

IU Bloomington–American Association of University Professors Statement on the 2020-2021 Presidential Search Process. (Approved October 12, 2021)

1. A detailed [examination of the 2020-21 IU presidential search process](#) by Professor Steve Sanders has brought forth serious and credible allegations that the process was flawed in the areas of transparency, adherence to process, and faculty involvement in all phases of the search. The IUB Chapter of the AAUP expresses deep concern at the apparent violations of the norms of shared governance in the search process.
2. Our main consideration is not the legality of Board of Trustees prerogatives, but the confidence that IU faculty members have in the IU Board of Trustees to act publicly in the best interests of IU. Such confidence is based on transparency and trust established through consultation with faculty and shared governance in matters affecting the academic mission of IU. This expectation is rooted in the Constitution of the Indiana University Faculty ([ACA-04](#), Article 2, Section 2.3.D)
3. Faculty confidence in the matter of the presidential search had been predicated on the Board of Trustees' good faith adherence to the norms of good governance (as established by IU best practices and publicly promoted by the AAUP, especially in its [Statement on Presidential Searches](#)). Such best practices include transparency in the search process whose participants and procedures the Board of Trustees themselves [approved and announced](#). AAUP norms oppose secrecy and champion active faculty engagement in all phases of the hiring of higher administrative officers.
4. Each of the following alleged irregularities in the search process—to date undisputed by the University administration or the Trustees—would alone constitute a major breach of trust in the shared public governance of IU:
 - The list of four finalists recommended by the 17-member search committee after two months of deliberation was rejected by the Board of Trustees without explanation;
 - Ignoring the announced charge of the search committee to identify three to five finalists, the Board of Trustees drew up a separate list of four finalists, conducted their own interviews, and presented the new list to the search committee as all but a fait accompli;
 - Requiring search committee members to sign stringent nondisclosure agreements meant that the Board of Trustees' violation of procedure could not be communicated to or discovered by the broader university community;
 - Without discussion or approval in public session as required by [Indiana state open-meeting law](#), the Board of Trustees secretly agreed to pay outgoing president Michael McRobbie \$582,000 for having been ready to continue another six months in office in case the search failed.
5. The IUB Chapter of the AAUP recognizes that current IU President Pamela Whitten played no role in the search process that chose her. The alleged violations of trust pertain to the Board of Trustees and not to the administration.
6. We call upon the IU administration to commit to the AAUP principles of shared governance and to the consultative authority of the faculty as outlined in the faculty constitution, especially regarding the appointment of new officers and in fulfilling the mission of IU. We also call upon the Board of Trustees to renew its commitment to the

established norms of shared governance in future searches under its purview. Finally, we call for independent legal review to establish whether the deliberation process behind the decision to pay to former President McRobbie broke the state open-meeting law.

IUB-AAUP Request for Transparency on the Engagement of Hoover, Hull, Turner, LLP to Investigate Professor Steve Sanders. (Approved October 12, 2021)

The Indianapolis law firm Hoover, Hull, Turner, LLP has filed a request under the the Indiana Access to Public Records Act (APRA) for the emails of Professor Steve Sanders, who has been carrying out an investigation of IU's recent presidential search process and has now published his results. Strong circumstantial evidence suggests that IU or one of its officers may have been involved in prompting Hoover, Hull, Turner to file this request. IU has repeatedly refused to deny this. Since IU faculty are public employees, such requests for email correspondence are legal. But if IU facilitated the request in any way, the IUB Chapter of the AAUP would view the demand for the emails as a violation of academic freedom. As Professor Sanders himself [notes](#), the University Policy on Academic Freedom ([ACA-32](#)) specifies that such freedom "includes the freedom to express views on matters having to do with the university and its policies, and on issues of public interest generally."

Since the content of Sanders's article reflected negatively on IU leadership, and IU leaders were aware of the content of his planned article, as Sanders had been emailing queries to them about it, it is reasonable to conclude that any IU involvement in the request for emails constitutes retaliation and intimidation. Such actions have a chilling effect on academic freedom at IU, as well as faculty members' exercise of their ordinary First Amendment rights.

The IUB chapter of the AAUP calls upon the university administration to clarify what it knows about the circumstances under which Hoover, Hull, Turner, LLP has come to demand these emails and to explain whether or not it, or someone it was working with, engaged the firm for this purpose.