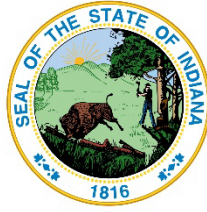


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Todd Rokita  
Attorney General



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Elise M. Nieshalla  
State Comptroller

July 31, 2024

President Pamela Whitten  
Office of the President  
Bryan Hall 200  
107 S. Indiana Ave.  
Bloomington, IN 47405

Indiana University Board of Trustees  
107 S. Indiana Ave.  
Bloomington, IN 47505

Re: Indiana Code §21-20-6 (Kinsey Institute Funding)

Dear President Whitten and Members of the Indiana University Board of Trustees,

We write to address the Kinsey Institute, a research institute at Indiana University, and the lack of transparency concerning its funding and the University's compliance with Indiana Code § 21-20-6. As you know, the Indiana General Assembly passed and Governor Holcomb signed, House Enrolled Act 1001 in 2023, (Public Law 201-2023) which went into effect over a year ago, prohibiting state funding of the Kinsey Institute. Despite this law being in effect since July 1, 2023, we cannot find evidence of any serious efforts by university leadership to comply with the law or to provide assurances of compliance. We request confirmation of the University's compliance with Indiana law, including specifically, how the University ceased utilizing Hoosier taxpayer dollars to fund the Institute since July 1, 2023, and the measures employed to ensure compliance with the law going forward.

On April 28, 2023, Indiana University issued a press release in which you expressed concern for the new law, but nonetheless, stated, "IU will conduct a thorough legal review to ensure the university follows state law." Despite assurances that the University would comply with Indiana law, more than 14 months have passed with no indication that it has complied. This time has been marked by apparent inaction.

On November 10, 2023, the IU Board of Trustees tabled a vote regarding the separation of the Kinsey Institute from the University by creating a separate non-profit entity. On March 1, 2024, the Board affirmatively declined to separate the Kinsey Institute by creating a non-profit entity separate from the University. Instead, the Board endorsed your proposal to present a plan to the State Board of Accounts to use accounting methods to ensure compliance with the law. However, two quarterly meetings have passed since this proposal, and no accounting plan has been implemented. Upon meeting in June, again, the Board did not even consider the plan.

The language and intent of the legislation is clear and unambiguous—state funds may not be used to fund the Kinsey Institute. Specifically, Indiana Code § 21-20-6-2 provides that “State appropriations may not be used to pay for the administration, operation, or programs of the Kinsey Institute for Research in Sex, Gender, and Reproduction.” The phrase “administration, operation, or programs” is defined to include 13 specific categories of property, activities, assets, or expenses. Ind. Code § 21-20-6-1. Specifically included are the following:

- (1) On-campus facilities
- (2) Equipment, furniture, furnishings, or office supplies,
- (3) Land or property,
- (4) Utilities,
- (5) Advertising, or promotional material included in literature or media presentations,
- (6) Loans, grants, special accounts, or funds,
- (7) Programs, special projects, or research,
- (8) Maintenance of facilities,
- (9) Administrative costs, operation costs, rentals, or mortgages,
- (10) Printing, duplicating, or copying,
- (11) Publication of materials,  
Restoration, maintenance, or housing of research documents, including  
photographs, audiovisual tapes, or films, and printed materials,
- (12) Exhibits or displays.

Given the apparent lack of transparency in which the University is complying with the law, it is incumbent upon us, as Indiana elected officials, entrusted with ensuring compliance with state law and proper fiscal stewardship over state tax dollars, to demand you demonstrate that Hoosiers’ hard-earned tax dollars are not used to fund the Institute. To that end, provide the following:

- Confirmation that no tax dollars have been used in a manner prohibited by Indiana Code §§ 21-20-6-1 and 2 since July 1, 2023, by independent audit.
- To the extent you are unable to confirm compliance for all funds, provide a written explanation under attestation for each and every instance that did not comply and how restitution will be made to the State.
- A detailed and transparent written accounting plan that will ensure compliance moving forward.
- A detailed list of all funding sources for the Kinsey Institute since July 1, 2023.

We look forward to your expeditious response, which will be reviewed to determine if further action is necessary.

Sincerely,



Todd Rokita  
Indiana Attorney General



Elise Nieshalla  
Indiana State Comptroller