

OFFICE OF THE ATTORNEY GENERAL
STATE OF INDIANA



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TODD ROKITA

ATTORNEY GENERAL

August 13, 2025

James Danko
Office of the President
Butler University
4600 Sunset Ave.
Indianapolis, IN 46208

President Danko,

Thank you for your response to my letter of May 28, 2025, concerning Butler University's compliance with state and federal civil rights laws and Indiana's nonprofit statute. Because you failed to address in any meaningful way the concerns and questions raised by my May 28 Letter in your June 27, 2025 response, I have directed the Office of the Attorney General to issue a formal civil investigative demand ("CID") to Butler University concerning the University's compliance with various Indiana laws. A copy of the CID is attached hereto. You are directed to respond to the CID no later than September 3, 2025.

When you respond to the CID, you may of course raise any questions or concerns you have regarding the nature or scope of the CID's requests. My office will consider your concerns thoughtfully and address them appropriately. However, the suggestion by your attorney in your June 27 Response that the Office of the Attorney General lacks authority to investigate potential legal violations committed by a private nonprofit university is incorrect.

As a domestic nonprofit corporation organized and operating under Indiana law, Butler University is subject to Indiana's nonprofit statute. *See* Ind. Code § 23-17-1-1. That statute authorizes the Attorney General to enforce various of its provisions. *See* Ind. Code ch. 23-17-24; Ind. Code ch. 23-17-4. Other provisions of the Indiana Code authorize the Attorney General to issue CIDs in connection with investigations of potential violations of statutes he enforces. *See* Ind. Code § 4-6-3-3. The state's nonprofit statute expressly contemplates that a nonprofit corporation may be required to produce information to the Attorney General in the course of such an investigation. *See* Ind. Code § 23-17-32-7(b)(9).

As a recipient of state grant money, Butler is also subject to the Indiana False Claims Act. *See* Ind. Code ch. 5-11-5.5. And as an entity that engages in and solicits consumer transactions, Butler University is subject to the Deceptive Consumer Sales Act. *See* Ind. Code § 24-5-0.5-2. The

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Attorney General possesses authority to take enforcement action under both statutes, and therefore also possesses concomitant authority to investigate possible violations of the statutes.

Butler University is under investigation for potential violations of Indiana's nonprofit statute, the Deceptive Consumer Sales Act, and the Indiana False Claims Act. As detailed in my May 28 Letter, the investigation principally concerns various race-based activities and practices in which Butler may engage or has engaged that may violate state and federal civil rights laws.

Butler's status as a private, nonprofit university does not grant the University a license to discriminate on the basis of race and does not place the University outside the scope of the Attorney General's investigative authority. Indeed, it is because, as a nonprofit and an educational institution, Butler is supposed to provide a public benefit to the state that the University's compliance with civil rights laws is critically important.

It is not an adequate response to my inquiry to offer an assurance that Butler complies with civil rights laws but not to produce any of the materials requested by my letter that would allow for an independent assessment by my office of the University's compliance. The University's unsubstantiated claim that it follows the law does not make it so, and the concerns I raised in my May 28 Letter remain. Likewise, the fact that the University is preparing to adopt a new strategic plan later this year does not render irrelevant the questions I posed about whether and how Butler pursued or continues to pursue the goals outlined in the University's previous strategic planning documents.

The state of Indiana has a "fundamental, overriding interest in eradicating racial discrimination in education." *Bob Jones Univ. v. United States*, 461 U.S. 574, 604 (1983). I aim to vindicate that interest by helping ensure that institutions of higher education in our state do not practice racial discrimination of any kind in their admissions, hiring, or other functions. Butler University's cooperation with my work on this subject would be consistent with the University's commitment to transparency that you describe in your June 27 Response.

I appreciate your attention to this matter and look forward to your response.

Sincerely,

A handwritten signature in black ink, reading "Todd Rokita". The signature is fluid and cursive, with a large, looping initial "T".

Todd Rokita

TER/bl