

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

PRIDE CENTER OF TERRE HAUTE,)	
INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 2:25-cv-445
)	
INDIANA STATE UNIVERSITY VICE)	
PRESIDENT FOR UNIVERSITY)	
ENGAGEMENT, in her official capacity;)	
INDIANA STATE UNIVERSITY)	
EXECUTIVE DIRECTOR, CAREER)	
SERVICES, in her official capacity,)	
)	
Defendants.)	

Complaint for Injunctive and Declaratory Relief

Introduction

1. The Pride Center of Terre Haute, Inc. (“Pride Center”) is a non-profit organization that is dedicated to advocating for and creating a positive impact on the lives of LGBTQ+ individuals in and around Vigo County. However, it serves and assists all persons, regardless of their gender identity or sexual orientation. It is operated almost entirely by volunteers, although it has been able to also use student workers from Indiana State University who are paid in part by the Pride Center and in part by federal work-study funds and grants from the Sycamore Community Work Program both of which are administered by Indiana State University. The services that the students provide are

essential to the work and functioning of the Pride Center. The Pride Center selects the students without regard to their gender identity or sexual orientation. The funds from Indiana State University are delivered through the office of the Vice President for University Engagement at Indiana State University.

2. Recently, Indiana State University has terminated all funding for the Pride Center, erroneously claiming that a “Best Practices” statement issued by the United States Department of Justice to avoid discrimination mandates the termination. Indiana State University is denying these monies based on the Pride Center’s lawful and constitutional advocacy and promotion of the rights of LGBTQ+ persons and/or its association with these persons and their allies, even though the Pride Center does not discriminate either in the hiring of the students or in the services that it provides, as it is open to all people.

3. The actions of Indiana State University violate the First Amendment rights of the Pride Center and declaratory and injunctive relief should be entered requiring the funding of the student workers to continue.

Jurisdiction, venue, and cause of action

4. This Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1331.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

6. Declaratory relief is authorized by Rule 57 of the Federal Rules of Civil Procedure and by 28 U.S.C § 2201, 2202.

7. 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 United States Constitution.

Parties

8. The Pride Center of Terre Haute, Inc., is a not-for-profit corporation that is incorporated under the laws of the State of Indiana and is located in Terre Haute, Indiana.

9. The Vice President for University Engagement at Indiana State University is the administrator and manager of federal work-study funds and the grants from the Sycamore Community Work Program.

10. The Executive Director for Career Services at Indiana State University is the director of a department supervised by and within the control of the Vice President for University Engagement.

Facts

11. Indiana State University is a public university located in Terre Haute, Indiana.

12. The Pride Center operates out of a storefront in Terre Haute.

13. The Pride Center is a staunch proponent of the rights of LGBTQ+ persons and serves as an advocate for and support of this community and is a place that provides resources to the community.

14. Although the Pride Center was established to serve and advocate for the LGBTQ+ community in the greater Terre Haute area, its services are open to all.

15. When persons seek services from the Pride Center they are not asked any questions about their sexual orientation or their gender identity.

16. As a result, the Pride Center provides services for the entire greater Terre Haute community.

17. For example, the Pride Center hosts an outside medical provider who will see all persons, regardless of their gender identity or sexual orientation.

18. The Pride Center hosts HIV testing, which is similarly available to all.

19. The Pride Center also hosts educational seminars, game nights, trivia contests, and baking classes, among other activities. All of these are open to all.

20. The Pride Center is located in downtown Terre Haute and unhoused persons will come to the Center to seek aid and the Pride Center will provide it to the best of its ability, without seeking information about the gender identity or the sexual orientation of those seeking assistance.

21. The Sycamore Community Work Program places ISU students in the community for employment with local non-profit agencies.

22. The federal work-study program is a federally-funded subsidized employment program for students with financial need. Students may be placed in part-time positions on-campus or off-campus, with non-profits or public agencies. The program is administered by ISU.

23. In both the Sycamore Community Work Program and the federal work-study program the employer with whom the student is placed will reimburse ISU for a portion of the funds ISU paid to the student.

24. At Indiana State University, the Sycamore Community Work Program and the federal work-study funds are both administered by the Vice President for Student Engagement.

25. The Pride Center has a very small budget.

26. The Pride Center depends on volunteers to operate and, historically has depended on students who apply to work in the Center and are paid either by a grant from the Sycamore Community Work Program or through federal work-study funds.

27. The Pride Center has executed contracts with the Vice President of University Engagement to have students placed in the Pride Center and be compensated through the Sycamore Community Work Program and federal work-study funds.

28. Pursuant to the contracts entered into between the Pride Center and the Vice President of University Engagement, the Pride Center reimburses Indiana State University for a portion of the monies paid to the students.

29. The Pride Center opened in 2021 and ISU students have been employed there and have been paid through the Sycamore Community Work Program and federal work-study funds since 2022.

30. Because of limited staff and funding, the Pride Center is generally open only Thursday and Friday from 4 p.m. to 8 p.m. and Saturday from 12 p.m. to 8 p.m.

31. During the time that it is open there will be volunteers present or student workers and the students are paid through the Sycamore Community Work Program and/or federal work-study funds.

32. The students will assist in cleaning the space, opening and closing the Center, responding to inquiries, and assisting with setting up for programming, among other things.

33. The students are invaluable and are necessary for the Pride Center to function.

34. The Pride Center interviews the students before they are accepted to work at the Pride Center.

35. Students are hired to work in the Pride Center without regard to their gender identity or sexual orientation, although they must be supportive, welcoming, understanding and respectful of LGBTQ+ individuals.

36. The Pride Center expects the student employees to be similarly affirming and culturally responsive to all persons who come to the Center.

37. The Pride Center observes all federal and state anti-discrimination laws in its hiring practices as well as similar requirements that are part of the contracts that it signs with ISU in order to have the students work in the Pride Center.

38. As of August 8, 2025, there were four ISU students employed on a part-time basis at the Pride Center through the Sycamore Community Work Program and the federal work-study program.

39. On August 8, 2025, the President of the Board of Directors of the Pride Center received an e-mail from the Executive Director of Career Services at ISU, a supervisee of the Vice President for Student Engagement. The body of the e-mail states in its entirety:

Guidance issued by the U.S. Department of Justice for recipients of federal funding identifies “Best Practices” to avoid discriminatory practices. This Guidance advises public universities that fund student employment positions that support programs or activities that allocate benefits or roles based on protected characteristics, including sexual orientation or gender identity, is unlawful. Consistent with this Guidance from the DOJ, Indiana State may not require applicants to hold a particular identity-based viewpoint.

Based on this, we will not be funding Federal Work Study or Sycamore Community Works positions this fiscal year 25-26.

40. As noted above, the Pride Center most certainly does not “allocate benefits or roles based on protected characteristics” and does not “require applicants to hold a particular identity-based viewpoint.”

41. The monies from ISU for the employment of the students ceased effective August 15, 2025.

42. Following the receipt of this e-mail, the Pride Center sent an e-mail to the Executive Director of Career Services to try to demonstrate that there was no justification for this action.

43. In its e-mail, the Pride Center emphasized that it does not hire based on identity, it has had employees or are not LGBTQ+, and that it complies with the guidance issued by the Department of Justice.

44. The Pride Center received a return e-mail from defendant Executive Director of Career Services on August 25 that says, in pertinent part:

The decision was made in consultation with our Legal Counsel based on their interpretation of the Department of Justice memo. We will not be funding Federal Work Study or Sycamore Community Works positions this fiscal year 2025-26.

45. So that the Pride Center can remain open, it has assumed the portion of the students' salaries that were being paid by ISU through the Sycamore Community Work Program and federal work-study funds. It has been able to secure a grant to make these payments for six months. However, this is not sustainable.

46. Although the Pride Center is open to, and serves, all and does not discriminate in its employment of ISU students, it is an organization that proudly supports, serves, and advocates for the LGBTQ+ community and the actions of defendants in terminating the funding have been taken because of the Pride Center's role as a supporter and advocate of the LGBTQ+ community.

47. The Pride Center does not "allocate benefits or roles based on protected characteristics, including sexual orientation or gender identity," and the defendants' cancellation of funding represents punishment and retaliation against the Pride Center

because of its constitutionally protected speech and association and because of the viewpoint that the Pride Center expresses.

48. At all times defendants have acted under color of state law.

49. The actions of defendants are causing plaintiff irreparable harm for which there is no adequate remedy at law.

Claim for relief

50. The actions of defendants as described above violate the First Amendment rights of the Pride Center.

Request for relief

WHEREFORE, plaintiff requests that this Court:

1. accept jurisdiction of this case and set it for hearing at the earliest opportunity;
2. declare that defendants have violated the First Amendment rights of the plaintiff for the reasons noted above;
3. enter a preliminary injunction, later to be made permanent, ordering defendants to provide funding for student-employees at the Pride Center through the Sycamore Community Work Program and the federal work-study program as it has in the past;
4. award plaintiff its costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988.
5. award all other proper relief.

Kenneth J. Falk
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