecturers and teaching assistants who expose students to scholarly works from a variety of political or ideological frameworks within and applicable to the given academic discipline while refraining from subjecting students to views and opinions concerning matters not related to the discipline or assigned course of instruction.

Faculty being reviewed for tenure and/or promotion are evaluated on criteria meant to assess their likeliness to contribute to the above goals in addition to the criteria outlined in the policy on **Academic Tenure and Promotion (I.B.2)**. Faculty members awarded tenure are evaluated at least every five years thereafter on the same criteria. For non-tenured faculty and other employees and individuals assigned teaching responsibilities, the University considers the individual's contributions to the above stated goals as part of the performance review process, prior to renewing employment agreements, and prior to awarding any bonuses. Failure to meet the established criteria may result in appropriate disciplinary action up to and including termination of employment.

(Exhibit 1).

22. Purdue University has, effective July 1, 2024, adopted a separate policy implementing the reporting requirements of Indiana Code § 21-39.5-2-4(a)(1), (2), which provides as follows:

Students, faculty, and staff of the University may file a complaint when they believe a faculty member, lecturer, teaching assistant, or other employee or individual assigned teaching responsibilities has not:

1. Fostered a culture of free inquiry, free expression, and intellectual diversity;
2. Exposed students to scholarly works from a variety of political or ideological frameworks within and applicable to the given academic discipline [...]

(Exhibit 2).

23. These policies, adopted to implement S.E.A. 202, are binding on Purdue's faculty, including the plaintiffs.

### **Prior challenge to the statute**

24. The plaintiffs previously filed a lawsuit in this Court challenging the constitutionality of the Act. *See Carr et al. v. Trustees of Purdue University, et al.* 1:24-cv-772-SEB-MJD (S.D. Ind.).

25. That complaint was dismissed without prejudice pursuant to motions filed under Federal Rule of Civil Procedure 12(b)(1), as the Court concluded that ripeness and standing depended on the University having enacted the policies required by the Act. As Purdue University had not yet done so at the time the plaintiffs filed suit, the Court determined that it lacked subject-matter jurisdiction.

### **Factual allegations regarding the plaintiffs**

26. Plaintiff Steven A. Carr is a Professor of Communication and is the Graduate Program Director in the Department of Communication at Purdue University Fort Wayne.

27. He was awarded tenure in 2000 and was awarded a full professorship in 2016.

28. Professor Carr is also the Director of the Institute for Holocaust and Genocide Studies at Purdue University Fort Wayne, the first and only academic center in Indiana devoted exclusively to the study of the Holocaust and other genocides.

29. In his role as a professor in the Communications Department, he teaches courses on media and cultural studies, and he is a film historian by training.



30. In his role as the Graduate Program Director in the Department of Communication, he advises approximately 20 graduate students in the Department, covering everything from admission to the completion of their final degree requirements.

31. In his role as director of the Institute for Holocaust and Genocide Studies, he enacts the Institute's mission, including supporting and promoting teaching and research about the Holocaust and other genocides, and promoting public engagement in global genocide prevention efforts.

32. He is currently scheduled to teach 4 courses over the 2024-2025 academic year.

33. Plaintiff David G. Schuster is an Associate Professor in the Department of History at Purdue University Fort Wayne.

34. He teaches courses in U.S. history, including the history of U.S. culture and medicine.

35. He will teach between 6 and 8 courses over the 2024-2025 academic year.

36. He was awarded tenure in 2012.

37. Professor Schuster plans to pursue, and is working toward, promotion to full professorship within the next several years.

38. The requirements imposed by the policies adopted by Purdue University, and by S.E.A. 202 described above, apply to Professors Carr and Schuster as they are "faculty members" of Purdue University as defined by the statute: they are employees of a state

educational institution “whose employment duties include teaching students of the institution.” Ind. Code § 39.5-1-3.

39. Because of Indiana Code § 21-39.5-2-1(b)(1), Purdue’s Board of Trustees is required to adopt policies that result in the denial of promotions to the plaintiffs if they are deemed unlikely to “foster a culture of free inquiry, free expression, and intellectual diversity within the institution.” Ind. Code § 21-39.5-2-1(b)(1). The policy adopted by the University enacts this requirement.

40. Because of Indiana Code § 21-39.5-2-1(b)(1), Purdue’s Board of Trustees is required to adopt policies that result in the plaintiffs being subject to discipline including, but not limited to, termination, demotion, and salary reduction if they are deemed, as part of a promotion or other performance review, the post-tenure review mandated by the statute, or in response to a student or employee complaint, to have failed to foster such a culture. Ind. Code § 21-39.5-2-2(a)(1). The policy adopted by the University enacts this requirement.

41. The plaintiffs do not know what it means to “foster a culture of free inquiry, free expression, and intellectual diversity within the institution.” The plaintiffs therefore cannot discern what they are required to do or refrain from doing to avoid being deemed to have failed to “foster” these “cultures” under the University’s policies and the statute. They are therefore currently changing the content and pedagogies of their courses, as well as their out-of-class interactions with students.

42. In trying to determine what this requires of them, the plaintiffs understand that, in order to “foster” cultures of free inquiry and free expression, there is no requirement that this fostering take place solely in the context of the classroom, or in any manner limited to what is “scholarly” or “academic.”

43. Given the policies’ and the statute’s vagueness, to avoid potential violation, the plaintiffs are being compelled to speak and are prohibited from speaking in violation of their First Amendment rights or risk adverse employment actions, through and including termination. They are therefore currently changing the content and pedagogies of their courses, as well as their out-of-class interactions with students.

44. Moreover, even if they could discern a meaning, the plaintiffs cannot discern in advance how they are to determine what, and to what degree, speech activities will be deemed to “foster a culture of free inquiry, free expression, and intellectual diversity within the institution.” The plaintiffs cannot discern, for example, what percentage of their time must be spent fostering “free inquiry” or “free expression” in order to be deemed to assist in fostering such “cultures.” They are therefore currently changing the content and pedagogies of their courses, as well as their out-of-class interactions with students.

45. Solely because of S.E.A. 202, the policies now in effect at Purdue University deny promotions to the plaintiffs if they are deemed “unlikely to expose students to scholarly works from a variety of political or ideological frameworks that may exist within and are

applicable to the faculty member's academic discipline," Ind. Code § 21-39.5-2-1(b)(2), and it subjects them to discipline including termination, demotion, and salary reduction if they are deemed not to have "introduced students to scholarly works from a variety of political or ideological frameworks that may exist within the curricula." Ind. Code § 21-39.5-2-2(a)(2).

46. The plaintiffs have no idea what this means and cannot discern what they are required to do or refrain from doing to avoid running afoul of the Act or these policies. As a result they are therefore now changing the content and pedagogies of their courses, as well as their out-of-class interactions with students, or alternatively risking violation of the policies and the Act in order to maintain their academic freedom and integrity.

47. The need to comply with the policies and the Act impacts nearly every aspect of Professor Carr's work. For example, this semester, Professor Carr is teaching a course entitled "Women, Men, and Media," a course designed to explore representation of gender in popular culture. In an election year, Professor Carr would naturally invite discussion of the portrayal of political candidates and their genders as represented in media. Because such discussions are likely to elicit strong and opposing responses from students, and therefore risk allegations that students' free inquiry or expression are not being fostered as Professor Carr uses his pedagogical skills to shape the discussion to reach the goals intended for the course, he plans to severely curtail discussion of the

election in this course. He is only making this change due to operation of the policies and the Act, and he believes this is to the detriment of his students.

48. Professor Carr likewise believes that he should not be forced to teach certain “divergent” or “varied” scholarly perspectives. For example, Professor Carr engages in teaching about the Holocaust through his work at the Institute. “Divergent” perspectives regarding the existence and scope of the Holocaust exist, ranging from denial that the Holocaust occurred to “revisionist” accounts challenging the scope and causes of that genocide. Professor Carr would not teach those “perspectives,” but the language of the statute would appear to require him to do so. Indeed, he is aware that this very issue arose recently in Texas. Currently, the Institute is not scheduling the Holocaust-related public programming that it otherwise would because the alternative of having to present “divergent” perspectives is unacceptable to Professor Carr and the Institute. This detrimentally impacts the fundamental mission of the Institute, which includes raising public awareness of the Holocaust and anti-Semitism.

49. As another example, Professor Carr recently taught a class about the eugenics movement, including legislation involving forced sterilization passed in Indiana in 1907. He does not believe that he should be required to teach, for example, the “divergent” scholarly perspective that racially based forced sterilization could ever be appropriate or even defensible. Professor Carr would like to teach this course again, and he could if he

chose to, but he will not do so while the policies and the Act regulate his teaching activities, as he will not agree to present “divergent” views regarding eugenics.

50. Professor Schuster, prior to these policies and the Act, would typically spend the first five to ten minutes of every class inviting discussion about current events, as a way for students to use these as a lens through which to view history and the specific time periods or events being studied in that day’s class. He will no longer do so, due to the risk of running afoul of the policy regarding free expression and free inquiry. He believes this omission will be to the detriment of his students, but sees no viable alternative.

51. Professor Schuster also believes that he should not be required to teach certain “divergent” or “varied” scholarly perspectives. For example, as part of his courses surveying United States history in the post-civil war period, Professor Schuster teaches about the “culture wars” surrounding the LGBTQ rights movement in the 1990s. He is aware that some academics teach about this movement as embodying the rise of a “homosexual agenda,” during which, according to them, LGBTQ people were attempting to indoctrinate students and others with ideas about homosexuality. Professor Schuster does not believe that this “divergent” scholarly perspective is accurate and believes that teaching this perspective would be harmful to his students. He thus does not believe he should be required to teach this scholarly perspective, and while he has in the past invited students to discuss this perspective during office hours, he does not devote class time to

it. He is concerned, however, that this will expose him to complaints against him under the new policy.

52. As another example, Professor Schuster teaches about slavery and its legacy. He does not believe he should be required to teach any number of “divergent” scholarly perspectives regarding slavery, including the perspective that was once dominant in this field—with which he strongly disagrees—that slavery ultimately benefitted African-American people. He is concerned, however, that this will expose him to complaints against him under the new policy.

53. Although the plaintiffs already seek to foster their own conceptions of cultures of free inquiry and free expression in their classrooms, they have no idea what the policies and the Act require, or what may expose them to complaints by students. They exercise their judgment and academic freedom to determine when further inquiry on a subject is no longer desirable or appropriate, and they have no way of knowing whether this type of in-the-moment decision-making will subject them to discipline or other employment consequences.

54. Given the statute’s uncertainty, imported into the University policy, to avoid running afoul of the policies, the plaintiffs are compelled to speak and are prohibited from speaking in violation of their First Amendment rights or risk adverse employment actions, through and including termination.

55. The speech activities of the plaintiffs are protected by the First Amendment, as they retain the academic freedom to determine the content of their instruction, their pedagogies, and their interactions with students.

56. Given the breadth and vagueness of the policies and Indiana Code § 21-39.5-2-2(a)(1) and (a)(2), plaintiffs are subject to serious consequences if they continue to teach as they have for years. As a result, they are changing the content and pedagogies of their courses, as well as their out-of-class interactions with students. This compulsion to speak, or not to speak, or alternatively, to face the penalties imposed, violates the First Amendment.

57. All of these harms will continue throughout the academic year.

58. The speech in which the plaintiffs seek to engage is in no way antithetical to the interests of their employer.

59. The plaintiffs' desire to refrain from certain speech is in no way antithetical to the interests of their employer.

60. The interests of the plaintiffs in engaging in and refraining from protected speech greatly outweighs any countervailing interest by the State.

61. At all times defendants have acted and have failed to act under color of state law.

62. Plaintiffs are being threatened with and are being caused irreparable harm for which there is no adequate remedy at law.

### **Legal claims**



63. Indiana Code §§ 21-39.5-2-1(b)(1), (2) and Indiana Code §§ 21-39.5-2-2(a)(1), (2), and the policies that the University adopted as directed by these statutes, violate the First Amendment to the extent that they infringe the plaintiffs' academic freedom.

64. Indiana Code §§ 21-39.5-2-1(b)(1), (2) and Indiana Code §§ 21-39.5-2-2(a)(1), (2) and the policies that the University adopted as directed by these statutes, violate the First Amendment and the Due Process Clause of the Fourteenth Amendment in that they are impermissibly vague.

### **Request for relief**

WHEREFORE, plaintiffs request that this Court:

- a. accept jurisdiction of this case and set it for hearing at the earliest opportunity;
- b. declare that the defendants' policies and Indiana Codes §§ 21-39.5-2-1(b)(1), (2), 21-39.5-2-2(a)(1), (2) are unconstitutional for the reasons noted above;
- c. enter a preliminary injunction, later to be made permanent, enjoining the defendants' policies and Indiana Codes §§ 21-39.5-2-1(b)(1), (2), 21-39.5-2-2(a)(1), (2);
- d. award plaintiffs their costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988;
- e. award all other proper relief.

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# Intellectual Diversity, Interim (S-27)

Standard: S-27

Responsible Executive: Provost and Executive Vice President for Academic Affairs and Diversity

Responsible Office: Office of the Provost and Office of the Vice President for Human Resources

Date Issued: July 1, 2024

Date Last Revised: N/A

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## CONTACTS

### Clarification of Standard

Title/Office	Telephone	Email/Webpage
Office of the Provost	765494-6835	<a href="mailto:provost@purdue.edu">provost@purdue.edu</a> ( <a href="mailto:provost@purdue.edu">mailto:provost@purdue.edu</a> )

## INDIVIDUALS AND ENTITIES AFFECTED BY THIS STANDARD

All faculty, lecturers, teaching assistants, and other employees and individuals assigned teaching responsibilities.

## STATEMENT OF STANDARD

As a public institution in the state of Indiana, Purdue University endeavors to foster a culture of free inquiry, free expression and intellectual diversity. The University also endeavors to employ faculty, lecturers and teaching assistants who expose students to scholarly works from a variety of political or ideological frameworks within and applicable to the given academic discipline while refraining from subjecting students to views and opinions concerning matters not related to the discipline or assigned course of instruction.

Faculty being reviewed for tenure and/or promotion are evaluated on criteria meant to assess their likeliness to contribute to the above goals in addition to the criteria outlined in the policy on [Academic Tenure and Promotion \(I.B.2\) \(ib2.html\)](#). Faculty members awarded tenure are evaluated at least every five years thereafter on the same criteria. For non-tenured faculty and other employees and individuals assigned teaching responsibilities, the University considers the individual's contributions to the above stated goals as part of the performance review process, prior to renewing employment agreements, and prior to awarding any bonuses. Failure to meet the established criteria may result in appropriate disciplinary action up to and including termination of employment.

Notwithstanding the foregoing, determinations made with respect to the criteria described in this standard will take into account the appropriate exercise of academic freedom and in any event may not consider any of the following actions by a faculty member: (1) expressing dissent or engaging in research or public commentary on subjects; (2) criticizing the institution's leadership; or (3) engaging in any political activity conducted outside the faculty member's teaching duties at the University.

## RESPONSIBILITIES

### Office of the Provost

- Administer this standard.

### Chancellors

- Administer this standard on their respective campuses in consultation with the Provost.

### Office of the Vice President for Ethics and Compliance

- Ensure coordination of policies supported by this standard through work of the EPRG.

**Faculty, Lecturers, Teaching Assistants, and Other Employees and Individuals Assigned Teaching Responsibilities**

- Comply with this standard.

**DEFINITIONS**

All defined terms are capitalized throughout the document. Additional defined terms may be found in the central [Policy Glossary \(./glossary.html\)](#).

**RELATED DOCUMENTS, FORMS AND TOOLS**

This standard is issued in support of the following policies, as amended or superseded:

- [Academic Tenure and Promotion \(I.B.2\) \(ib2.html\)](#)
- [Clinical/Professional Faculty Appointment and Promotion \(VI.F.10\) \(./human-resources/vif10.html\)](#)
- [Performance Evaluations for Staff \(VI.F.7\) \(./human-resources/vif7.html\)](#)
- [Performance Reviews for Tenured, Tenure-Track, Clinical/Professional and Research Faculty \(S-4\) \(s4.html\)](#)
- [Research Faculty Appointment and Promotion \(VI.F.8\) \(./human-resources/vif8.html\)](#)
- [Terms and Conditions of Employment of Faculty Members \(B-50\) \(./human-resources/b-50.html\)](#)
- [Terms and Conditions of Employment of Graduate Student Staff \(VI.F.11\) \(./human-resources/vif11.html\)](#)
- [Terms and Conditions of Employment of Lecturers \(VI.F.4\) \(./human-resources/vif4.html\)](#)
- [Terms and Conditions of Employment of Postdoctoral Researchers, Clinical Residents and Clinical Interns \(VI.F.13\) \(./human-resources/vif13.html\)](#)
- [Terms and Conditions of Employment of Staff \(VI.F.5\) \(./human-resources/vif5.html\)](#)

Other related policies and documents:

- [Academic Freedom \(I.A.4\) \(ia4.html\)](#)
- [Board of Trustees resolution approved April 5, 2024 \(https://www.purdue.edu/bot/meetings/past-meetings/2024/04.%20april/asac/Delegation%20of%20Authority.pdf\)](https://www.purdue.edu/bot/meetings/past-meetings/2024/04.%20april/asac/Delegation%20of%20Authority.pdf)
- [Board of Trustees resolution approved June 7, 2024 \(https://www.purdue.edu/bot/meetings/past-meetings/2024/05.%20june/asac/Delegation%20of%20Authority%20and%20Adoption%20of%20Statement%20of%20Policy%20on%20Institutional%20Neutrality.pdf\)](https://www.purdue.edu/bot/meetings/past-meetings/2024/05.%20june/asac/Delegation%20of%20Authority%20and%20Adoption%20of%20Statement%20of%20Policy%20on%20Institutional%20Neutrality.pdf)
- [Freedom of Expression \(S-28\) \(./ethics/s28.html\)](#)
- [Operating Procedures for Complaints Related to Intellectual Diversity \(https://www.purdue.edu/ethics/resources/procedures-for-intellectual-diversity.php\)](https://www.purdue.edu/ethics/resources/procedures-for-intellectual-diversity.php)

**HISTORY AND UPDATES**

July 1, 2024: This is the first standard to address this issue.

**APPENDIX**

There are no appendices to this standard.

# Operating Procedures for Complaints Related to Intellectual Diversity

Effective Date: July 1, 2024

## Filing a Complaint

Students, faculty, and staff of the University may file a complaint when they believe a faculty member, lecturer, teaching assistant, or other employee or individual assigned teaching responsibilities has not:

1. Fostered a culture of free inquiry, free expression, and intellectual diversity;
2. Exposed students to scholarly works from a variety of political or ideological frameworks within and applicable to the given academic discipline;
3. Refrained from subjecting students to views and opinions concerning matters not related to the discipline or assigned course of instruction; or
4. Adequately performed their academic duties and obligations.

Written complaints may be filed with Human Resources for the campus where the named employee works. The complaint must be filed in a timely manner and should be addressed to the Vice President or Vice Chancellor for Human Resources, as the case may be. The Vice President or Vice Chancellor for Human Resources will provide a copy of the complaint to the instructor within 10 days of receipt and afford the instructor an opportunity to provide a written response.

## Review of Complaints

The Vice President or Vice Chancellor of Human Resources, in consultation with the Provost or the Vice Chancellor for Academic Affairs, or their designee, will review complaints and communicate with the complainant and instructor regarding their determination.

In the event the employee against whom the complaint was filed is found not to have met the intellectual diversity criteria listed above, the employee may be subject to appropriate disciplinary action.

## Reporting

Human Resources reports the outcome of a complaint to the parties and the instructor's supervisor as applicable for consideration in performance reviews.

Human Resources provides to the Diversity Committee for their campus a report on complaints filed in the format and with the frequency determined by the committee.

Not later than April 1 of each year, each campus of the University submits to the Indiana Commission for Higher Education a report regarding this complaint process and the complaints filed pursuant to it.

## History and updates

July 1, 2024: These are the first operating procedures to address this issue.