

September 24, 2025

Pamela Whitten
Office of the President
Indiana University
107 South Indiana Avenue
Bloomington, Indiana 47405

Sent via U.S. Mail and Electronic Mail (pwhitten@iu.edu)

Dear President Whitten:

FIRE¹ is deeply concerned by Indiana University's directive that IU's Palestine Solidarity Committee chapter suspend all activities due to the group's alleged "dangerous and disruptive" behavior. IU summarily disciplined PSC before completing any investigation and without even identifying any specific violation of university policy. FIRE calls on IU to rescind the suspension and provide full details of the allegations before imposing any further sanctions.

On August 15, IU's Office of Student Conduct ordered PSC to "suspend all activities" pending an investigation because "during the 2023-2024 and 2024-2025 academic year [PSC] has engaged in group behaviors that violate university policy and present an ongoing threat of harm and disruption to the university community."² The Office of Student Conduct also ordered PSC to send a "complete roster of new and active members," including the "date each new member began affiliation" with PSC.³

As an initial matter, PSC's suspension of all activities based on unspecified allegations cannot be squared with the most basic principles of procedural due process, which ensure fairness and

¹ As you may recall from prior correspondence, FIRE is a nonpartisan nonprofit that defends free expression, conscience, and other individual rights on America's university campuses. You can learn more about our mission and activities at thefire.org.

² Ethan Sandweiss, *IU suspends Palestine Solidarity Committee, says it's a 'substantial risk' to campus*, WFYI INDIANAPOLIS (Aug. 18, 2025), <https://www.wfyi.org/news/articles/iu-suspends-palestine-solidarity-committee-says-its-a-substantial-risk-to-campus>. The recitation of facts here reflects our understanding of the pertinent information based on publicly available information. We appreciate that you may have additional information and invite you to share it with us.

³ *Id.*

impartiality in misconduct proceedings. IU itself requires a “fair and reasonable process” because it recognizes the necessity of these principles.⁴

By failing to disclose the basis for the allegations against PSC, IU prevents the group from properly defending itself. PSC can hardly gather witness statements or act to preserve evidence it may need for its own defense given that it has no way of knowing which acts of the group or its members are alleged to have violated university policy, or which of its behaviors are alleged to be threatening. IU only exacerbates the problem through the wide timeframe it claims to be considering, vaguely asserting that the behaviors took place during the 2023-24 and 2024-25 academic year. This delay in investigating the group fails to provide PSC with a meaningful opportunity to prepare for and participate in the disciplinary process.

Further, a basic principle of procedural due process is the right to an initial hearing *before* punishment. Universities must provide student groups with “an opportunity to explain [their] version of the facts” before imposing any sort of punishment, especially punishment as severe as a suspension of all activities.⁵ IU’s failure to inform PSC of the actual allegations against the group casts doubt on whether the group poses a danger to the community at all, let alone a sufficiently urgent danger to justify this drastic sanction.

IU’s actions also punish PSC members through guilt by association in violation of First Amendment principles.⁶ Not only is it likely that many student members of PSC had no involvement in any of the unstated rule violations, but it is possible, given the vague and general allegations against PSC, that the suspension arises from misconduct by individuals over whom the group has no direct control. This burdens associational freedom. The First Amendment guarantees freedom of association, the “right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends.”⁷ This freedom extends to public university students, protecting students’ right to associate with

⁴ *Code of Student Rights, Responsibilities, & Conduct*, Rights of Students in the Conduct Process, IND. UNIV. <https://studentcode.iu.edu/rights/conduct-process.html>; see also *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) (“An essential principle of due process is that a deprivation of life, liberty, or property ‘be preceded by notice and opportunity for hearing appropriate to the nature of the case.’ We have described ‘the root requirement’ of the Due Process Clause as being ‘that an individual be given an opportunity for a hearing *before* he is deprived of any significant property interest.’”) (citations omitted) (emphasis in original); *Pugel v. Bd. of Trustees of Univ. of Ill.*, 378 F.3d 659, 662-63 (7th Cir. 2004) (specifying the procedural requirements for public universities in both employee and student contexts.)

⁵ *Goss v. Lopez*, 419 U.S. 565, 581-82 (1975) (school violated due process principles when it suspended a student without first gathering facts related specifically to the student, confronting the student with the facts, and giving the student an opportunity to explain). Suspending PSC’s activities is a disproportionate response to behavior it allegedly engaged in months, if not years, ago, particularly as IU has not even alleged that PSC has caused any of the supposedly threatened harm.

⁶ *Healy v. James*, 408 U.S. 169, 180 (1972) (“In these cases it has been established that ‘guilt by association alone, without [establishing] that an individual’s association poses the threat feared by the Government,’ is an impermissible basis upon which to deny First Amendment rights.”) (citing *U.S. v. Robel*, 389 U.S. 358, 265 (1967)).

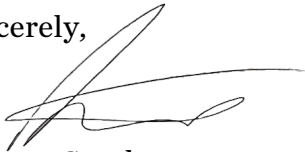
⁷ *Roberts v. U.S. Jaycees*, 468 U.S. 609, 622 (1984); see also, e.g., *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 888 (1982) (“[T]he First Amendment restricts the ability of the State to impose liability on an individual solely because of his association with another.”).

recognized student organizations, including those dismissed for misconduct.⁸ IU could have avoided this uncertainty by taking the elementary step of telling the group what specifically it is alleged to have done that violated IU rules. That IU failed to do so strongly suggests that the allegations lack substance and are simply a smokescreen for viewpoint-based censorship.

Furthermore, while FIRE appreciates that IU can ask for the names of students in organizational leadership for the purposes of maintaining institutional relations and recognition, the stipulation that PSC disclose its “complete roster” violates associational freedom. In *NAACP v. Alabama*, the Supreme Court unanimously ruled that the compelled disclosure of the names of NAACP members infringed this right.⁹ The Court held that the risk of retaliation posed by Alabama’s demand was likely to impose a “substantial restraint” on the members’ right to freedom of association.¹⁰ The fear of retaliation similarly restrains all members of PSC. Requiring disclosure of a complete roster removes the shield of anonymity that IU students can reasonably expect when engaging in expressive association. Further, this burdensome requirement casts a chilling effect on the rest of the student body at IU by understandably making them question whether they want to join a group in which their name may be handed over to the administration.

Given the ongoing violation of PSC and its members’ rights, we request a substantive response to this letter no later than the close of business on October 1, 2025, confirming IU will rescind the suspension of all PSC activities before a hearing and will give PSC the full details of the allegations against the group.

Sincerely,



Garrett Gravley
Program Counsel, Campus Rights Advocacy

Cc: David Reingold, Executive Vice President
Anthony Prather, Vice President and General Counsel

⁸ See, e.g., *Healy*, 408 U.S. at 183 (students at public universities possess associational freedoms); see also *Evans v. Newton*, 382 U.S. 296, 298 (1966) (discussing “the right of the individual to pick his own associates so as to express his preferences and dislikes, and to fashion his private life by joining such clubs and groups as he chooses.”).

⁹ 357 U.S. 449 (1958).

¹⁰ *Id.* at 460, 462.