



November 21, 2025

Pamela Whitten
Office of the President
Indiana University
Bryan Hall 200
107 South Indiana Avenue
Bloomington, Indiana 47405

Sent via Next Day Delivery and Electronic Mail (iupres@iu.edu)

Dear President Whitten:

FIRE¹ remains alarmed at IU's continued violations of students' First Amendment rights after its blanket suspension of all 27 Interfraternity Council (IFC) fraternities for unspecified hazing allegations. IU's guilt-by-association punishment violates the First Amendment while failing to meaningfully further campus safety. We urge IU to refrain from systemwide punishments of Greek Life and commit to individualized disciplinary determinations going forward.

Our concerns arise from Vice Chancellor Lamar Hylton's November 14 directive to the IFC to indefinitely refrain from hosting the following: "Social events," "Large events and events with high-profile performers," "Philanthropy events," "Events with alcohol," "Tailgates and any group activities," "Brotherhood events," and "New member education."² IU cited misconduct proceedings against four chapters and unspecific hazing allegations against other groups.³ Without explanation, IU exempted the following from this ban: "chapter operations," "community service activities with an outside agency," toy drive donations, small group gatherings "as individual friends—but not as an organization," intramurals, and elections.⁴ On November 20, Hylton informed the IFC that IU would lift these restrictions on December 1 for

¹ As you may recall from recent correspondence, the Foundation for Individual Rights and Expression (FIRE) is a nonpartisan nonprofit that defends free speech. You can learn more about our mission and activities at thefire.org.

² Letter from Lamar Hylton, Vice Chancellor for Student Life, to Interfraternity Council (Nov. 14, 2025), available at <https://www.wthr.com/article/news/local/unhealthy-and-risky-behaviors-iu-bloomington-suspends-events-for-fraternities-following-hazing-allegations-indiana-university/531-fbba055f-c82b-4b6d-acd4-a525eca9c25b>. The recitation here reflects our understanding of the pertinent facts based on public information. We appreciate that you may have additional information and invite you to share it with us.

³ *Id.*

⁴ *Id.*

organizations in good standing and allow tailgating activities to resume for all groups on November 26.⁵

IU's initial suspension flouts the First Amendment and common sense. Though public universities may address misconduct by suspending activities of individual chapters, the First Amendment limits both the types of consequences and the groups upon which they may be imposed. Crucially, IU has no legitimate interest in punishing students or student associations who have not been accused of any wrongdoing. The First Amendment does not tolerate blanket punishments imposed for mere affiliation with those who committed misconduct—in other words, guilt by association.⁶ Even when discipline rests upon *formal* association with organizations that have engaged in actual violence, courts have made clear that association alone cannot establish guilt.⁷ It is not too much to ask IU, or any public university, to make individualized disciplinary determinations regarding only those groups or individuals accused of wrongdoing—and indeed, the Constitution demands it do so.⁸

Additionally, IU's disregard for students' fundamental First Amendment rights is even more egregious because of the host of expressive events and activities it has banned. The vast array of student activities encompassed by IU's broad ban includes organizing political protests,⁹ social gatherings,¹⁰ hosting philanthropic events,¹¹ and even mundane organizational pursuits such as library hours, group meals, and chapter rituals, regardless of any connection to the university. Nor is it clear why philanthropic and tailgating events pose any greater danger than toy drives and community service with an outside agency. By initially banning a host of innocuous expressive activities protected by the First Amendment—divorced from university interests in student safety—IU impermissibly restricted students' expressive rights.

⁵ Letter from Hylton to IFC (Nov. 20, 2025) (on file with author).

⁶ See *Healy v. James*, 408 U.S. 169, 186 (1972) (“guilt by association alone, without [establishing] that an individual’s association poses the threat feared by” authorities “is an impermissible basis upon which to deny” expressive or associational rights).

⁷ *Id.* at 171, 181.

⁸ See *United States v. Robel*, 389 U.S. 258, 265 (1967) (“The statute quite literally establishes guilt by association alone, without any need to establish that an individual’s association poses the threat feared by the Government in proscribing it. The inhibiting effect on the exercise of First Amendment rights is clear.”) (footnote omitted).

⁹ See *Buckley v. Am. Const. Law Found.*, 525 U.S. 182, 186–87 (1999) (the First Amendment’s protection is “at its zenith” when political speech is at issue) (internal quotations and citations omitted).

¹⁰ Less onerous restrictions have correctly been struck down for impermissibly burdening associational freedoms. *Gay Students Org. of Univ. of N.H. v. Bonner*, 509 F.2d 652, 660 (1st Cir. 1974) (university’s ban on a single student group’s social events was “a substantial abridgment of associational rights” because of “the important role that social events can play in individuals’ efforts to associate to further their common beliefs.”); see also, e.g., *NAACP v. Ala. ex rel. Patterson*, 357 U.S. 449, 462–63 (1958) (compelling disclosure of membership lists was “a substantial restraint upon the exercise by [NAACP chapter] members of their right to freedom of association”).

¹¹ See generally *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015) (content-based restrictions “are presumptively unconstitutional” and must satisfy strict scrutiny); *Iota Xi Ch. of Sigma Chi Fraternity v. George Mason Univ.*, 993 F.2d 386, 389–90, 392 (4th Cir. 1993) (the First Amendment protects students’ distasteful and offensive expressive events).

IU also failed to provide the suspended groups due process prior to punishment—an additional constitutional violation.¹² Before imposing an interim suspension, public institutions must inform students what they are “accused of doing and what the basis of the accusation is,” then provide the accused “an opportunity to explain [his] side of the story.”¹³ For good reason, IU’s own policies reserve this drastic sanction for groups that pose “an immediate threat of harm to individuals based on credibly reported behaviors.”¹⁴ Yet IU failed to provide *each group* with the allegations against them (if they exist) or any indication of how their activities endanger students or property. This blatant violation of due process casts doubt on the legitimacy of IU’s actions, the credibility of its allegations, and its purported interest in student safety.

We request a substantive response to this letter no later than close of business Monday, December 1, confirming IU will refrain from systemwide punishments of Greek Life and commit to individualized disciplinary determinations going forward.

Sincerely,



Zachary Greenberg
Student Association Counsel, Campus Rights Advocacy

Cc: Lamar Hylton, Vice Chancellor for Student Life
Leslie Fasone, Assistant Dean for Sorority and Fraternity Life
Anthony Prather, Vice President and General Counsel
Andrew Golde, Interfraternity Council President

¹² See, e.g., *Iota Xi Ch. of Sigma Chi Fraternity v. Patterson*, 538 F. Supp. 2d 915, 924–25 (E.D. Va. 2008), *aff’d on other grounds*, 566 F.3d 138, 149 (4th Cir. 2009); *Sigma Chi Fraternity v. Regents of Univ. of Colo.*, 258 F. Supp. 515, 528 (D. Colo. 1966) (requiring that university provide fraternity “adequate notice of opposing claims, reasonable opportunity to prepare and meet them in an orderly hearing adapted to the nature of the case and finally, a fair and impartial decision”).

¹³ *Goss v. Lopez*, 419 U.S. 565, 579–581 (1975).

¹⁴ *Student organization misconduct policy*, Interim and Remedial Measures, IND. UNIV., <https://studentlife.indiana.edu/involvement-belonging/student-involvement-leadership/student-organizations/manage-organization/policies/organizational-misconduct.html> [<https://perma.cc/7ZH3-PXLF>] (“Cease and Desist (C&D): A Cease and Desist is an interim directive that may be utilized when there is an immediate threat of harm to individuals based on credibly reported behaviors, information learned during an investigation, and may be issued at any time prior to a final resolution of the case.”).