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NCLA Sues University of Tennessee for Stifling Social Science Ph.D. Candidate's Free Speech

Idil Issak v. University of Tennessee-Knoxville, College of Arts and Sciences; Institutional Review Board, et al.

Washington, DC (June 2, 2025) – The New Civil Liberties Alliance filed a [Complaint](#) today against the University of Tennessee-Knoxville and its Institutional Review Board for preventing cultural anthropology Ph.D. student Idil Issak from conducting research for her dissertation in the United Arab Emirates (UAE). Representing Ms. Issak, NCLA asks the U.S. District Court for the Eastern District of Tennessee to eliminate this licensing scheme that violates doctoral students' First Amendment rights.

The University requires social science Ph.D. candidates to obtain approval from the Institutional Review Board before conducting oral or written interviews for their dissertations. The University's Doctoral Committee has already approved Ms. Issak's dissertation proposal. She now hopes to interview women doing domestic work in the UAE's Sharjah and Ajman emirates about human rights abuses they suffer. Yet for more than a year, the Defendants have prevented Ms. Issak from beginning her doctoral research.

The University and the Defendants it employs unlawfully restrain the speech of Ms. Issak and other Ph.D. social science candidates with approved dissertation proposals by requiring them to win IRB permission for proposed research and prove it is "culturally appropriate" in the foreign country where it occurs. The latter requirement unconstitutionally regulates speech based on its viewpoint. These restrictions are not narrowly tailored to any lawful government goal because they inevitably chill, delay, and otherwise burden First Amendment-protected speech that could not be lawfully penalized after it occurs.

Nor does the IRB mandate serve a legitimate governmental purpose: The Defendants' policy exempts oral historians and journalists from the prior-approval requirement, showing any claimed concern over the safety of third parties is pretextual. Instead, the IRB prevents important research, such as Ms. Issak's, which seeks to explore potential human rights abuses and analyze them. Ben M. Rose of RoseFirm, PLLC, in Brentwood, Tennessee serves as local counsel in this important case.

NCLA released the following statements:

"Universities should rethink the Institutional Review Board mandate in the case of social science researchers engaged solely in communicative research. Not only is the mandate in this context an abridgement of First Amendment rights, but it forestalls the search for truth."

— **Margot Cleveland, Of Counsel, NCLA**

"The Institutional Review Board at the University of Tennessee would not require Ms. Issak to seek approval if she were a historian chronicling her findings and not seeking to qualitatively analyze them. Instead, as a cultural anthropologist, her First Amendment rights are conditioned on IRB approval of her research. This type of content, speaker, and viewpoint-based discrimination cannot stand."

— **Kaitlyn Schiraldi, Staff Attorney, NCLA**

“IRBs revive the licensing of words—precisely what the Star Chamber imposed, and the First Amendment centrally forbade. This is grossly unconstitutional.”

— **Philip Hamburger, Founder and CEO, NCLA**

“By insisting that I obtain unnecessary governmental approvals that do not exist, the University of Tennessee’s IRB has imposed a form of prior restraint, effectively censoring critical research and increasing the potential risk to my participants.”

— **Idil Issak, NCLA Client and Plaintiff in *Issak v. University of Tennessee, et al.***

For more information visit the case page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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