

## Statement Concerning Police Action at Dunn Meadow, April 25, 2024

**Statement:** Thursday afternoon, Indiana state police arrested approximately thirty students and three faculty members for participating in a peaceful demonstration at Dunn Meadow. The demonstrators had set up a small number of tents as has been allowed by IU policy for many years. Protesters were surprised by notification that their tents violated IU policies, and that they would be subject to arrest for criminal trespass if they continued their demonstration. When they did not take the tents down many were arrested, and those who were arrested were notified that they were banned from campus for a year, with violations punishable by further arrest. The police team that arrested protesters Thursday was heavily armed, and a sniper with high powered weapon was placed on the Indiana Memorial Union roof. The protest itself was entirely peaceful.

**The Executive Committee of the IU-Bloomington American Association of University Professors (AAUP) regards the administration's police action of April 25, 2024 as an egregious violation of Indiana University values and the academic freedom principles the administration purports to honor. The IU administration has written to defend its action. We find its quickly circulated defense utterly disingenuous. Regardless of individual feelings about the nature of the protest itself, about which faculty will surely have strong disagreements, we ask all Bloomington faculty to condemn Thursday's actions. We call on the administration to immediately reverse all university sanctions on those arrested and to request that all criminal charges be summarily dismissed. We also call on the Indiana University Board of Trustees to authorize a thorough and independent investigation of the decision making processes that led to Thursday's outcome, and to demand changes necessary to ensure that such a breach of the university's principles never be repeated.**

**Background:** The policy establishing Dunn Meadow as a free speech "Assembly Ground" was created by the IU Trustees in 1969 and was included in the [Trustee minutes for September 6](#) of that year ("Resolution," 4.1). In 1989, as recorded in [Bloomington Faculty Council \(BFC\) minutes](#), a student/faculty committee appointed by the Dean of Students, called the Assembly Ground Committee, produced a document that was deemed an "interpretation" of the 1969 Trustee policy, rather than a "substantive policy," and so considered advisory and not subject to BFC action.

The 1989 document now appears online as [BL-ACA-I18](#): "Policy for the Use of Indiana University Assembly Ground," where it is misattributed to the 1969 Board of Trustees. No history or of authorization as policy is provided. (The original 1989 text has also been altered, with the office of Provost replacing the office of Chancellor.) It requires that any tents used at Dunn Meadow not be set up prior to 6am and be dismantled nightly by 11pm. A clause in BL-ACA-I18 (2C) includes a recommendation for future policy in the voice of an unidentified group:

We believe the Bloomington Provost should create a committee to oversee the implementation of these provisions, to give continuing advice on changes of policy, and to provide, if necessary, more detailed regulations than those in the previous paragraph. That

committee should also have the power to review denials of permission for uncarried overnight signs, symbols or structures. Because that review should be prompt if it is ever needed, we think the committee should be very small—perhaps the President of IUSA, the President pro tem of the Bloomington Faculty Council, and a member designated by the Provost. [Text corrected in accordance with [BFC Circular B13-1990](#).]

On April 24, 2024, the Provost, claiming the authority of BL-ACA-I18, assembled an “ad hoc” committee of four administrators that created yet another new policy requiring prior approval for tents at any time. Copies of this policy were circulated as a flyer as Thursday’s Dunn Meadow event began. When the protesters set up their tents, their group was surrounded by police and the events described above began.

**Comment:** The most fundamental mission of the AAUP is the protection of academic freedom, and the 1969 IU Trustee creation of the Dunn Meadow Assembly Ground was intended to further that mission. Thursday’s unprovoked suppression of the exercise of academic freedom by physical force is unprecedented at IU.

The President and Provost issued justification of their actions, claiming the authority of the 1969 Trustees Resolution and BL-ACA-I18, as follows:

In reviewing guidance from a 1969 Board of Trustees policy, there was a provision that stated that tents would need to be removed at 11 pm in compliance with university policy that prohibits overnight campus ground occupation. This same policy includes a clear provision that the provost can pull together an ad hoc committee at any time to address specific changes that may be needed to the policy.

The stated facts are untrue. The 1969 Board of Trustees policy did not prohibit overnight occupation. In BL-ACA-I18 (2C) the statement of opinion concerning a committee did not establish policy, and its language makes absolutely clear that the committee was not to be “ad hoc,” but a permanent committee to provide continuous advice and to review permissions for exceptions to restrictions on overnight signs, symbols, and structures. This untrue statement of “facts” was used to justify a policy change made without prior notice, which the President and Provost go on to state was made in anticipation of the specific event to be held the following day. Information distributed at the event stated that “unapproved” temporary tents would not be permitted, but no policy requiring or providing for prior approval had existed before that date.

This was an arbitrary assertion of authority with no consultative or policy basis, designed to block a particular exercise of free speech in a properly designated location as its organizers had planned it. The President and Provost maintain that statements of the organizers indicated an intention to violate the ban on overnight tents. Had they done so, the administration could have proceeded to enforce BL-ACA-I18 as known rules governing the Assembly Grounds. However, the counsel of BL-ACA-I18 is very different from this administration’s approach. Its final clause (2D) reads:

We believe the University should not use physical force to enforce these rules. In cases of non-compliance, the University should use the legal process to enforce its legal rights. This

commitment might involve some cost to the University and would probably entail more serious consequences for violators: we believe these costs are an appropriate way to mark the weight the University community attaches to both the rights and responsibilities it recognizes in the Assembly Ground.

The President and Provost state that their action involved the need “to balance our commitment to free speech activities with the need to ensure safety and security.” Nowhere is there any indication of how the presence of tents—whether conforming with existing policy or even of ultimately violating it by remaining overnight—endangered the safety and security of the campus, much less required the stationing of snipers on the IMU roof.

April 26, 2024