

September 22, 2026

Pamela Whitten
Office of the President
Indiana University
107 South Indiana Avenue
Bloomington, Indiana 47405-7000

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

Dear President Whitten:

FIRE¹ is concerned about the effect of Indiana University's International Travel Registration and Prior Approval and Conflict of Interest and Commitment policies on academic freedom.² We urge IU to narrow these policies to avoid unnecessarily subjecting faculty travel to a pre-approval process that restricts protected off-campus faculty activity.

IU's International Travel and Registration Prior Approval Policy took effect on August 24 and applies to all faculty, staff, and other employees of IU, "as well as any person conducting research or sponsored activity under the auspices of the university when undertaking Indiana University-Related International Travel."³ It sweeps into its scope both travel that is funded by IU and travel "conducted in support of the university's mission, regardless of funding source."⁴ Examples of travel that supports the university mission include delivering an academic or professional presentation or attending a conference, traveling for teaching purposes, traveling to conduct research, and leading a student group abroad.⁵

The Conflicts of Interest and Commitment policy establishes, in pertinent part, that pre-approval is required for the following external activities, whether paid or unpaid: consulting, professional services, and other outside employment, fiduciary roles, advisory roles, and start-ups.⁶ The policy

¹ As you will recall from prior correspondence, the Foundation for Individual Rights and Expression defends freedom of expression and other individual rights on America's university campuses. You can learn more about our mission and activities at fire.org.

² The recitation of facts here reflects our understanding of the pertinent information, which is based on publicly available information. We appreciate that you may have additional information to offer and invite you to share it with us.

³ *International Travel Registration and Prior Approval*, FIN-TRV-02, Scope, IND. UNIV., <https://policies.iu.edu/policies/fin-trv-02-international-travel/index.html> [<https://perma.cc/9TPZ-33UW>].

⁴ *Id.* at Policy Statement. The policy also applies to travel that "involves travel with or exporting of IU-owned items, software, or equipment." *Id.*

⁵ *Id.*

⁶ *Conflicts of Interest and Commitment*, BOT-34, External Activities: Pre-Approval and Disclosure Requirements, IND. UNIV., <https://policies.iu.edu/policies/bot-34-conflicts-of-interest-commitment/index.html> [<https://perma.cc/9BY5-8ZL5>].

also applies to domestic “academic services” other than “providing guest lectures/performances, peer review of colleagues/programs, or advising on Research activities.”⁷

While IU has a legitimate interest in regulating aspects of faculty travel using university resources or while on the job, FIRE is concerned that these policies overstep the university’s interests and raise the specter of unconstitutional prior approval of protected faculty activity by instituting an unduly strict level of university review.⁸ As a normative matter, restricting scholars from drawing on their scholarship and commenting publicly on the issues of the day deprives the public of valuable voices and expertise. Furthermore, the actions and decisions of public universities such as IU must comply with the First Amendment,⁹ which provides robust protections for faculty expressive freedom rights.¹⁰ Faculty retain the First Amendment right to speak as private citizens on public issues,¹¹ as well as the academic freedom to speak publicly about matters within their expertise without prior review by the institution.¹² And for faculty members, the freedom to associate via traveling to conferences and other events is a natural complement to free speech and academic freedom, because, as the Supreme Court has observed, “the right to speak is often exercised most effectively by combining one’s voice with the voices of others.”¹³

Requiring approval for *any* travel “conducted in support of the university’s mission,” or done with a teaching purpose is far too broad a restriction. For example, were a faculty member to decide to visit a museum to examine some primary sources for their research while on an otherwise personal vacation, they would conceivably violate this policy. Faculty would have no choice but to decline to research or even spontaneously attend academic events in their private capacity, where they may draw on their expertise, when traveling internationally as private citizens. And prohibiting any “consulting,” even unpaid consulting, without university approval restricts faculty from giving informal guidance to people in their lives who may ask for their input in an impromptu manner.

There are several ways IU might narrow its policies to avoid unnecessarily restricting protected faculty activities. For example, limiting the policy to travel that is funded by the university, part of leading a student group or other official teaching duty done with the imprimatur of the

⁷ *Id.* at Academic Services (Domestic).

⁸ Prior reviews of expressive activity have been found to violate the First Amendment. (*Lovell v. Griffin*, 303 U.S. 444, 451 (1938) (striking down an ordinance requiring city manager review of literature before distribution)).

⁹ *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’”) (internal citation omitted).

¹⁰ *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967) (academic freedom is “a special concern to the First Amendment”).

¹¹ *Connick v. Myers*, 461 U.S. 138, 140 (1983) (“The Court has made clear that public employees do not surrender all their First Amendment rights by reason of their employment. Rather, the First Amendment protects a public employee’s right, in certain circumstances, to speak as a citizen addressing matters of public concern.”).

¹² In *Garcetti v. Ceballos*, Supreme Court reserved the question of whether restrictions on public employee speech “would apply in the same manner to a case involving speech related to scholarship or teaching” involving state college professors. 547 U.S. 410, 425 (2006). Every federal circuit court to examine the question has concluded that, in the context of a college instructor, “speech related to scholarship or teaching” is protected. *E.g. Pernell v. Fla. Bd. of Gov. of State Univ.*, 181 F.4th 1135, 1149, 1162 (11th Cir. 2026); *Kilborn v. Amiridis*, 131 F.4th 550 (7th Cir. 2025); *Porter v. Bd. of Trustees of N.C. State Univ.*, 72 F.4th 573 (4th Cir. 2023); *Heim v. Daniel*, 81 F.4th 212 (2d Cir. 2023); *Meriwether v. Hartop*, 992 F.3d 492 (6th Cir. 2021); *Buchanan v. Alexander*, 919 F.3d 847, 852–53 (5th Cir. 2019); *Demers v. Austin*, 746 F.3d 402 (9th Cir. 2014).

¹³ *Rumsfeld v. Forum for Acad. & Inst. Rights*, 547 U.S. 47, 68 (2006).

university, or involves travel with unique or important IU property, could give IU a legitimate interest in approving the travel. A university policy simply asking for notification and recommends consulting university resources when faculty members travel overseas to high-risk areas might pass muster. IU could consider modifying its current tier system to remove the approval process for low-risk countries that does not involve IU equipment. Such a decision could remove potential chilling effects on faculty speech when faculty are abroad. Moreover, reverting to a conflict of interest and commitments policy that requires faculty to regularly disclose actual or perceived conflicts of interest could satisfy IU's concerns without incorporating an effective system of prior review.

FIRE is also aware that other universities have adopted similar policies, such as the University of Iowa.¹⁴ We urge all universities who have adopted such overbroad policies to narrow them to align with their First Amendment obligations. Numerous universities, for example, maintain the "tier" system that requires pre-approval for travel to high-risk areas but less restraining processes for lower-risk areas.¹⁵

We request a substantive response to this letter by close of business on October 6, 2026. We would be happy to assist IU in reforming its policies to protect faculty expressive rights, free of charge, in accordance with our charitable mission.

Sincerely,



Graham Piro

Faculty Legal Defense Fund Fellow, Campus Rights Advocacy

Cc: Jason D. Dudich, Vice President and Chief Financial Officer
Research Security Office
Travel Management Services

¹⁴ *V-22.1 Travel for Faculty and Staff*, UNIV. OF IOWA (Rev. May 15, 2026) <https://policy.uiowa.edu/v-221-travel-faculty-and-staff> [<https://perma.cc/G48T-DPMY>] ("All university-sponsored travel must be approved [...] in advance of the trip. Failure to do so may result in denial of a request for trip approval post departure date and university payment or reimbursement of travel expenses, regardless of funding sources.").

¹⁵ See, e.g., *Guidelines and Requirements for International Travel*, Pre-Approval, UC BERKELEY, <https://travel.berkeley.edu/policy-and-guidelines/guidelines-and-requirements-international-travel> [<https://perma.cc/6TY6-2Z4U>] (listing the types of international trips that require pre-approval, primarily regarding State Department Level 4 and 'Do Not Travel' Destinations); *University Restricted Travel and Destination Risk Tiers*, PENN STATE <https://global.psu.edu/page/university-restricted-travel-and-destination-risk-tiers> [<https://perma.cc/WV3G-2Z7L>] (explaining that university restricted travel to certain high-risk destinations requires prior approval before the trip may occur with a chart displaying various travel destinations and their corresponding risk level); *International Travel Registry*, Faculty/staff traveling with students, UNIV. OF MO. <https://international.missouri.edu/travel-registry/international-travel-registry/> [<https://perma.cc/A5UJ-LE5S>] ("Faculty and staff members traveling abroad on university-related business without students or other participants are not required to register in this Travel Registry.").