



January 14, 2026

Neeli Bendapudi  
Office of the President  
The Pennsylvania State University  
201 Old Main  
University Park, Pennsylvania 16802

*Sent via U.S. Mail and Electronic Mail (president@psu.edu)*

Dear President Bendapudi:

FIRE<sup>1</sup> is concerned by Pennsylvania State University's deferred recruitment policy preventing first-semester students from joining fraternities and sororities. This policy improperly restricts students' First Amendment right to freedom of association and fails to meaningfully advance any legitimate university interests. Accordingly, FIRE calls on Penn State to rescind this policy and afford all students, on equal terms, the expressive right to associate with Penn State's full array of campus groups.

Currently, students wishing to join a fraternity or sorority are required to have "earned at least 14 credit hours at Penn State, 27 transfer credits, or be considered an Adult Learner."<sup>2</sup> This deferred recruitment policy prevents first-semester students from joining Greek organizations and prevents these groups from recruiting this class of student.<sup>3</sup> Penn State does not publicly provide any justification for this policy and imposes no similar restrictions on

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<sup>1</sup> 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](http://thefire.org).

<sup>2</sup> *Join the Community*, Recruitment Timeline, Eligibility Requirements, PENN STATE STUD. AFFS., <https://studentaffairs.psu.edu/student-life/fraternity-sorority-life/join> [<https://perma.cc/E4PY-AM99>]. According to Penn State, an adult learner is a student who is either: 24 years of age or older; a veteran of the armed forces; an active-duty service member; returning to school after four or more years of employment, homemaking, or other activity; or assumes multiple adult roles such as parent, spouse/partner, and employee. *Adult Learners*, PENN STATE STUD. AFFS., <https://priorlearning.psu.edu/adult-learners> [<https://perma.cc/JVL7-VDFF>]. 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.

<sup>3</sup> *Join the Community*, *supra* note 2.

students who elect to join university athletic teams,<sup>4</sup> seek employment at the university or elsewhere,<sup>5</sup> or join any other student group.<sup>6</sup>

The First Amendment guarantees freedom of association, which “has, for centuries, been at the heart of the American system of government and individual rights,”<sup>7</sup> by protecting the “right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends.”<sup>8</sup> This core freedom extends to students enrolled in public universities, protecting their right to join a wide array of student groups, including fraternities and sororities.<sup>9</sup> As the Supreme Court observed, the First Amendment explicitly protects this kind of collective expression, as “the right to speak is often exercised most effectively by combining one’s voice with the voices of others.”<sup>10</sup> This right “shields against laws that make group membership less attractive”<sup>11</sup> and “restricts the ability of the State to impose liability on an individual solely because of his association with another.”<sup>12</sup>

Fraternities and sororities at Penn State engage in expressive association because, according to the university, they “are dedicated to core values” including: “Academic Achievement,” “Service & Philanthropy,” “Leadership,” “Brotherhood & Sisterhood,” “Alumni Involvement,” and “Social Connection.”<sup>13</sup> These groups seek to instill defined sets of values in their members through professional development, expressive events, selective recruitment processes, and philanthropic activities.<sup>14</sup> This reflects precedent establishing that “a college fraternity is no

<sup>4</sup> *Student-Athlete Handbook*, PENN STATE (2025–26), <https://gopsusports.com/documents/2da2f603-6b56-452d-af69-725c7311649c.pdf> (listing no credit hour requirement for first-semester students joining university athletic teams).

<sup>5</sup> *Student Employment, Employment Guidelines*, PENN STATE., <https://liveon.psu.edu/berks/student-employment> [<https://perma.cc/DBK6-2ZZ7>] (listing no credit hour requirement for students seeking university or outside employment).

<sup>6</sup> *Policies and Rules for Student Organizations*, PENN STATE (updated Feb. 2023), <https://student.worldcampus.psu.edu/media/document/policies-and-rules-student-organizations> [<https://perma.cc/JBM6-HNA4>] (listing no credit hour requirements imposed for students joining non-Greek student groups).

<sup>7</sup> *6th Cong. Dist. Republican Comm. v. Alcorn*, 913 F.3d 393, 401 (4th Cir. 2019).

<sup>8</sup> *Roberts v. U.S. Jaycees*, 468 U.S. 609, 622 (1984).

<sup>9</sup> See, e.g., *Healy v. James*, 408 U.S. 169, 183 (1972) (students and student groups at public universities possess associational freedoms); *Evans v. Newton*, 382 U.S. 296, 298 (1966) (“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”).

<sup>10</sup> *Rumsfeld v. Forum for Acad. & Inst. Rights, Inc.*, 547 U.S. 47, 68 (2006); see *Iota Xi Chapter v. Patterson*, 538 F. Supp. 2d 915, 923 (E.D. Va. 2008) (a college fraternity that “adequately described its institutional mission to inculcate its members with certain leadership skills and community values” has expressive associational rights under the First Amendment), *aff’d on other grounds*, 566 F.3d 138, 146 (4th Cir. 2009); see also *Boy Scouts of Am. v. Dale*, 530 U.S. 640, 649–50 (2000) (recognizing expressive associational right of Boy Scout members because the group has a “general mission” of “instill[ing] values in young people” by “instructing and engaging them in activities like camping, archery, and fishing”).

<sup>11</sup> *U.S. Citizens Ass’n v. Sebelius*, 705 F.3d 588, 600 (6th Cir. 2013).

<sup>12</sup> *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 918–19 (1982).

<sup>13</sup> *Fraternity & Sorority Life*, Discover the Fraternity and Sorority Community at Penn State, PENN STATE STUD. AFFS., <https://studentaffairs.psu.edu/student-life/fraternity-sorority-life> [<https://perma.cc/CL3S-KKY2>].

<sup>14</sup> For example, Alpha Phi Alpha “promotes leadership, academic excellence, and service through educational initiatives, mentoring, and community engagement” and is “guided by a commitment to advocacy, brotherhood, and civic responsibility;” Omega Psi Phi “is guided by the principles of manhood, scholarship, perseverance, and uplift” and is “dedicated to service, leadership, and fostering brotherhood within the

different from the Boy Scouts” and is therefore “protected by the First Amendment’s expressive associational right.”<sup>15</sup>

By banning first-semester students from joining these values-based groups, but not other social, political, religious, or philanthropic organizations, Penn State engages in unconstitutional viewpoint discrimination, “an egregious form” of censorship antithetical to the First Amendment.<sup>16</sup> No legitimate university interests justify this ban—to the contrary, associating with Greek organizations has been shown to increase student academic engagement, campus involvement, and satisfaction with university life.<sup>17</sup> Penn State itself boasts that Greek Life “offers a place to find friendship, purpose, and growth that extends far beyond graduation” because these groups have “played a meaningful role in shaping campus life” and “continue[] to inspire new generations of students to find their place, grow their potential, and leave their own mark on our shared story.”<sup>18</sup> These benefits are particularly important for first-semester students as they acclimate to campus life and seek connections within the university community.<sup>19</sup>

Student groups should be free to set their own membership criteria, including credit-hour requirements, but such rules should be created by students, not imposed by administrators.

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community;” and Zeta Phi Beta “is committed to scholarship, service, sisterhood, and finer womanhood” though “initiatives supporting community health, elder care, and educational outreach.” *Penn State Student Affairs*, National Pan-Hellenic Council, PENN STATE STUD. AFFS., <https://studentaffairs.psu.edu/student-life/fraternity-sorority-life/councils-chapters/nphc> [<https://perma.cc/L5PB-V2YN>] (listing missions and values of Penn State Greek organizations).

<sup>15</sup> *Patterson*, 538 F. Supp. 2d at 923; *accord Alpha Delta Chi-Delta Chapter v. Reed*, 648 F.3d 790, 797 n.2 (9th Cir. 2011) (“San Diego State does not dispute that Alpha Delta Chi and Alpha Gamma Omega engage in expression, so we proceed on the assumption that Plaintiffs may invoke their right to expressive association.”); *Beta Upsilon Chi v. Machen*, 559 F. Supp. 2d 1274, 1278, (N.D. Fla. 2008) (“[Beta Upsilon Chi] has substantially shown that it is seeking to share and transmit a system of values to its members and is therefore engaging in expressive activity that is protected by the First Amendment.”), *vacated on other grounds*, 586 F.3d 908, 913 (11th Cir. 2009); *Chi Iota Colony of Alpha Epsilon Pi Fraternity v. City Univ. of N.Y.*, 443 F. Supp. 2d 374, 392 (E.D.N.Y. 2006) (“[D]efendants do not dispute that the Fraternity is an expressive association, and this classification is reasonably supported.”), *vacated on other grounds*, 502 F.3d 136 (2d Cir. 2007); *Sigma Lambda Upsilon/Senoritas Latinas Unidas Sorority, Inc. v. Rector & Visitors of Univ. of Va.*, 503 F. Supp. 3d 433, 444 n.5 (W.D. Va. 2020) (“In this case, the moving defendants do not dispute that ... [Sigma Lambda Upsilon] engages in expressive association for purposes of the First Amendment.”).

<sup>16</sup> *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995) (citing *Perry Ed. Ass’n v. Petty Local Educators’ Ass’n.*, 460 U.S. 37, 62 (1983) (Brennan J., dissenting)).

<sup>17</sup> See Gary Pike & Dawn Wies, *The Fraternity/Sorority Experience Revisited: The Relationships between Fraternity/Sorority Membership and Student Engagement, Learning Outcomes Grades, and Satisfaction with College, Learning Outcomes, Grades, and Satisfaction with College*, J. CAMPUS ACTIVITIES PRAC. & SCHOLARSHIP (2024), <https://files.eric.ed.gov/fulltext/EJ1419700.pdf> (survey demonstrating the positive effects on Greek group membership on learning outcomes, campus engagement, and satisfaction with college, particularly for first-semester students); Paul Kittle, *A Review of Deferred Recruitment*, AUBURN UNIV. DIV. OF STUD. AFFS. (Jan. 28, 2011), <https://studylib.net/doc/8846405/a-review-of-deferred-recruitment> (recommending against Auburn University adopting a deferred recruitment policy because it would fail to address the underlying issues affecting Greek life).

<sup>18</sup> *Fraternity & Sorority Life*, *supra* note 13.

<sup>19</sup> For example, as a condition of continued recognition by Penn State, the university requires Greek groups to certify that their current members and new member classes have met or exceeded a 2.5 grade point average every semester. *Resources, Fraternity & Sorority Life*, PENN STATE STUD. AFFS., <https://studentaffairs.psu.edu/student-life/fraternity-sorority-life/resources> [<https://perma.cc/CA2Y-RXZV>]. This is a strong incentive for chapters to focus on enhancing their members’ academic performance.

Nor is the university required to impose this ban as part of its settlement with the Piazza family or subsequent Statement of Relationship with its Greek groups.<sup>20</sup> (Any settlement provision requiring Penn State to violate the First Amendment would, in any case, be invalid.) We invite Penn State to consider the University of Maryland’s working group on fraternity and sorority life which, after recently reviewing deferred recruitment, recommended rescinding the policy for incoming fall 2026 students.<sup>21</sup> The working group determined that the vast majority of public Big Ten and large, land-grant universities permit first-semester students to affiliate with fraternities and sororities, *with Penn State as a notable outlier*.<sup>22</sup> Importantly, the group determined that there was “no conclusive evidence linking the deferred affiliation policy to improved academic performance or enhanced student safety.”<sup>23</sup>

FIRE calls on Penn State to rescind its ban on first-semester students joining Greek organizations. We would be pleased to assist your administration in revising this policy, free of charge, per our charitable mission, and we respectfully request a substantive response to this letter no later than the close of business on January 28, 2026.

Sincerely,



Zachary Greenberg  
Student Association Counsel, Campus Rights Advocacy

Cc: Megan Pepper, Director of Fraternity and Sorority Life  
Andrea Dowhower, Vice President for Student Affairs  
Michael Wade Smith, Senior Vice President and Chief of Staff  
Fotis Sotiropoulos, Executive Vice President and Provost

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<sup>20</sup> Kline & Specter, *Joint Statement of The Parents of Timothy J. Piazza and Beta Theta Pi* (Sept. 4, 2018), <https://www.prnewswire.com/news-releases/joint-statement-of-the-parents-of-timothy-j-piazza-and-beta-theta-pi-300706634.html> [<https://perma.cc/ZJ2S-SLD3>]; Penn State, *Fraternity and Sorority Statement of Relationship* (Oct. 10, 2017), [https://studentaffairs.psu.edu/sites/default/files/Relationship%20Statement\\_10\\_02\\_2017.docx](https://studentaffairs.psu.edu/sites/default/files/Relationship%20Statement_10_02_2017.docx).

<sup>21</sup> *Building a Stronger, Safer, More Inclusive Community*, Working Group Recommendations & DFSL Three-Year Review Plan, UNIV. OF MD. DIV. STUD. AFFS., <https://fsl.umd.edu/transformation-initiative> [<https://perma.cc/64DM-7ESA>]. UMD’s deferred recruitment policy had been in place since 1995.

<sup>22</sup> *University of Maryland Fraternity and Sorority Transformation IFC/PHA Working Group Final Report*, UNIV. OF MD. 31 (May 9, 2025), <https://fsl.umd.edu/sites/default/files/2025-06/IFC%20%26%20PHA%20Final%20Working%20Group%20Report%20-%20May%202025-compressed.pdf>.

<sup>23</sup> *Id.*