SENATE BILL No. 343

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-15-10.5-4; IC 21-39-8-12; IC 21-39.5; IC 21-49-4-3.

Synopsis: State educational institutions. Makes certain changes to state educational institution (institution) policies that involve: (1) disciplinary actions; (2) tenure review or promotion; and (3) student reports. Removes a prohibition on the award of admission, enrollment, employment, benefits, hiring, reappointment, promotion, or tenure on the basis of a viewpoint expressed in a pledge or statement. Repeals the following: (1) A provision concerning an employee or group of employees establishing an official institution, school, college, or department position on certain issues. (2) A provision concerning an institution's duty to report certain information to the commission for higher education (commission). (3) A provision concerning the commission's duty to report certain information to the budget committee (committee). Changes certain procedures regarding the appeal of a student report. Removes a requirement that an institution submit certain data concerning diversity, equity, and inclusion to the committee.

Effective: July 1, 2025.

Qaddoura

January 13, 2025, read first time and referred to Committee on Education and Career Development.

Introduced

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

SENATE BILL No. 343

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:

SECTION 1. IC 4-15-10.5-4, AS AMENDED BY P.L.113-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: 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.~~

SECTION 2. IC 21-39-8-12, AS AMENDED BY P.L.113-2024, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 12. A state educational institution shall:

(1) create student protected expressive activity policies that are consistent with this chapter;

(2) create a policy ~~that includes a range of disciplinary actions~~ with regard to an employee, student, student organization, or contractor of the state educational institution that materially and substantially disrupts the protected expressive activity of another employee, student, student organization, or contractor of the state educational institution;

(3) make policies created under subdivisions (1) and (2) public in the state educational institution's handbooks, on the state educational institution's website, and at the state educational institution's student orientation programs; and

(4) develop materials, programs, and procedures to ensure that individuals who are responsible for ~~disciplining and~~ educating students, including administrators, campus police officers, residence life officials, and professors, understand the policies, regulations, and duties of the state educational institution regarding protected expressive activity on campus.

SECTION 3. IC 21-39.5-2-1, AS ADDED BY P.L.113-2024, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. (a) This section applies to an institution that grants tenure or promotions to faculty members.

(b) Subject to subsection (c), each 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:~~ **ensure that all existing tenure and promotion policies consider whether a faculty member:**

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

(2) ~~unlikely to expose~~ **exposes** 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 **as defined within that faculty member's discipline;** or

(3) ~~likely,~~ while performing teaching duties within the scope of

the faculty member's employment, ~~to subject~~ **refrains from subjecting** students to political or ideological views and opinions **from anywhere on the political spectrum** that are unrelated to the faculty member's academic discipline or assigned course of instruction **as determined by that faculty member and that faculty member's discipline.**

(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.

SECTION 4. IC 21-39.5-2-2, AS ADDED BY P.L.113-2024, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) 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~~ **as determined** by the

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

~~(B)~~ faculty of the institution, **based on the faculty member's understanding of the faculty member's discipline,** 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 students to views and opinions **from anywhere on the political spectrum** concerning matters not related to the faculty member's academic discipline or assigned course of instruction **based on the faculty member's understanding of the faculty member's discipline.**

(4) Adequately performed academic duties and obligations.

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

(b) If the board of trustees of an institution reviews and makes a

determination that a faculty member meets the criteria under subsection (a), the board of trustees shall certify that the board reviewed and made a determination that the faculty member met the criteria.

(c) In determining whether a faculty member has adequately met the criteria under subsection (a), the board of trustees of an institution may not consider 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.

(3) Engaging in any political activity conducted outside the faculty member's teaching duties at the institution.

~~(d) The institution shall 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 subsection (a)(1) through (a)(5).~~

~~(c)~~ **(d)** The board of trustees of each institution ~~shall, at least every five (5) years,~~ **may** review and renew or amend:

(1) the process for reviewing and making a determination under subsection (a); and

(2) any criteria established under subsection (a)(5).

SECTION 5. IC 21-39.5-2-4, AS ADDED BY P.L.113-2024, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4. (a) Each institution shall do the following:

(1) Establish a procedure that allows both students and employees to submit ~~complaints~~ **positive or negative reports** that a faculty member or person described in section 3(a) of this chapter is **or is** not ~~meeting the criteria described in section 2(a)(1) through 2(a)(5) of this chapter.~~ **contributing to a climate of cultural and intellectual diversity on the campus.**

(2) Provide information regarding the procedure established under subdivision (1):

(A) at student orientations;

(B) on the institution's website; and

(C) during employee onboarding programs.

(3) Refer ~~complaints~~ **reports** submitted under subdivision (1) to

the appropriate ~~human resource professionals and supervisors for consideration in employee reviews and tenure and promotion decisions.~~ **faculty supervisor identified in campus tenure and promotion policies for consideration in tenure, promotion, or annual faculty reviews.**

(4) Make ~~complaints~~ **reports** submitted under subdivision (1) and any relevant documents, summaries, or investigations available ~~to the board of trustees of the institution.~~ **as part of normal tenure, promotion, and yearly reviews.**

(5) A report submitted under subdivision (1) must be submitted via a secure log in system that provides for the following:

(A) Only permits students who have been enrolled in a faculty member's course to submit a report regarding that faculty member.

(B) Only retains anonymity if a series of reports reveal an ongoing pattern of behavior indicating a serious breach of appropriate instructional or interpersonal conduct by the faculty member, as determined by the policy of the institution.

~~(5)~~ **(6)** Not later than April 1, 2025, and not later than April 1 each year thereafter, submit a report to the commission for higher education that summarizes the following:

(A) The procedure that the institution established under subdivision (1) for the submission of ~~complaints.~~ **reports.**

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

(C) The number of ~~complaints~~ **positive or negative reports** submitted, disaggregated by a brief description of the types or categories of ~~complaints~~ **reports** submitted, during the previous calendar year.

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

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

(A) The total number of ~~complaint~~ **report** submissions that each institution received as provided by the institution under subsection ~~(a)(5).~~ **(a)(6).**

(B) The number of ~~complaint~~ **report** submissions as described in clause (A), disaggregated by a brief description of the types or categories of ~~complaints~~ **reports** submitted.

(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.

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

(1) A student or employee who submits a ~~complaint~~ **report** under this section.

(2) A faculty member or person described in section 3(a)(2) of this chapter ~~against~~ **about** whom a ~~complaint~~ **report** was submitted.

SECTION 6. IC 21-39.5-3-1, AS ADDED BY P.L.113-2024, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. (a) This section applies to the following:

(1) An applicant for admission, enrollment, or employment at an institution.

(2) An employee of the institution.

(3) A person with whom the institution contracts to teach a student of the institution.

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

(1) policy or action that would treat similarly situated people or groups of people differently based on the race, color, national origin, sex, sexual orientation, or religion; or

(2) political or ideological movement.

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

~~(1) admission, enrollment, or employment;~~

~~(2) benefits;~~

~~(3) hiring, reappointment, or promotion; or~~

~~(4) granting tenure;~~

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

SECTION 7. IC 21-39.5-3-2, AS ADDED BY P.L.113-2024, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. An institution shall include the following information in the institution's programming for new students:

(1) The importance of:

(A) free inquiry and free expression; and

(B) **a respect for cultural and** intellectual diversity of

viewpoints.

(2) The appropriate and inappropriate responses to ~~speech that a student finds offensive or disagreeable.~~ **instruction with which the student disagrees.**

SECTION 8. IC 21-39.5-4-2 IS REPEALED [EFFECTIVE JULY 1, 2025]. ~~Sec. 2. A policy adopted under section 1 of this chapter must limit the circumstances in which an employee or group of employees from the institution may establish an official institution, school, college, or department position on political, moral, or ideological issues to only those circumstances that affect the core mission of the institution and its values of free inquiry, free expression, and intellectual diversity.~~

SECTION 9. IC 21-39.5-5-4 IS REPEALED [EFFECTIVE JULY 1, 2025]. ~~Sec. 4. Not later than September 1, 2024, each institution shall submit the following to the commission for higher education:~~

~~(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.~~

SECTION 10. IC 21-39.5-5-5 IS REPEALED [EFFECTIVE 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) Submit a report to the budget committee regarding 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.~~

SECTION 11. IC 21-39.5-6-2, AS ADDED BY P.L.113-2024, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) As used in this chapter, "petitioner" means any of the following:

(1) A student of an institution.

(2) An employee of an institution.

(b) After completing any applicable ~~complaint~~ **report** process established by the institution regarding a violation of this article, a petitioner may request that the ~~commission for higher education review the~~ institution's final decision **be reviewed under typical procedures**

used for promotion, tenure, or annual reviews at that institution.
~~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.~~

~~(c) The commission for higher education shall review the request submitted under subsection (b) and issue a final opinion regarding the request not later than sixty (60) days after the date that the commission for higher education receives the request.~~

~~(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.~~

SECTION 12. IC 21-49-4-3, AS ADDED BY P.L.113-2024, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: 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:

(1) 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) 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)~~ **(2)** The total number of state educational institution adjudications or proceedings regarding violations of policies regarding diversity, equity, and inclusion or harassment.

~~(4)~~ **(3)** A list and description of what the state educational institution did to ensure free speech rights of students **and compliance with state law regarding expressive activity.**

~~(5)~~ **(4)** A list and description of what the state educational institution did to ensure intellectual freedom for professors.

~~(6)~~ **(5)** A list and description of what the state educational

institution did to ensure **cultural and** intellectual ~~and ideological~~ diversity of professors.

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