

Michael Kotlikoff
Office of the President
Cornell University
300 Day Hall
Ithaca, New York 14853

URGENT

Sent via Next-Day Delivery and Electronic Mail (president@cornell.edu)

Dear President Kotlikoff:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned by Cornell University's October 13 blanket suspension of all social events held at Cornell Interfraternity Council houses for the remainder of the 2026-2027 academic year.² The decision follows allegations of serious misconduct involving members of a now-banned fraternity more than two years ago, and there have been no allegations that any current fraternity violated university policy. The directive is meant to "strengthen campus safety, better support survivors, and begin addressing the social context of sexual violence at Cornell,"³ but this guilt-by-association punishment violates the university's commitment to uphold students' rights. We urge Cornell to promptly end the ban.

Cornell's collective punishment violates the university's commitment to student expressive rights. The university proclaims it values "free and open inquiry and expression" and calls freedom of assembly "essential."⁴ These commitments—and a reasonable student's interpretation of these commitments—are informed by decades of First Amendment jurisprudence and New York contract law.⁵ Further, Cornell is accredited by the Middle States

¹ For more than 25 years, FIRE has defended 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 Michael I. Kotlikoff, *Immediate measures to strengthen campus safety and better support survivors*, CORNELL UNIV., (Oct. 13, 2026), <https://statements.cornell.edu/2026/20261013-immediate-measures.cfm> [<https://perma.cc/3WVF-NH4U>] ("All parties and social events in Interfraternity Council (IFC) houses at Cornell will be suspended for the remainder of the 2026-2027 academic year.").

³ *Id.*

⁴ *Cornell Student Code of Conduct*, Principles and Values, Free and Open Inquiry and Expression, CORNELL UNIV., (Aug. 1, 2026), https://scl.cornell.edu/sites/scl/files/downloads/basic_page/Code%20%28revised%202026%29%20final%20072826.pdf [<https://perma.cc/5ANB-2CLM>].

⁵ See *Doe v. Colgate Univ.*, 2017 WL 4990629 (N.D.N.Y. Oct. 31, 2017) (a school must "substantially compl[y] with its own rules and regulations" as the school's Handbook contains terms of a contractual agreement with its students).

Commission on Higher Education, which requires that an accredited institution “possesses and demonstrates ... a commitment to... freedom of expression...”⁶

Cornell’s prohibition on all social events at Cornell IFC houses amounts to guilt-by-association: imposing a negative consequence on a student or group solely because of their association with or similarity to other groups that allegedly engaged in wrongdoing. This prohibition is inconsistent with the freedom of association, which protects the “right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends.”⁷ This right extends to university students, including fraternity members,⁸ and prohibits universities from banning a group’s social functions unless such restrictions are narrowly tailored to serve a compelling interest.⁹

To be sure, protecting student safety is a compelling interest. Cornell may and should ensure safety through tailored measures such as punishing misconduct and bolstering security resources on campus. But Cornell has no legitimate interest in punishing students or groups who have not even been accused of wrongdoing. A blanket ban on *all* social events *only* at IFC houses, regardless of event duration, type of activity, or group disciplinary history, simply is not narrowly tailored to any safety interest.

The ban is also vague, as it does not define what counts as a social event. As written, the ban could bar a fraternity from hosting a fundraiser for survivors of sexual assault or an awareness event, work that serves the very goals the prohibition allegedly seeks to serve. Students cannot reasonably know what the directive forbids, yet the penalty for guessing wrong is an immediate emergency suspension. The predictable result is chilling the speech of students who will certainly avoid gatherings and expression that the directive may not intend to reach. Courts have invalidated far less onerous restrictions as impermissible burdens on associational freedom. For example, a federal appellate court held that a university’s ban on a single student group’s social events was “a substantial abridgment of associational rights” due to “the important role that social events can play in individuals’ efforts to further their common beliefs.”¹⁰ And even when discipline rests on *formal* association with organizations that have engaged in actual violence, courts have made clear that association alone cannot establish guilt.¹¹

⁶ *Standards for Accreditation and Requirements of Affiliation*, Standard II, Ethics and Integrity, Criteria, MIDDLE STATES COMM’N ON HIGHER EDUC., (14th ed. July 1, 2023), <https://www.msche.org/standards/fourteenth-edition/>.

⁷ *Roberts v. U.S. Jaycees*, 468 U.S. 609, 622 (1984).

⁸ See, e.g., *Healy v. James*, 408 U.S. 169, 183 (1972) (student groups possess associational freedoms); *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”); *Iota Xi Chapter v. Patterson*, 566 F.3d 138, 146 (4th Cir. 2009) (analyzing state college fraternity’s freedom of association claims); *Chi Iota Colony of Alpha Epsilon Pi Fraternity v. City Univ. of N. Y.*, 502 F.3d 136, 143 (2^d Cir. 2007).

⁹ *Gay Students Org. of Univ. of N.H. v. Bonner*, 509 F.2d 652, 654 (1st Cir. 1974); *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 451 (2008) (restrictions on freedom of association are “are subject to strict scrutiny” and are only upheld “if they are narrowly tailored to serve a compelling state interest”) (internal quotations omitted).

¹⁰ *Gay Students*, 509 F.2d at 659–60.

¹¹ *Healy*, 408 U.S. at 171, 181.

Sexual violence is a serious harm, and students who commit it should be held accountable. But accountability means punishing wrongdoers after due process, not punishing students who have been accused of nothing. A policy that penalizes every fraternity member cannot be squared with Cornell's own commitments and will not improve campus safety. Instead, Cornell must reverse course and punish only those who have committed misconduct.

FIRE urges Cornell to rescind the October 13 directive as applied to any IFC organization that is not the subject of a pending Report or Formal Complaint, and to resolve concerns about any organization or individual through the Student Code of Conduct Procedures, with the notice, hearing, and presumption of non-responsibility they promise.

Given the ongoing threat to students' expressive and associational rights, we request a substantive response to this letter no later than the close of business on October 23, 2026, confirming Cornell has rescinded the October 13 directive suspending all social events at all IFC houses.

Sincerely,

A handwritten signature in blue ink that reads "Noah Young". The signature is fluid and cursive, with the first name "Noah" and last name "Young" clearly distinguishable.

Noah Young
Program Counsel, Policy Reform

Cc: Kavita Bala, Provost
Ryan T. Lombardi, Vice President for Student and Campus Life
Anne Meinig Smalling, Chair of the Board of Trustees