Statement on Senate Enrolled Act 202

On March 13th, 2024, Indiana Governor Eric Holcomb signed into law Senate Bill 202, a bill amending the Indiana code concerning higher education, and so made it Senate Enrolled Act 202 (SEA 202). This act centers on the notion of “intellectual diversity,” which is defined therein as “multiple, divergent, and varied scholarly perspectives on an extensive range of public policy issues.” The bulk of the provisions within SEA 202 seek to ensure that this conception of intellectual diversity is a priority for Indiana’s state universities. One of the most important of those provisions states that the board of trustees of each Indiana state university 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;

(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; or

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

SEA 202 also requires that each faculty member at one of Indiana’s state universities be reviewed every five years by the board of trustees of their institution according to a set of criteria that includes similar criteria to those quoted above. The potential penalties for failing such a review include salary reduction, demotion, and termination.

SEA 202 does not apply to the University of Evansville (UE) as it is a private institution and UE does not intend to voluntarily apply these practices. Moreover, UE satisfies all the positive goals of SEA 202 including performance evaluations for all faculty.

Intellectual diversity, in the literal sense of the term, is a required component of all teaching at UE. This is made clear in the university’s Faculty Manual:

Each faculty member is entitled to full freedom to discuss her/his subject in the classroom; however, each is responsible for maintenance of appropriate standards of scholarship and teaching ability. It is not the function of a teacher in a democracy to indoctrinate students with biased conclusions on controversial subjects. Faculty are expected to train students to think for themselves and to provide them with access to those materials, which they need if they are to think intelligently. Hence, in giving instruction on controversial matters the teacher is expected to be of a fair and judicial mind and to set forth justly, without suppression or innuendo, the divergent opinions of other investigators.
UE verifies that its faculty members adhere to this language in the classroom by continually assessing the quality of the university’s teaching. The principal means of such assessment is student evaluations. It is required of all faculty, including the tenured, that a set number of their courses be assessed through student evaluations each semester, and the results of those evaluations must be included in the materials that faculty members (tenured and probationary) submit for their regular performance reviews. Students who wish to raise concerns regarding the teaching of a particular course prior to the end of the semester may do so by filing a formal grievance with the Executive Vice President of Academic Affairs. UE also monitors the caliber of its teaching by asking all tenure-track faculty to submit two peer reviews at their two-year, four-year, and tenure reviews. Those peer reviews are conducted by tenured faculty and must span a range of courses. Furthermore, since UE strives not merely to maintain the standards of its teaching but rather to raise them, the University supports the Eykamp Center for Teaching Excellence, which offers a variety of programs that help new faculty members develop their teaching skills but also provides opportunities for experienced faculty members to participate in development activities to enhance their teaching effectiveness.

Outside of the classroom, the value of intellectual diversity is principally promoted at UE by the Center for Diversity, Equity, and Inclusion. This center works tirelessly to make sure that all students of all identities, beliefs, and backgrounds feel recognized and valued at UE. The results of its efforts take many forms, including programs, resources, events, and celebrations. The Center for Diversity, Equity, and Inclusion also enables members of the UE community to alert the university’s administration to incidents of bias or hate through its Bias Incident Report Forms. Oversight of the center is the responsibility of the Vice President for Talent and Community, who is also the university’s Chief Inclusion and Equity Officer. This administrative structure allows the Center for Diversity, Equity, and Inclusion to coordinate its efforts with the other offices within the Division of Talent and Community, such as the Office of Religious Life, the Office of Human Resources, and the Office of Institutional Equity and Title IX.

In sum, it is the position of UE’s Board of Trustees that UE takes appropriate measures to ensure that it is an institution where students are introduced to a diverse range of intellectual perspectives in a respectful and responsible manner both within and beyond the classroom.