



June 5, 2024

VIA ONLINE FORM

Indiana University
Office of the Vice President & General Counsel
Bryan Hall 211
107 South Indiana Avenue
Bloomington, IN 47405
Via Online Form

Re: Public Records Request

Dear Public Official:

Pursuant to the Indiana Access to Public Records Act (APRA), Ind. Code § 5-14-3-1 et seq., American Oversight makes the following request for records.

Since April 18, 2024, more than 2,700 people have been arrested or detained on college campuses across the United States.¹ These actions by law enforcement—typically at the request of university leadership—have been driven by a rise in student-led demonstrations related to the Israel-Palestine conflict. American Oversight seeks records with the potential to shed light on state, university, and law enforcement official responses to civic expression on college campuses and related matters of free speech and academic freedom.

Requested Records

American Oversight requests that your agency produce the following records within seven days:

All dissent memoranda or complaints, including ethics or whistleblower complaints, submitted to the relevant office(s) at Indiana University regarding Indiana University's actual or contemplated response to or handling of student activism, protests, civil disobedience, and or other forms of civic expression on campus.

American Oversight requests only complaints submitted by Indiana University faculty, staff, leadership, employees, or contractors. To be clear, American Oversight is not asking Indiana University to release the names, contact information, or other personally identifying information of any individuals who have submitted complaints and does not object to the withholding of the name,

¹ *Where Protestors on U.S. Campuses Have Been Arrested or Detained*, N.Y. Times (May 8, 2024, 4:18 PM), <https://www.nytimes.com/interactive/2024/us/pro-palestinian-college-protests-encampments.html>.



contact information, or other personally identifying information of any individual submitting a complaint.

Please provide all responsive records from October 7, 2023, through the date the search is conducted.

Pursuant to Ind. Code § 5-14-3-8(b), American Oversight asks that no fees be charged in connection with searching for or reviewing potentially responsive records. To the extent your office anticipates charging any copying fees for this request in excess of \$100, please notify us prior to incurring such fees.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or X—formerly Twitter—direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as, where relevant, personal email accounts or text messages.²
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.³ If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this

² See Opinion of Public Access Counselor, 22-FC-13 (2022); see also Informal Inquiry Response of Public Access Counselor, 16-INF-30 (2016).

³ Ind. Code § 5-14-3-6(a).

request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).⁴

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not

⁴ American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 29, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://twitter.com/weareoversight> (last visited May 29, 2024).

understand any part of this request, please contact Ben Sparks at records@americanoversight.org or (202) 873-1741.

Sincerely,

/s/ Ben Sparks
Ben Sparks
on behalf of
American Oversight