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SPEECH FIRST

Speech First Files Lawsuit Against Indiana University for Violating Students' Free Speech Rights

[Washington, D.C. \(May 29, 2024\)](#) – Today, Speech First, a nonprofit membership association working to combat restrictions on free speech and other civil rights at colleges and universities across America, filed a lawsuit against Indiana University in the U.S. District Court for the Southern District of Indiana, Indianapolis Division for violating students' First and Fourteenth Amendment rights.

Speech First claims that the university's Bias Incident Policy (also known broadly as a Bias Response Team), is an unconstitutional and far-reaching policy that is solely designed to deter, discourage, and otherwise prevent students from expressing disfavored views about the political and social issues of the day.

IU's Bias Response Team (BRT) marshals the authority of university administrators to police speech that is motivated by "bias". The University uses a circular and unclear definition of what a "bias incident" actually is, describing it as "any conduct, speech, or expression, motivated in whole or in part by *bias*..." IU continues to state that reports can include any form of expression "meant to intimidate, demean, mock, degrade, marginalize, or threaten individuals or groups based on that individual or group's actual or perceived identities." This policy is so overbroad that anything students find offensive can be reported. This could include something as simple as asking why the Biden Administration has added "gender identity" as a protected class under Title IX. Or stating that unchecked illegal immigration will lead to an increase in crime.

Furthermore, IU states that you don't even have to experience the "bias" yourself. You merely have to witness an incident of "bias" or "observe it online" or just be "concerned, without being directly impacted". Reportable offenses can occur on or off campus, including on social media. After a report is filed, the University maintains a record of all reports. Students accused of "bias incidents" can be referred for formal disciplinary proceedings and, as students have told us, reports on their records can be referenced at any time. One student reportedly was overlooked for promotion at their place of work on campus because of a Bias Incident Report on their record. That supposed report stated they had merely said something offensive.

This policy actively chills the open discourse that should be central to higher education. Its bureaucratic and disciplinary processes—and the vague, overbroad, and viewpoint-based definition of "bias incident" that triggers them—violate students' First and Fourteenth Amendment rights.

Cherise Trump, Executive Director of Speech First, issued the following statement:

“Indiana University has a history of hostility towards views that dissent from the dominant ideology that rules their administration and faculty. From sabotaging student events, to undermining student attempts to provide alternative views to their peers, IU has operated unchecked for too long.

Indiana taxpayers should be furious that their hard-earned dollars are funding a tyrannical administration that has taken a page out of the playbook of history’s most oppressive regimes. IU’s Bias Response Team encourages students to report on their peers anonymously if they so much as question the prevailing dogma. The University is well aware their Bias Incident Policy will inevitably lead to student self-censorship and the elimination of dissenting ideas. This is not only an unconstitutional abuse of government power, but it goes against the core principles America was founded on. Students have a right to express their opinion without fear of retaliation. Students shouldn’t face disciplinary sanctions for simply expressing their views, asking questions, or challenging their peers’ assumptions. Speech First is suing IU to defend the rights of our student members and to eliminate these policies that chill, deter, and silence students’ speech.”

To schedule an engagement with Speech First, please contact Michael Hensley at
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