

Statement on the Civil Rights Impact of Senate Bill 202
[Drafted by the University Alliance for Racial Justice, 2/22/24]

We the undersigned organizations and individuals in the state of Indiana, concerned about equity, justice and fairness for all Hoosiers, write this letter in firm opposition to Senate Bill 202.

Although we join those who oppose the negative consequences, such as loss of tenure, that could be imposed upon university faculty, what is most egregious about the bill is the fact that such sanctions would be imposed *as a consequence for speaking about discrimination and racism in higher education classes in the state of Indiana.*

While authors of the bill claim that its focus is to increase “intellectual diversity,” the facts make it clear that, like K-12 “anti-CRT” bills before it, the primary purpose of the bill is to limit speech concerning current and historical racism and discrimination:

- *The bill is a virtual copy of a Florida bill, [SB 266](#), that eliminated tenure by instituting a five year review for all university faculty, based on whether that instructor adhered to the law’s ban on teaching about DEI. SB 202 simply replaces the term DEI with “intellectual diversity.”*
- *Diversity, equity, and inclusion have been a primary target for the radical legislators who have introduced this [copycat legislation](#) in numerous states. SB 202 is simply one more example of what Christopher Rufo, an architect of the educational censorship movement, called “[a playbook for state legislators to abolish DEI bureaucracies.](#)”*
- *Sponsors of SB 202 claim it is meant to protect conservative speech in educational settings. Yet the victims of such civil rights censorship legislation have not been conservative faculty or students, but rather school [superintendents](#), [principals](#) and [teachers](#) fired from their jobs for promoting cultural diversity, or scared into silence by the prospect of losing their job or license for supporting fairness and justice for marginalized students.*

Although the bill attaches the term *intellectual diversity* to existing state statute on cultural diversity, the bill’s provisions will in fact do serious harm to cultural diversity efforts in Indiana. Faculty who value diversity, justice and equity will run the risk of reprimand or even termination for speaking out in their classrooms on racism and discrimination. The bill describes procedures by which students may in Orwellian fashion turn in a professor guilty of promoting diversity without giving equal time to other perspectives (such as racism?). There can be no doubt that faculty and students of color, receiving a clear message from such provisions that their efforts are no longer valued in Indiana, will seek to advance their careers in states without such laws, thereby turning back the clock on the diversity of our colleges and universities.

Ironically, the draconian penalties that SB 202 seeks to impose for promoting discussion about cultural diversity will drastically *reduce* intellectual diversity in Indiana’s colleges and universities, and will *do so in a way that discriminates against entire segments of our population.*

Sadly, SB 202 carries forward a tradition of seeking to silence those who speak out against racial injustice. Southern slaveholders at the Constitutional convention succeeded in having [the words “slave” or “slavery”](#) removed from the Constitution, and prohibiting Congress from even discussing slavery for 20 years. For the “crime” of speaking openly about the racism of White America in the 50’s and 60’s, the Rev. Martin Luther King, Jr. was repeatedly jailed and [pursued relentlessly](#) by FBI Director J. Edgar Hoover.

In short, like the “anti-CRT” legislation twice rejected by the General Assembly, SB 202 attempts to enforce silence on civil rights by providing severe penalties for University educators seeking to teach about historical and current discrimination.

By promoting censorship and chilling free expression, SB 202 takes away the most potent tool that advocates for fairness and justice have for opposing racism and discrimination: The freedom to call out injustice. By legislating silence, it paves the way for a dramatic increase in incidents targeting those who have always been targeted by hatred and discrimination.

Unlike states that seem to welcome the censorship of civil rights discussion, Indiana has a proud tradition, since the days of the underground railroad, of providing a haven for minority groups that have been targeted and marginalized. We call on representatives in both houses of the Indiana General Assembly to preserve that tradition by soundly rejecting SB 202.



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