



# Kinsey Institute

INDIANA UNIVERSITY

*Exploring sexuality, relationships, and well-being*

To: President Pamela Whitten and distinguished members of the Board of Trustees of Indiana University

CC: Provost Rahul Shrivastav, Vice President for Research Russel J. Mumper, Bloomington Faculty Council, and KI Executive Director Justin Garcia

FROM: Kinsey Institute Faculty, Staff, Affiliates, and Students

DATE: November 1, 2023

RE: Statement in support of retaining the Kinsey Institute as part of Indiana University, Bloomington

We are requesting that the IU Board of Trustees table discussion of severing the Kinsey Institute (KI) into a separate 501c3 until further investigation of the specifics and merits of such a proposal can be thoroughly vetted with input from all stakeholders. On Friday, October 27<sup>th</sup>, we were informed by Provost Rahul Shrivastav, Vice Provost of Finance Aimee Heeter, and KI Executive Director Justin Garcia, that this plan would be brought to the IU Board of Trustees at its upcoming meeting. Most of the questions we asked were unanswered, saying only that the details were yet to be worked out.

The Kinsey Institute has served for over 75 years as a jewel in the crown of Indiana University's flagship campus. Since 1947, scholars and students from across the country and around the world have come to Indiana University to conduct impactful research at Kinsey, and its unparalleled Collections have provided the basis for groundbreaking scholarship on the history of sex, gender, and reproduction. The work of the Kinsey Institute has resulted in hundreds of academic publications and millions of dollars in donations, which include monetary gifts, priceless art and artifacts, and unique archival documents. It was with great dismay, therefore, that our faculty, staff, and students learned of plans to sever the Kinsey Institute from its home at Indiana University and create a separate 501c3 organization. The proposed 501c3 structure is radically different from the nonprofit status and strong relationship to IU that the Kinsey Institute maintained prior to the 2016 merger. The proposed division would also separate the Kinsey Institute from its Collections, which would remain part of IU, an unprecedented proposal that would do irreparable harm to the Kinsey Institute and the Kinsey Collections, while eroding the trust of donors who entrusted stewardship of valuable materials to the Kinsey Institute.

We, the undersigned Kinsey Institute faculty, staff, students, and affiliates, write to express our grave concerns about the proposal to sever the Kinsey Institute from Indiana University and create a separate 501c3 organization. This plan creates liabilities for both the Kinsey Institute



and Indiana University. It is also our position that the proposal for the 501c3 is premature, and many critical issues remain unresolved. Our specific concerns are outlined below.

**We ask the President and the Board of Trustees to fully address these questions and concerns before moving forward with any plan to restructure the Kinsey Institute or separate it from IU.**

**We urge the President and the Board of Trustees to keep the Kinsey Institute united with the Kinsey Collections and retain both at Indiana University.**

- I. A separate 501c3 organization is a liability for IU and may affect the University in the following ways:
  - a. IU loses one of its strongest, most internationally well-recognized, and most productive research institutes and the Kinsey brand.
  - b. IU may be non-compliant with HB 1001 even after the creation of a 501c3 and would remain vulnerable to audit findings and continued political pressure.
  - c. Loss of the KI brand is highly likely to affect recruitment for undergraduate and graduate students as well as faculty.
  - d. The creation and maintenance of KI as a separate 501c3 has a high financial cost for an uncertain, negligible positive return.
  - e. IU will be seen to bow to political forces and yield ground on its stated position in support of academic freedom.
  - f. Fundraising efforts could be diverted away from IU and to the 501c3. Funding opportunities may be lost altogether if IU does not retain KI.
  - g. Severing KI from its Collections & Archives may put IU in violation of gift agreements (and see III, below).
  
- II. A separate 501c3 organization is a liability for the Kinsey Institute (KI) and would affect KI in the following ways:
  - a. Severing KI from IU proper fundamentally changes the identity of KI as an institute at IU, an identity and brand it has held for over three quarters of a century.
  - b. Research conducted by faculty members at IU may no longer be recognized as KI research, and vice versa, with potential impacts on branding, reputation, and institutional rankings.
  - c. Fundraising efforts may be complicated or stymied by severing the KI and IU. This impacts both existing and future philanthropic gifts, fiduciary responsibilities of prior gifts, and relationships with specific donors who have trusted KI and IU.
  - d. KI becomes vulnerable to dissolution if the board of the new 501c3 dissolves KI after it is severed from IU.
  
- III. The creation of a 501c3 that does not include the Kinsey Institute Collections and Archives is likely to violate both the spirit and the letter of the 2016 merger agreement between KI and IU. Relevant portions of the agreement are copied below (emphasis added):



“Exhibit A – Statement of Operating Principles

“...3. **The Kinsey Institute is the manager of the Kinsey Collection**, which Includes archives, art, and artifacts, all of which were provided to and collected by the Kinsey Institute as research material...

“...9. IU will diverge from these principles only (1) when **required by law or serious financial exigency** or at the request of the Kinsey Institute leadership; (2) following good-faith consultation between and among the Kinsey Institute leadership, the Vice Provost for Research, and, where appropriate, the Provost; **and** (3) with the authorization of the President of IU.

- a. Severing KI from IU while IU retains the KI collections and archives violates Principle 3. Such a development may also violate various gift agreements.
- b. Alternative financial arrangements could satisfy the requirements of HB 1001. Therefore, creation of a 501c3 is not “required by law.” Additionally, KI leadership is not requesting change to or divergence from these principles.

We are also deeply concerned by the short timeline and limited opportunities to discuss the creation and functioning of the proposed 501c3. At our meeting with Provost Rahul Shrivastav on October 27, 2023, KI faculty, staff, and students raised a number of unanswered questions. It is vital to have answers to all of these questions, and any others that may arise during discussion and planning with all stakeholders, **before** any new Kinsey organization is formed.

1. Does the creation of a 501c3 thoroughly satisfy HB1001?
  - a. What alternative compliance measures, if any, have been explored?
  - b. Does a separate 501c3 complicate financial compliance?
2. How will the Collections be organized, cataloged, managed, and branded if they are retained by IU but separated from KI?
  - a. How / will members of the new KI organization and/or visiting scholars access the Collections?
  - b. Will donors who wish to make gifts to the “Kinsey Institute Collections” no longer be able to do so?
3. How will faculty appointments at KI / IU be managed?
  - a. Will any change in faculty appointments or affiliations caused by the creation of a new KI organization be in compliance with the Bloomington Faculty Council’s policy on Creation, Reorganization, Elimination, and Merger of Academic Units and Programs?
4. How will staff positions at KI / IU be managed?
5. Will faculty and students be able to publish as both KI and IU researchers? What will the options be?
  - b. How will KI researchers without other departmental affiliations access research resources like the IRB?
6. How will the new KI organization be branded?
7. How will fundraising efforts for KI donors be managed?



- a. Does the creation of a new organization violate any existing gift agreements for donations that have been made to the “Kinsey Institute”?
8. How will existing KI programs be managed? e.g.:
  - a. PhD Minor in Human Sexuality and related graduate coursework (course code KINS)
  - b. Scholarly Concentration in Human Sexuality and Health (with IUSM)
  - c. Kinsey-Kelley Center for Gender Equity in Business
9. Will the new KI organization be able to sponsor events at IU and/or use IU spaces for events (e.g. speakers, conferences, exhibitions, etc.)?
10. How/Will undergraduate and graduate students at IU be able to work with the new KI organization? How could such students be funded?
11. Will KI faculty and staff be allowed to use IU facilities and resources (e.g., Lindley Hall) for KI-related work?
12. How will security be managed for any new Kinsey organization and/or new location? What safety measures will be implemented and who will provide them?

**We strongly encourage the Board of Trustees and the IU Administration to more fully address the concerns and questions raised above before allowing this or any similar proposal to move forward. We urge the Board and the Administration to keep the Kinsey Institute united with its archives and collections as part of Indiana University.**

Signed,

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