



**PRESS RELEASE from the
LIBERTY JUSTICE CENTER**

MEDIA CONTACT: Kristen Williamson, 773-809-4403 media@libertyjusticecenter.org

Students file federal lawsuit against Indiana University over privacy violations, breach of contract

INDIANAPOLIS (Oct 29, 2020) — With the help of the Liberty Justice Center, four undergraduate Indiana University Bloomington students are suing the university and its President Michael McRobbie over privacy violations and breach of contract.

The suit stems from a 2018 university investigation during which the university searched the student ID card swipe data of plaintiffs Cameron Gutterman, Dale Nelson, Hunter Johnson and Brian Hiltunen.

Gutterman, Nelson, Johnson and Hiltunen were members of the fall pledge class of Beta Theta Pi fraternity at IU in 2018. The university conducted a hazing investigation which resulted in sanctions against the fraternity. As pledges, Gutterman, Nelson, Johnson and Hiltunen were never accused of wrongdoing. Nonetheless, each was improperly subjected to the invasive searches.

Using the data, Indiana University tracked the on-campus movements of the four students, freshmen at the time, without warrants and without permitting a neutral third party to challenge their action.

“Students don’t give up their constitutional rights just because they live in public university dormitories,” said **Jeffrey Schwab, senior attorney at the Liberty Justice Center**. “If state universities are going to collect data on student movements in and out of college buildings and dorm rooms, then they must take steps to protect that data and establish a process to protect their students’ privacy before accessing it.”

The students are represented by attorneys from the Liberty Justice Center, the national, nonprofit law firm responsible for the landmark Supreme Court victory for free speech in *Janus v. AFSCME*. According to Liberty Justice Center senior attorney Jeffrey Schwab, the university egregiously violated the young men’s constitutional rights and must be called to account to prevent future victims at IU and other universities.

“The Fourth and 14th Amendments protect U.S. citizens, including college students, against unreasonable search,” Schwab said. “This is exactly the sort of case the Liberty Justice Center will always fight to ensure that governmental entities do not get away with undermining citizens’ civil rights.”

The complaint, filed Oct 29 in U.S. District Court for the Southern District of Indiana in Indianapolis, also alleged that by accessing data on the students’ movements, IU violated its contractual obligations to its students. The students are asking the university to admit wrongdoing, take steps to change policies around accessing student data and inform students of those policies. They want to ensure that the rights of IU students — and ultimately all university students — are protected.

As stated in the complaint: “The privacy concerns in this sort of data are significant: IU officials could use this kind of swipe-card data to determine who attended the meetings of a disfavored political organization, or who is seeking medical services, or even who a student is romantically involved with. And since it could potentially be stored indefinitely, investigators need not determine that there is probable cause before tracking it — historical records could be consulted for anyone who falls under suspicion.”

Now juniors, the plaintiffs remain IU students. Each presently lives at the Beta Theta Pi house on campus.

“We wish the university had acted on our concerns without the necessity of a lawsuit,” said **lead plaintiff Gutterman**, noting that the civil rights action follows two years of correspondence with IU officials. “We hope that they will recognize that implementing safeguards against unreasonable search and illegal invasions of privacy is the right thing to do.”

Case filings are available here: <https://libertyjusticecenter.org/media/indiana-university>

#

The Liberty Justice Center is a nonprofit, nonpartisan public-interest litigation center that represents clients at no charge and was founded to fight against political privilege. The most recent example of the Liberty Justice Center’s national success in this arena is its 2018 U.S. Supreme Court victory in *Janus v. AFSCME*. Beyond its work in the *Janus* case, the Liberty Justice Center’s team of talented, liberty-minded attorneys also fight to protect economic liberty, private property rights, free speech, school choice and other fundamental rights. The Liberty Justice Center pursues its goals through strategic, precedent-setting litigation to revitalize constitutional restraints on government power and protections for individual rights. Learn more about the Liberty Justice Center at [LibertyJusticeCenter.org](https://libertyjusticecenter.org).