

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

SABINA ALI,

Plaintiff,

v.

BOARD OF TRUSTEES of INDIANA
UNIVERSITY;

RICK VAN KOOTEN, in his official
capacity as the Executive Dean of the
College of Arts and Sciences at Indiana
University Bloomington;

GÜNTHER JIKELI, in his official capacity
as the Interim Director of the Borns Jewish
Studies Program at Indiana University
Bloomington, and in his individual
capacity;

Defendants.

Case No. 1:26-cv-1362

INITIAL COMPLAINT FOR CIVIL
RIGHTS VIOLATIONS AND JURY
DEMAND

COMPLAINT

NOW COMES the Plaintiff, Sabina Ali (“Plaintiff” or “Ali”), by counsel and for her Complaint against the Defendants, the Board of Trustees of Indiana University, in its official capacity; Rick Van Kooten, in his official capacity as Executive Dean of the College of Arts and Sciences of Indiana University Bloomington; and Günther Jikeli, in his official capacity as Interim Director of the Borns Jewish Studies Program at Indiana University Bloomington, and in his individual capacity; alleges as follows:

Introduction

1. When Professor Günther Jikeli removed Sabina Ali from a workshop event hosted by Indiana University’s Borns Jewish Studies Program on September 19, 2025, he did not hide the reason. Jikeli did not care for the message expressed by Ali’s Zoom profile picture: an illustration of a woman whose face was covered with a keffiyeh, a scarf of cultural and national significance to Palestine, in front of a Palestinian flag and under the words “Free Palestine.”

2. After removing Ali from the event, Jikeli sought to justify his actions in an email to the entire Program, explaining that he intended to protect University affiliates from “attack by messages” and from the image of a “Palestinian terrorist.” But Ali’s profile picture attacked no one and was not an image of a “terrorist.”

3. Rather than something ominous or threatening, Ali’s profile picture expressed a message of Palestinian solidarity of the kind that Indiana University students express on campus and in classrooms every day. Unfortunately, it was also a message that Indiana University has struggled to treat fairly, and that Jikeli has personally lobbied the University to suppress.

4. Two weeks after expelling Ali from the September 19 event, Jikeli once again silenced Ali by unilaterally denying her request for funding to travel to a major academic conference. Although the Program's funding committee had already unanimously approved Ali's funding application, and she had previously received funding through the Program for the exact research she sought to present at the conference, Jikeli took the unprecedented step to intervene and veto her request.

5. Jikeli denied Ali's travel funding in retaliation for her previous expression at the September 19 workshop. He also denied her travel funding because he personally disagrees with the viewpoints on Zionism expressed in Ali's scholarly work.

6. While Jikeli is entitled to disagree personally with Ali's viewpoints, he acted under color of law, in his role as Interim Director of the Borns Jewish Studies Program, to deny Ali the ability to speak and to punish her for expressing viewpoints conflicting with his own. These actions violated Ali's clearly established rights under the Free Speech Clause of the First Amendment.

Parties

7. Plaintiff Sabina Ali is an Indiana University Bloomington graduate student.

8. Defendant Günther Jikeli is the Interim Director of the Borns Jewish Studies Program, College of Arts and Sciences, at Indiana University Bloomington.

9. Defendant Rick Van Kooten is the Executive Dean of the College of Arts and Sciences at Indiana University Bloomington.

10. Defendant Board of Trustees of Indiana University is the governing body of Indiana University, including the flagship campus of Indiana University Bloomington.

Jurisdiction & Venue

11. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States, and under Indiana common law.

12. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343, and 1367.

13. Venue is proper in this District pursuant to 28 U.S.C. § 1391, because Defendants are located in this District and a substantial part of the actions alleged herein occurred here.

Factual Allegations

14. Indiana University Bloomington is the flagship campus of Indiana University, a public university in the State of Indiana.

15. The Plaintiff, Sabina Ali, is a doctoral graduate student in the Department of Religious Studies, in the College of Arts and Sciences at Indiana University Bloomington. She began her doctoral studies in August 2020.

16. Within her doctoral studies, Ali is receiving a minor in Jewish Studies under the Borns Jewish Studies Program, also within the College of Arts and Sciences at Indiana University Bloomington.

17. Ali is a U.S. citizen and a Jewish woman of modern-day Russian and Azerbaijani descent, with both Muslim and Jewish familial and cultural heritage.

18. Ali's doctoral studies and research focus on religion, race, and colonialism in the United States and the Americas. Her dissertation topic is on the appropriation of Indigenous rights language in some contemporary Zionist online media to legitimize the occupation of Palestine.

19. Günther Jikeli is a tenured professor at Indiana University Bloomington. He assumed the role of Interim Director of the Borns Jewish Studies Program in August 2025 following his nomination by Rick Van Kooten, Executive Dean of the College of Arts and Sciences. Jikeli is also the Associate Director of the University's Institute for the Study of Contemporary Antisemitism, a separate center within the College of Arts and Sciences.

20. Jikeli's academic research and publications focus on antisemitism, particularly online trends that he has identified as antisemitic. He leads a research lab within the Institute for the Study of Contemporary Antisemitism called "Social Media & Hate."

21. In May 2024, Jikeli organized and co-hosted a protest at Indiana University Bloomington titled "Rally Against Hamas Propaganda." Jikeli's event occurred approximately one week after Indiana University students launched an encampment on the University's campus to protest the ongoing genocide of Palestinians in Gaza, and Jikeli's event was reported on as a response to the pro-Palestinian student protest. Demonstrators at Jikeli's event held signs with messages such as "Hamas propaganda has no place at Indiana University" and "Disarm Hamas." Jikeli was reported as stating that the event was a rally "against rhetoric he considered violent."¹

22. In March 2025, Jikeli co-authored a report under the Institute for the Study of Contemporary Antisemitism, within the Borns Jewish Studies Program, titled "Anti-Israel

¹ Jack Forrest and Andrew Miller, *Demonstrators hold 'Rally Against Hamas Propaganda' at Showalter Fountain on Thursday afternoon*, INDIANA DAILY STUDENT (May 2, 2024), <https://www.idsnews.com/article/2024/05/rally-israel-hamas-antisemitism-iu-campus-protest-jewish-student>.

Campus Groups: Online Networks & Narratives.” Jikeli’s report purports to analyze a large dataset of online posts by pro-Palestine university student groups.²

23. The report articulates Jikeli’s view that run-of-the-mill pro-Palestine expressions are precursors to violence. Among the report’s many unfounded conclusions, Jikeli and his co-author claim that the “the presence of anti-Israel groups not only correlates with, but may actively contribute to, the normalization and escalation of antisemitic expression on campus,” that “radical off-campus organizations” and “foreign actors aligned with the Iranian regime” are collaborating with on-campus groups, and that “[f]aculty-led groups . . . , graduate student unions, and anti-Zionist Jewish or partly Jewish groups . . . lend[] academic and moral credibility to extreme narratives.”³

24. Jikeli specifically argues that “Slogans like ‘Free Palestine’ . . . are no longer merely symbolic; they are deployed to justify real-world acts of violence, including the murder of Jewish civilians.”⁴

25. Jikeli’s report “urges universities to recognize that some campus activism—though framed as support for Palestinian rights—mirrors radical narratives promoted by designated terrorist groups” and, ironically, charges administrators to challenge such speech before it “becom[es] normalized, silencing dissent and transforming campuses into ideologically rigid spaces.”⁵

² Günther Jikeli and Daniel Miebling, *Anti-Israel Campus Groups: Online Networks & Narratives*, KNOWLEDGE COMMONS (June 8, 2025), https://isca.indiana.edu/publication-research/social-media-project/current-projects/jikeli_miebling_2025_anti-israel_campus_groups-corr3.pdf.

³ *Id.* at I–III.

⁴ *Id.* at 42.

⁵ *Id.* at III.

26. In August 2025, Van Kooten nominated Jikeli to serve as Interim Director of the Borns Jewish Studies Program. Van Kooten announced Jikeli's nomination only two hours after announcing the resignation of the previous Director, Mark Roseman. Media reported that Roseman stepped down after Jikeli was offered the position, and that faculty believed the nomination process was "unprecedented" and "symbolic," because faculty were not consulted before Jikeli was nominated and because Jikeli was not a Jewish Studies professor.

First Incident: Removal from Jewish Studies Program Workshop

27. On September 19, 2025, the Borns Jewish Studies Program and Jikeli hosted a faculty-student workshop and discussion of the book *The Woman Question in Jewish Studies*.

28. The workshop was hosted in a reserved room of Indiana University Bloomington's Global & International Studies Building. It was also open to attendance via a dedicated Zoom conference room.

29. The workshop was open to all faculty and students of Indiana University. It had no special attendance requirements and did not require that virtual attendees have their cameras turned on.

30. The workshop's guest speaker was Indiana University Professor and Religious Studies Chair Sarah Imhoff, who is a co-author of *The Woman Question in Jewish Studies*. The book discusses inclusion and exclusion of different identifies within the academic world of Jewish studies and argues that diversity within the field's scholarship is critically important to its health and continued development.

31. Imhoff is one of Ali's faculty advisors in her doctoral studies.

32. Ali is credited as helping edit *The Woman Question in Jewish Studies* in its final stages, as is mentioned in the book's Acknowledgements.

33. Ali attended the September 19 workshop virtually using the event’s Zoom conference room, as she has often done to attend similar events in the past. Her camera was turned off. By default, Zoom displayed her profile picture in place of her video.

34. Ali’s default Zoom profile picture (hereinafter referred to as her “profile picture”) was an illustration of a woman wearing a keffiyeh—a patterned scarf associated with Palestinian nationality. The keffiyeh veiled the woman’s head and face. The woman was depicted in front of the Palestinian flag and under the words “Free Palestine.”

35. Ali had used this profile picture for approximately two years and intended the picture to express her viewpoint that Palestine and Palestinians should have freedom and self-determination.

36. Ali’s profile picture was not meaningfully different than similar images and statements displayed on the clothing, laptops, water bottles, backpacks, or other items worn or carried by students and faculty on the Indiana University Bloomington campus and in its classrooms. Keffiyehs, Palestinian flags, and “Free Palestine” expressions are common and ubiquitous on the campus.

37. A year prior, in September 2024, both Ali and Jikeli attended a Borns Jewish Studies Program event virtually, which was moderated by the previous Director of the Program. Jikeli interrupted the Q&A portion of that event to complain about Ali’s profile picture and ask the previous Director to remove her image from the virtual event space. Jikeli also used the Zoom conference room chat function to ask Ali to “refrain from visual political statements” in order to “keep academic conversations free from activism, which is unhelpful for an academic exchange.” The previous Director acknowledged Jikeli’s request, but no one removed Ali or

her profile picture, and Ali was never approached by any administrator about her profile picture thereafter.

38. On September 19, 2025, Jikeli noticed Ali's profile picture after she logged into the Zoom conference room and while she was waiting for the speakers to begin their presentation. Jikeli then stated that the event would not begin until Ali turned on her camera or removed her profile picture.

39. Ali did not respond to Jikeli's ultimatum and remained in the virtual conference room.

40. Other people in the room spoke up in defense of Ali, stating that Jikeli had no basis to force her to change or remove her profile picture and to exclude her from the event. When Jikeli claimed that Ali's picture was creating an unsafe environment, several faculty and students responded that Jikeli's statement was untrue and that only Jikeli was bothered by Ali's picture.

41. After about one minute, Jikeli used Zoom's moderator privileges to personally remove Ali from the Zoom conference room, thus expelling her from the event.

42. Jikeli's removal of Ali caused immediate disruption of the workshop. A large number of workshop attendees immediately left the event's physical and virtual space in response to his action. Those who left the workshop gathered to continue the event informally and without Jikeli, using a new physical location and a private Zoom conference room in which they included Ali.

43. Within an hour of expelling Ali from the workshop, Jikeli sent an email to all faculty and students affiliated with the Borns Jewish Studies Program to address the situation and defend his actions. Jikeli described Ali's profile picture as an image of a "Palestinian terrorist." He claimed that he removed Ali to "make sure that everyone feels safe and not under attack

by messages.” Jikeli further claimed that “[p]olitical slogans or provocative images of any kind have no place in our academic settings, and we must discourage them so that we can focus on respectful exchange and learning.”

44. Indiana University’s First Amendment Policy purports to place “time, place, and manner” restrictions on the expression of students at the University. The policy proscribes activities that: “Interfere with or substantially disrupt classes in session or other scheduled programs or events; Interfere with or substantially disrupt the normal or scheduled use of university property or the functioning of the university; Interfere with or obstruct the flow of pedestrian or vehicular traffic; Employ unreasonable sound amplification or create unreasonable noise disruptive of normal university business or activities; or Constitute a genuine threat or harassment, or other speech acts unprotected by the First Amendment.”

45. Indiana University’s Expressive Activity Policy purports to outline additional “content-neutral time, place, and manner regulations” on activities that include “[c]ommunicating by any lawful verbal, written, audio visual, or electronic means.” The policy states that such expressions may not “materially and substantially disrupt official activities, business, or operations of the University.”

46. Indiana University’s Expressive Activity Policy defines “materially and substantially disrupt” as “one (1) or more of the following: (1) Significantly hindering the protected expressive activity of another individual or group; (2) Preventing the communication of a message of another individual or group; (3) Preventing the transaction of the business of a lawful meeting, gathering, or procession by: (a) engaging in fighting, violence, or other unlawful behavior; or (b) physically blocking or threatening violence to prevent an individual from attending, listening to, viewing, or participating in a protected expressive activity.”

47. Ali's Zoom profile picture was an "audio visual" or "electronic" expression that did not "interfere with" or "disrupt" the September 19 workshop in any way, nor did it constitute any "genuine threat or harassment . . . unprotected by the First Amendment." The image violated no policies of Indiana University.

48. Rather than Ali's profile picture, it was Interim Director Jikeli's singular response to Ali's expression that was disruptive and interfered with commencement of the September 19 workshop.

49. Jikeli's claims that he sought to protect workshop participants from "attack by messages," and from the image of a "Palestinian terrorist," were unfounded and pretextual. Ali's expression was not harassing, threatening, or violent. Jikeli sought to exclude Ali's pro-Palestinian image because he personally disagreed with Ali's viewpoint.

Second Incident: Denial of Ali's Travel Funding

50. The Borns Jewish Studies Program has a dedicated grant fund available to graduate students who apply for research or travel grants. The funding opportunity is particularly helpful for students seeking funding to attend and present at academic conferences throughout the United States.

51. The Jewish Studies Program's grant fund is generally open to applications from any student affiliated with the Program, with a modest requirement that the funds are used for research or travel relevant to the scope of the Program. A one-page application is sufficient.

52. The usual process for Program approval includes an application, review by a departmental committee comprised of affiliated faculty, and a final ratification by the Program Director. The final stage is automatic in practice and denial of a funding application is unheard-of.

53. Before the Fall semester of 2025, Ali applied to the Program's grant fund three times and received funding each time.

54. In March 2025, Ali received \$1,500 in funding through the Program to hire coders for her dissertation research. The letter expressed that "members of the committee were very impressed with the progress you have made since joining our program."

55. In September 2025, Ali again applied for funding through the Program's grant fund, this time requesting \$1,200 in Program funds to attend the American Academy of Religion's 2025 Annual Meeting in Boston, Massachusetts. Ali was scheduled to present an academic paper at the conference based on the dissertation research the Program previously provided funding to conduct.

56. The Program's funding was a necessary component of Ali's overall budget to attend the conference. Based on her experience receiving funding through the Program and her knowledge of the typical approval process, Ali had no doubt that her application would be approved.

57. Ali's funding application received unanimous approval from the faculty committee charged with reviewing travel requests. However, contrary to custom and practice, Jikeli then used his executive veto power to unilaterally deny Ali's application.

58. On October 3, exactly two weeks after removing Ali from the September 19 workshop event, Jikeli emailed Ali to notify her of the denial of her travel application. Jikeli stated that her application was "discussed" at a recent faculty meeting and that "the Borns Jewish Studies Program cannot support your application at this stage." Jikeli's email included no explanation for the denial of funding.

59. Jikeli did not himself explain why he denied funding because, if he had done so honestly, he would have confessed to a First Amendment violation. Jikeli denied Ali funding because of his personal aversion to Ali's academic views and the expression she made through her profile picture.

60. After Jikeli denied Ali's travel funding, Ali was forced to research and apply for alternative funding streams. She eventually secured funding through other University programs.

University Response to September 19 and October 3 incidents

61. On October 9, 2025, the Born Jewish Studies Program issued an email invitation for another workshop event on October 17. The event would again be open to both in-person and virtual attendees, using a Zoom conference room. The event invitation included a new "Participation by Zoom" policy, which stated that to "maintain a respectful and focused environment, participants should not join with profile or background images, slogans, or symbols." The policy further explained that such images "can distract from scholarly discussion or make others feel unwelcome. If you do not wish your background to be visible, please use the blur function or turn off your video."

62. The adoption of this policy immediately followed the controversy over Jikeli's actions on September 19, which had roiled the Program's community. The new policy was intended to suppress Ali's expression and others like her, rather than any other neutral purpose.

63. Ali filed a complaint with Indiana University's Office of Civil Rights Compliance ("OCRC") shortly after Jikeli denied her travel funding, complaining that Jikeli's actions to remove her from the September 19 workshop and his decision to deny her travel funding violated her civil rights.

64. On October 23, OCRC emailed Ali and denied her complaint.

65. On October 29, Van Kooten sent an email to faculty affiliated with the Borns Jewish Studies Program, in which he recommended additional policy guidelines governing grant funding. Van Kooten stated that he “concurred” with Jikeli’s decision to deny Ali’s funding, but recommended that (1) a Director’s veto should clearly state the reason for the denial and (2) a Director’s veto should be appealable.

66. Despite Van Kooten’s recommendation to make changes to the Program’s grant funding process, no formal changes have been made.

67. In the same October 29 email, Van Kooten stated that the College of Arts and Sciences had no recommendations for changes to the Program’s Zoom policies, and that event hosts would simply need to continue to “exercise sound judgment in balancing the importance of freedom of speech and expression . . . with the obligation to maintain an inclusive learning environment, and limit disruptions when they occur.”

68. On November 14, Ali joined another hybrid (in-person and virtual) event using the event’s Zoom conference room, and discovered that University administrators had remotely disabled Zoom profile pictures for virtual attendees, thus preventing her from displaying the same profile picture as before.

69. On November 19, Van Kooten emailed Ali directly. Van Kooten stated that “[i]n general—and barring additional factors such as a direct threat—student attire, Zoom backgrounds, and similar forms of expression are not considered ‘materially and substantially disruptive’ in a virtual setting, just as a t-shirt, hat, or button would not typically be disruptive in a physical classroom.” He further stated that the “mere perception of a ‘hostile environment’ is not sufficient grounds to restrict someone’s First Amendment rights.” Finally,

he stated that Jikeli's actions on September 19 were "against this interpretation of the relevant policy," and that Jikeli had been informed that "continued violations could result in sanctions."

70. The same day, November 19, Jikeli emailed faculty and students affiliated with the Borns Jewish Studies Program to inform them that any new Zoom policies would not be implemented following "clarification from the General Counsel," and that workshops would continue under the same format used on November 14—the date of the workshop during which Ali observed that Zoom profile pictures were disabled entirely.

71. When pressed by a faculty member to explain whether the November 14 restriction on Zoom profile pictures would continue, Jikeli neither confirmed nor denied the continued existence of a ban.

Chilling Effect of the September 19 and October 3 incidents

72. The September 19 and October 3 incidents generated controversy and discussion within the university community, and garnered attention and coverage from news media.

73. In a forwarded email following the September 19 event, a faculty member in the Department of Religious Studies complained to administrators about Jikeli's "autocratic" behavior and his "prejudicial assumption that any image of a Palestinian-identified person associated with a call for Palestinian freedom is de facto a terrorist."

74. Ali's faculty advisor, Professor Sarah Imhoff, was reported as stating that relationships within the Program had "significantly deteriorated" following the incidents.

75. The Jewish Studies Graduate Student Association issued a statement condemning Jikeli's actions and lamenting that the incidents had contributed to a culture of uncertainty and fear, and caused students to reconsider enrollment in the Borns Jewish Studies Program.

76. Because Ali will remain a graduate student at Indiana University, the same circumstances that gave rise to Jikeli excluding her from virtual events will recur.

77. Because Ali will remain a graduate student at Indiana University, the same circumstances that gave rise to Jikeli denying her a program grant will also recur. Ali intends to seek such funding again in the future.

78. Jikeli's actions, including his published characterizations of her expression as that of a "Palestinian terrorist," have and continue to negatively impact her relationships with administrators, faculty, and students at Indiana University and across her academic community.

79. Jikeli's actions have and will continue to negatively impact her ability to receive funding for her academic research, find employment, and advance in her career.

Recent History Shows Indiana University Has a Palestine Exception

80. Recent history indicates that Indiana University has a viewpoint discrimination problem when it comes to the pro-Palestine messages expressed by students and faculty—a phenomenon known as the "Palestine Exception."

81. In April 2024, members of the Indiana University Bloomington community participated in a pro-Palestine encampment. The University was sharply criticized for its draconian response, which included the deployment of state police and snipers on campus rooftops.

82. In May 2025, following a lawsuit brought by Indiana University affiliates expressing pro-Palestinian messages, the U.S. District Court for the District of Southern Indiana issued a preliminary injunction against the University, blocking the implementation of an Expressive Activity Policy the Court found likely to be unconstitutional. *Wirtshafter v. Trs. of Indiana*

Univ., 784 F. Supp. 3d 1091, 1107–08 (S.D. Ind. 2025). After the decision, Indiana University permanently amended the relevant policies to comply with the Court’s order.

83. In January 2026, the Court issued summary judgment for the same plaintiffs on their claim that trespass warnings, issued in response to those plaintiffs’ pro-Palestine advocacy, unconstitutionally limited the plaintiffs’ First Amendment-protected expression. *Wirtshafter v. Trs. of Indiana Univ.*, No. 1:24-CV-00754, 2026 WL 60336, at *15–16 (S.D. Ind. Jan. 8, 2026).

84. In August 2025, Indiana University issued a cease-and-desist letter to the University’s student Palestine Solidarity Committee, suspending the student group and demanding that it turn over a list of all current and former student members. The University did not include any specific charges or reasons for the suspension.

85. In response to Indiana University’s treatment of its Palestine Solidarity Committee, the University’s chapter of the College Democrats issued a statement noting that “[t]his level of disciplinary action has traditionally been used . . . as a response to student endangerment, hazing, or the use of substances; in other words, measurable harm to the well-being and safety of IU students,” and that “PSC has not conducted any such behavior.”

86. Jikeli’s actions against Ali in September and October 2025 were a continuation of Indiana University’s unlawful application of the “Palestine Exception” and require the Court’s intervention to be stopped from happening again.

Legal Claims

COUNT I First Amendment Discrimination Removal from University Workshop in September 2025 Against all Defendants

87. Each paragraph of this Complaint is incorporated as if fully restated herein.

88. At all times, the Indiana University administrators identified in this Complaint were acting under color of state law, in their capacities as administrators of a public state university.

89. The Plaintiff, Sabina Ali, engaged in expression of her political viewpoints through the choice of her Zoom profile picture, which was on display by default when her camera was turned off. Her profile picture expressed a political viewpoint in a way equivalent to a graphic t-shirt or a laptop sticker.

90. Interim Director Jikeli censored Ali's expression by issuing an ultimatum to turn her camera on, and thus remove her expressive image from display, or remove her profile photo. When Ali did neither, Jikeli forcibly removed her from the event's Zoom conference room.

The September 19 Workshop was a Designated Public Forum or Limited/Non-Public Forum

91. The September 19 workshop was an Indiana University event open to University faculty and students in person or via Zoom conference room, inclusive of Ali. The event was not limited to any particular topic, or was at least open to discussion of a broad range of topics relevant to the subject of the workshop. Accordingly, the event was a designated public forum or, in the alternative, a limited public forum/nonpublic forum. *See Krasno v. Mnookin*, 148 F.4th 465, 483 (7th Cir. 2025).

92. In a designated public forum, the Government may only impose reasonable and content-neutral time, place, and manner restrictions, or content-based restrictions subject to strict scrutiny. Restrictions based on viewpoint are unlawful. *Id.* Once the Government has established a designated public forum, it cannot exclude speakers otherwise entitled to use that forum lawfully on the basis of the content or viewpoint of the speaker's expression. *Badger Cath., Inc. v. Walsh*, 620 F.3d 775, 777 (7th Cir. 2010).

93. In a nonpublic forum, government restrictions on expression must be reasonable and viewpoint neutral. *See, e.g., Krasno*, 148 F.4th at 483. And “[o]nce the government has set the boundaries of its forum, it may not renege.” *Christian Legal Soc’y v. Walker*, 453 F.3d 853, 866 (7th Cir. 2006).

Removal Was Not Content-Neutral and Cannot Survive Strict Scrutiny

94. Jikeli’s ultimatum to Ali on September 19 was not based on a *content-neutral* time, place, and manner restriction, because Jikeli could not reference any relevant policy to justify his action, because Jikeli could not justify his decision “without reference to the content of the regulated speech,” *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 164 (2015); *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989), and also because Jikeli “excluded a speaker within the class to which the designated public forum was available.” *Surita v. Hyde*, 665 F.3d 860, 870 (7th Cir. 2011).

95. In Jikeli’s email attempting to justify his decision to remove Ali, which was sent immediately after he disrupted the event, Jikeli admitted that his decision was based on the content of Ali’s expression. He characterized Ali’s profile picture as a “Palestinian terrorist” and further explained that he sought to discourage “[p]olitical slogans or provocative images of any kind.”

96. Ali’s profile picture was not of a “Palestinian terrorist” but of an image of a woman in Palestinian garb and in front of a Palestinian flag, intended by Ali to express solidarity with Palestinians and their right to freedom.

97. Jikeli’s actions also fail strict scrutiny. Indiana University had no compelling interest in removing Ali’s expression, which was not disruptive, threatening, or harassing. On the contrary, the University has an interest in encouraging expression of different viewpoints in

academic spaces, not shielding participants from viewpoints they oppose. *See Healy v. James*, 408 U.S. 169, 180–81 (1972).

98. Further supporting the lack of compelling interest, Jikeli’s actions were plainly underinclusive—by removing Ali from the event, and later adopting a policy to forbid the use of any profile photo, Jikeli left untouched similar modes of expression such as graphic t-shirts and laptop stickers that would ostensibly create the same risk he claimed to address.

99. Jikeli’s “absolute prohibition” on Ali’s continued inclusion and expression at the September 19 event was furthermore not narrowly tailored to his concern. *Surita*, 665 F.3d at 872. Jikeli made no effort to seek clarity from Ali about the nature of her expression, nor did he provide any justification under existing policy for her removal from the workshop.

Removal Was Not Viewpoint Neutral

100. Regardless of the forum for private speech assessed, viewpoint discrimination is an “egregious form of content discrimination” and the “government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.” *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 829 (1995).

101. Jikeli’s ultimatum and removal of Ali on September 19 was not viewpoint neutral, because it “denied access to [her] solely to suppress the point of view [s]he espouse[d] on an otherwise includible subject.” *DeBoer v. Vill. of Oak Park*, 267 F.3d 558, 567–68 (7th Cir. 2001) (citations omitted).

102. No existing University policy restricted Ali’s use of an expressive Zoom profile picture. The September 19 workshop furthermore carried no requirement that attendees restrict their profile pictures, clothing, or any other similar forms expression, to certain topics.

103. Even if a topic-based restriction on expression like Ali's Zoom profile picture had existed, the content of Ali's profile picture was relevant to the workshop's subject matter. Ali herself is a Jewish woman who has publicly worn keffiyeh and advocated for Palestine's right to self-determination.

104. Other attendees of the September 19 workshop wore expressive clothing, carried laptops or other items with labels, stickers, or other images, or attended with their camera's turned off, displaying their own default Zoom backgrounds or profile pictures. Jikeli did not force these other attendees to remove their expressive content nor did Jikeli expel them from the event.

105. Jikeli's later attempt to justify his decision as opposition to "political slogans or provocative images" was pretextual and, even then, still not viewpoint neutral.

106. In the same email, Jikeli called Ali's picture an illustration of a "Palestinian terrorist" and defended his decision as motivated by a desire to protect attendees from "attack by messages." Looking back to his actions at a similar event in September 2024, Jikeli also had a specific history of targeting Ali's profile picture for removal from University events.

107. As further evidence of viewpoint discrimination, Jikeli is known at Indiana University for vocally opposing political expression in support of Palestine and Palestinians. In 2024, he led an event that called on Indiana University to remove pro-Palestinian speech from campus, labeling the lawful and protected speech as " Hamas propaganda."

108. Jikeli further attempted to censure Ali by instituting a new restriction on expressive Zoom profile pictures in October 2025, immediately following the uproar over the September 19 incident. The "Participation by Zoom" policy was intended to prevent Ali from displaying

her profile picture at any future event, and prevent any other community member from expressing solidarity with Ali by displaying a picture with a similar viewpoint.

Removal Was Not Reasonable

109. Jikeli’s ultimatum and removal of Ali on September 19 was also not reasonable, because Jikeli could not “articulate some sensible basis for distinguishing what may come in from what must stay out.” *Minnesota Voters All. v. Mansky*, 585 U.S. 1, 16 (2018). Jikeli’s defense, that he sought to protect attendees from “attack by messages” lacked any rational connection to Ali’s expression.

110. Jikeli furthermore acted unreasonably because he acted “through sheer discretion without ‘objective, workable standards’” by removing Ali in an *ad hoc* fashion, without reference to any existing University policy, without reference to any lawful and administrable standard, and without any support beyond his own personal distaste. *Krasno*, 148 F.4th at 485 (striking down an “off-topic comment rule” for a university’s social media account).

111. Under any forum the Court assesses for the September 19 workshop, Jikeli’s attempt to censor Ali and his decision to remove her from the event constituted a violation of her clearly established First Amendment rights.

COUNT II
First Amendment Retaliation and Discrimination
Denial of Travel Funding in October 2025
Against all Defendants

112. Each paragraph of this Complaint is incorporated as if fully restated herein.

113. At all times, the Indiana University administrators identified in this Complaint were acting under color of state law, in their capacities as administrators of a public state university.

114. Ali applied for travel funding through the Borns Jewish Studies Program to attend the American Academy of Religion's 2025 Annual Meeting in Boston, Massachusetts. Ali was scheduled to present an academic paper on discursive shifts in contemporary Zionist discourse that appropriate Indigenous rights language to rearticulate justifications of settler-colonialism in Palestine.

115. Ali's research was relevant to Jewish studies, as evidenced by the fact that she previously received funding through the same application process to code data that formed the underlying research for the paper that she was now applying for funding to present.

116. Ali's application was unanimously approved by the Program's funding committee.

117. In an unprecedented move, Jikeli unilaterally vetoed Ali's funding application.

118. Jikeli communicated the denial directly to Ali and provided no explanation.

119. Jikeli's decision was motivated by retaliation against Ali for her viewpoint expressed at the September 19 event and discrimination against her viewpoint expressed in the academic research she sought to present at the conference.

Denial of Funding Was Retaliation Based on September 19 Expression

120. Ali engaged in constitutionally protected speech when she displayed her Zoom profile picture at the September 19 workshop.

121. That same month, Ali applied for travel grant funding through the Program.

122. Travel funding through the Program was routinely granted and vetoes by the Program Director were unheard-of. Per custom and department practice, but for Jikeli's intervention, Ali would have received the funding.

123. Jikeli unilaterally denied Ali's funding request on or before October 3, no more than two weeks after he unlawfully removed Ali from the September 19 workshop.

124. Ali's protected expression during the September 19 workshop was a substantial and motivating factor in Jikeli's denial of her application. Jikeli has a public record of opposing pro-Palestine and anti-Zionist speech, including unsubstantiated claims that such speech is antisemitic propaganda condoning terrorism or violence.

125. The implication that Jikeli could unilaterally deny travel funding to any affiliate of the Program in retaliation for a viewpoint supporting Palestine would objectively and likely deter a person of ordinary firmness from continuing to express that viewpoint. *See DeJong v. Pembroke*, 662 F. Supp. 3d 896, 909–12 (S.D. Ill. 2023).

Denial of Funding Was Exclusion Based on Academic Viewpoint

126. The Program's funding mechanism distributes funds from a public university, creating a limited public forum that must be administered using reasonable and viewpoint-neutral guidelines. *Southworth v. Bd. of Regents of Univ. of Wisconsin Sys.*, 307 F.3d 566, 580 (7th Cir. 2002); *cf. Christian Legal Soc. Chapter of the Univ. of California, Hastings Coll. of the L. v. Martinez*, 561 U.S. 661, 679 (2010); *Rosenberger*, 515 U.S. at 841.

127. As a graduate student affiliated with the Program, applying for a travel grant related to the academic subject matter of the Program, Ali qualified for inclusion in the forum.

128. The September 2025 application was the first that Ali submitted after Jikeli assumed the role of Interim Director of the Program.

129. Jikeli has a substantial record of opposing pro-Palestine and anti-Zionist speech, including a record of opposition to Indiana University and Program funding for such protected speech.

130. Jikeli's own research frequently conflates the criticism of Zionism and Israel with antisemitism. As a Jewish scholar who is critical of Zionism and Israel, Ali's academic research and her body of work directly refute Jikeli's conflation of Judaism with Zionism.

131. Jikeli was motivated to use his authority to deny Ali's access to Program funds to express her particular viewpoint, and he did deny her funding on that basis.

132. Whether Jikeli denied Ali's funding as retaliation based on the September 19 event, discrimination based on the viewpoint she espouses in her academic work, or both, his actions violated her clearly established First Amendment rights.

Count III
Breach of Contract
Against all Defendants

133. Each paragraph of this Complaint is incorporated as if fully restated herein.

134. Indiana University made specific promises and assertions to Ali regarding freedom of speech, academic freedom, and good faith and fair dealing, in its contracts and student and faculty manuals, on its websites, and in various statements by its spokespeople.

135. Indiana University's Code of Student Rights, Responsibilities, & Conduct, Section I.D ("Right to Freedom of Association, Expression, Advocacy, and Publication"), announces that "the university recognizes the rights of all students and student organizations to engage in discussion, to express thoughts and opinions, to engage in peaceful and orderly protests, and to assemble, speak, write, publish in print or online, or invite speakers on any subject without university interference or fear of university disciplinary action, consistent with UA-14, The First Amendment at Indiana University, . . . [and] UA-10, Expressive Activity Policy."

136. Further, Indiana University’s Code of Student Rights, Responsibilities, & Conduct guarantees that “[i]f a student feels that this right has been violated, the student has the right to file a request with the campus chief student affairs officer for an investigation and appropriate action.”

137. Ali relied on these and substantially similar statements in making her decision to enroll in the doctoral program at Indiana University.

138. These statements constitute material and specific commitments made by Indiana University to its students that are contractual in nature and enforceable by law. *See, e.g., Sung Park v. Indiana Univ. Sch. of Dentistry*, 692 F.3d 828, 830–31 (7th Cir. 2012); *Neel v. Indiana Univ. Bd. of Trustees*, 435 N.E.2d 607, 610–11 (Ind. Ct. App. 1982).

139. As described in this Complaint, Jikeli’s actions in his role as Interim Director of the Borns Jewish Studies Program violated Ali’s rights under the Indiana University’s Code of Student Rights, Responsibilities, & Conduct, to “engage in discussion, to express thoughts and opinions, . . . and to assemble, speak, write, [and] publish.” His actions furthermore violated the First Amendment.

140. Ali brought a complaint to the Indiana University’s Office of Civil Rights Compliance, which declined to investigate or take appropriate action.

141. Defendants are accordingly in breach of contract with Ali.

142. Defendants’ breach of contract with Ali caused Ali to expend additional time and resources securing replacement funding that she should not have been forced to secure.

143. Defendants’ breach of contract left Ali with no institutional recourse for Jikeli’s violations of her rights and University policies, despite the University’s promises of appropriate action.

144. Finally, Defendants' breach of contract caused Ali significant distress and uncertainty regarding her continued education at Indiana University and career opportunities.

Prayer for Relief

WHEREFORE, Plaintiff Sabina Ali respectfully requests that this Honorable Court grant the following:

- Declaratory judgment against Defendants for violations of the Plaintiff's First Amendment rights and for breach of contract;
- A permanent injunction ordering Defendants to refrain from unlawful speech discrimination and retaliation against Ali in the future, including enjoining Defendants from categorically banning the use of profile pictures by virtual attendees of University events;
- A permanent injunction ordering Defendants to refrain from denying Ali access to Program funds on the basis of, or in retaliation against, her viewpoint;
- Compensatory and Punitive Damages in the amount appropriate to remedy violations of the Plaintiff's rights under constitutional law and the laws of Indiana, or nominal damages; and
- Such other and further relief as may be just and proper.

DATE: June 26, 2026

Respectfully Submitted,

/s/ Lena Masri

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^ Pro Hac Vice motions forthcoming

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