



October 16, 2025

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

URGENT

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

Dear President Whitten:

The Student Press Freedom Initiative at the Foundation for Individual Rights and Expression (FIRE)¹ is appalled by Indiana University's termination of Director of Student Media Jim Rodenbush after he refused to enforce unconstitutional restrictions on student journalists. This apparently retaliatory dismissal not only chills academic freedom at IU but also deteriorates freedom of the press. We are further appalled by IU's censorial directive that student newspaper *Indiana Daily Student* cease print publication. IU must immediately stop efforts to control *IDS* content, rescind its anti-print directive against *IDS*, offer Rodenbush reinstatement, and reaffirm its commitment to academic freedom and a free press.

The *Indiana Daily Student* has, for over 150 years, provided editorially independent coverage of IU, the Bloomington community, and Indiana's government.² Its coverage decisions have, since 1961, been codified in IU's student media charter as the sole domain of the chief editors of the *IDS*.³

On October 7, 2025, Rodenbush told *Indiana Daily Student* editors-in-chief Mia Hilkowitz and Andrew Miller in an email that IU's Media School wanted the paper's homecoming edition to

¹ As you may recall from prior correspondence, FIRE is a nonpartisan nonprofit that defends free expression, conscience, and other individual rights on America's university campuses. You can learn more about our mission and activities at thefire.org. FIRE's Student Press Freedom Initiative (SPFI) defends free press on campus by advocating for the rights of student journalists at colleges and universities across the country.

² Charter, Preamble, IND. DAILY STUDENT, <https://www.idsnews.com/page/charter> (last visited Oct. 14, 2025). This recitation represents our understanding of the pertinent facts. We recognize you may have additional information and invite you to share it with us.

³ *Id.*, at Chief Student Editors or Leaders.

include, “nothing but information about homecoming — no other news at all, and particularly no traditional front page news coverage[.]”⁴ Rodenbush pushed back against the Media School’s demands, saying he would not dictate what the *IDS* printed.⁵ According to *IDS* reporting, in a September 25 meeting with IU administrators about the Media School’s censorship demands, Media School assistant dean Ron McFall asked, “How do we frame that, you know, in a way that’s not seen as censorship?”⁶ During another meeting on October 9, Rodenbush further explained to Media School Dean David Tolchinsky the pressing First Amendment issues with the school’s effort to control *IDS* content.⁷ Multiple emails from students expressing similar concerns also went unanswered.⁸

On October 14, Tolchinsky sent a letter notifying Rodenbush that he was terminated, effective immediately, for lacking “leadership” and the “ability to work in alignment with the University’s direction for the student media plan.”⁹ Tolchinsky wrote that administrators had lost trust in Rodenbush’s leadership ability, but failed to provide any details or facts supporting this claim.¹⁰ (Notably, *IDS* reporting from October 14, the very day Tolchinsky fired Rodenbush, contains statements from other student media outlets expressing support for Rodenbush and lauding his leadership as an advisor.¹¹)

The next day, in a further escalation, IU directed *IDS* staff to stop publishing *any* print product, including special editions.¹² *IDS* editors were not consulted.

As a public university bound by the First Amendment,¹³ IU may not retaliate against an editorially independent student publication for resisting the university’s unconstitutional

⁴ Mia Hilkowitz & Andrew Miller, *LETTER FROM THE EDITORS: IU fires student media director after he refused to censor the IDS*, IND. DAILY STUDENT, (Oct. 14, 2025, 7:47 p.m.) <https://www.idsnews.com/article/2025/10/indiana-university-daily-student-print-paper-censorship-fired>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *See id.* (“Jim has been nothing but an informative teacher to IUSTV and our members in his capacity as our advisor.”).

¹² *IDS Staff, Indiana University cuts IDS print entirely, hours after firing student media director*, IND. DAILY STUDENT, (Oct. 15, 2025, 1:23 p.m.) <https://www.idsnews.com/article/2025/10/indiana-university-daily-student-print-edition-cut-fired>.

¹³ *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).

ensorship efforts. There can be no question that administrative actions against student media in response to what they publish violate any notion of free expression.¹⁴

IU's outrageous decision to ban the *IDS* from producing a print edition represents a prior restraint on expression and is an egregious encroachment on editorial decisions that the First Amendment and IU policy leave in student editors' hands.¹⁵ Once a university recognizes a student publication, it may only regulate the content of students' expression, including the mode of distribution, when the publication's content would lead to significant "violent disruption."¹⁶ IU has never so much as asserted such a concern with respect to the Homecoming edition, and it would be hard-pressed to argue the mere existence of a print edition of the paper would lead to such disruption. Therefore, the university cannot order students change any facet of the *IDS*'s content, including how the paper chooses to publish the news.

Terminating a publication's adviser for refusing to engage in censorship is also forbidden by the First Amendment. In *Coppola v. Larson*, for example, a U.S. District Court held that "[r]emoval of a student advisor to a school newspaper can indeed be a 'particularized, actual injury' to the Paper's student editors" for First Amendment purposes, and that removal based on the paper's content "would undoubtedly have an impermissibly chilling effect on [its] student editors and their willingness to produce articles critical of the [college] administration in the future."¹⁷ This reflects the general rule that "an official's act [that] would chill or silence a person of ordinary firmness from future First Amendment activities" violates expressive freedoms.¹⁸ Because dismissing a beloved and trusted adviser for refusing to interfere with protected journalism certainly would chill a student journalist of ordinary firmness, other

¹⁴ See, e.g., *Stanley v. Magrath*, 719 F.2d 279, 282 (8th Cir. 1983) ("[a] public university may not constitutionally take adverse action against a student newspaper . . . because it disapproves of the content of the paper"); *Schiff v. Williams*, 519 F.2d 257, 260–61 (5th Cir. 1975) (holding that dismissing editors due to alleged inaccuracies in a student newspaper violates the First Amendment); *Joyner v. Whiting*, 477 F.2d 456, 462 (4th Cir. 1973) ("[i]t may well be that a college need not establish a campus newspaper But if a college has a student newspaper, its publication cannot be suppressed because college officials dislike editorial comment"); *Antonelli v. Hammond*, 308 F. Supp. 1329, 1337 (D. Mass. 1970) (holding that freezing a university newspaper's funding because administrators deemed its content "garbage" was a violation of student journalists' First Amendment rights); *Trujillo v. Love*, 322 F. Supp. 1266, 1271 (D. Colo. 1971) (holding that "[h]aving established a particular forum for expression, officials may not then place limitations upon the use of that forum which interfere with protected speech").

¹⁵ *Neb. Press Ass'n. v. Stuart*, 427 U.S. 539, 559 (1976); see Charter, *supra* note 2.

¹⁶ *Bazaar v. Fortune*, 476 F.2d 570, 574–80 (5th Cir. 1973).

¹⁷ Civ. No. 06-2138, 2006 U.S. Dist. LEXIS 51205, at *25 (D.N.J. July 25, 2006); accord *Lane v. Simon*, No. 04-4079-JAR, 2005 U.S. Dist. LEXIS 11330, at *13 (D. Kan. June 2, 2005) (holding that "non-reappointment" of a student media adviser is "a particularized, actual injury to . . . editors of the paper"), *vac'd on other grounds*, 495 U.S. 1182 (10th Cir. 2007); see also *Perry v. Sindermann*, 408 U.S. 593, 598 (1972) ("[T]his Court has specifically held that the nonrenewal of a nontenured public school teacher's one-year contract may not be predicated on his exercise of First and Fourteenth Amendment rights We reaffirm those holdings here.") (internal citations omitted).

¹⁸ *Mendocino Env't Ctr. v. Mendocino Cnty.*, 192 F.3d 1283, 1300 (9th Cir. 1999).

institutions have been compelled to settle cases out of court on challenges to dismissals of student media advisers.¹⁹

IU's firing of Rodenbush based on his efforts to stop university censorship would certainly cause a reasonable student journalist to acquiesce to at least some of IU's demands to avoid further adverse action. And, of course, its shutdown of print distribution shows that this chill is already happening. That IU's journalists have, for now, resisted the university's censorship efforts as best they can is immaterial.²⁰ As an educational institution, IU has a responsibility to teach student journalists their journalistic craft; its insistence on censoring student reporters and removing their advisor guts the education IU purports to provide.

Rosenbush's dismissal will also chill faculty at IU, who will receive a message that opposing administrators, even in an effort to uphold the Constitution, is verboten. Properly understood, academic freedom grants faculty members substantial breathing room to determine how to approach their subjects. This freedom, the Supreme Court has declared, is a principle "of transcendent value to all of us and not merely to the teachers concerned."²¹

Given the urgent and ongoing nature of IU's censorship, we request a substantive response to this letter no later than close of business on October 17, 2025, confirming the university will cease its efforts to control the *IDS*'s content, offer Rodenbush reinstatement, rescind its order that the paper cease printing, and reaffirm its commitment to upholding academic freedom and a free press.

Sincerely,



¹⁹ See, e.g., Adam Kissel, *Free Speech Victory at East Carolina University: \$31,200 Settlement for Newspaper Adviser*, FIRE (Apr. 23, 2012), <https://www.thefire.org/free-speech-victory-at-east-carolina-university-31200-settlement-for-newspaper-advisor>; *Fired adviser settles claim with Fort Valley State U. for \$192,000*, STUDENT PRESS LAW CENTER (Apr. 25, 2002), <https://splc.org/2002/04/fired-adviser-settles-claim-with-fort-valley-state-u-for-192000> (reporting settlement of suit against university and several administrators based on advisor's firing after newspaper reported on questionable financial dealings of university officials); *High school newspaper adviser to get thousands after settling lawsuit*, MICHIGAN DAILY (Oct. 13, 2005), <https://www.michigandaily.com/content/high-school-newspaper-adviser-get-thousands-after-settling-lawsuit> (\$74,000 settlement on challenge to termination over publication of a story about a student arrested for murder).

²⁰ See *Mendocino Env't Ctr.*, 192 F.3d at 1300 ("[I]t would be unjust to allow a defendant to escape liability for a First Amendment violation merely because an unusually determined plaintiff persists in his protected activity.").

²¹ *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967); see *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957) ("Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise, our civilization will stagnate and die"); see also *Hardy v. Jefferson Cmty. Coll.*, 260 F.3d 671, 673-675, 679, 680 (6th Cir. 2001) (speech "germane to the classroom subject matter" is protected by academic freedom as speech on "matters of overwhelming public concern").

Dominic Coletti
Student Press Program Officer

Cc: David Tolchinsky, Dean, IU Media School
Anthony Prather, General Counsel