

May 27, 2021

President Michael McRobbie
Office of the President
Indiana University
Bryan Hall 200
107 S. Indiana Ave.
Bloomington, IN 47405

President McRobbie,

We find ourselves on the cusp of victory over an enemy we have come to know as the novel coronavirus. Between the loss of life, livelihoods, and liberties once taken for granted, COVID-19—as well as federal and state government reaction to it—has impacted all Hoosiers and all Americans. After 14 months of fighting and enduring the COVID-19 war, our state is finally returning to the path of normalcy. Regrettably, decision makers at Indiana University have veered away from that path.

We have grave concerns regarding your latest decision to mandate the COVID-19 vaccine for all students, staff, and faculty at all Indiana University campuses—a vaccine that has only an emergency-use authorization, rather than full FDA approval. This heavy-handed mandate goes against many of the liberties on which our founders built our democratic republic. Furthermore, it would force young Americans—statistically the lowest at-risk demographic—into a decision based on economics rather than health and individual responsibility. If they refuse to yield to the university’s vaccine order, students from lower socio-economic backgrounds could lose state and federal aid; some students will lose scholarships; still others could lose deposits because they cannot walk away from binding lease agreements; and employees could find their jobs in jeopardy. Given these realities, it’s no surprise that we have heard from students, parents, faculty, and concerned Hoosier taxpayers (the men and women whose hard-earned money helps fund Indiana University) sharing valid concerns about being coerced into an impossible situation.

State universities, like Indiana University, are viewed as an extension of the State of Indiana. Just this past budget session, the General Assembly allocated approximately 11%, or \$4.2 billion, of

the state's entire budget to higher education. Of that \$4.2 billion, Indiana University stands to receive approximately \$1.2 billion in taxpayer money. Put another way, the taxpayers of Indiana and the General Assembly have a vested interest in Indiana University and the consequences spawned by this overreach.

We would also like to draw your attention to one federal statute and one state statute that highlight the legal problems with your vaccine mandate. In our view, the federal statute found at 21 USCS 360bbb-3(e)(1)(A)(ii)(III) prohibits anyone or any entity from mandating a vaccine that has only received emergency approval (such as the COVID-19 vaccines). In addition, during the 2021 legislative session, the General Assembly passed HEA 1405 prohibiting local units from requiring vaccine passports. The intent and spirit of both of these codes are clear, and we believe our opinion is further solidified by the recently released legal opinion by Indiana's Attorney General in support of our position.

We are specifically reaching out to you today and asking you to reconsider and rescind this mandate requiring a vaccine that does not have full FDA approval. As an alternative, we invite you to consider the multiple collaborative examples set forth by other universities across the great state of Indiana.

Thank you for your timely consideration. We look forward to your response.

Sincerely,



Rodric Bray
State Senator
District 37



Mark Messmer
State Senator
District 48



Travis Holdman
State Senator
District 19



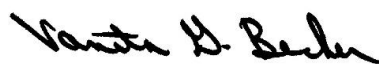
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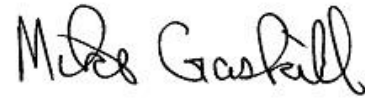
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District 14



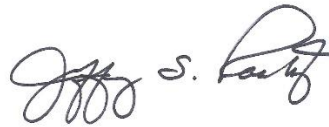
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State Senator
District 9



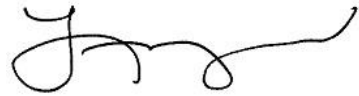
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