

The *University at Buffalo* Case

Case Name: *University at Buffalo Young Americans for Freedom v. University at Buffalo Student Association*

Case Status: Complaint filed on June 1, 2023

Significance: Whether a university may bar and derecognize student groups based on affiliation with national organizations and the content of their speech



Background: University of Buffalo students started a Young Americans for Freedom (YAF) chapter in 2017, and its chapter has maintained over 100 members for the last two years. Since its formation, YAF at UB has actively promoted debates on important cultural, political, and moral topics on campus. The chapter has hosted several events and speakers, which have garnered attention from school administration and the student body. For example, YAF at UB hosted Lt. Col. (Ret.) Allen West to discuss racial and cultural disparities. Michael Knowles was also hosted for an event discussing gender ideology and related cultural issues. Within weeks of the Michael Knowles event, the UB Student Association revised the policies that govern club recognition, prohibiting some clubs (including YAF), but not others, from being chapters of national organizations. This means YAF cannot receive funding from student fees like other clubs, and it cannot reserve space or invite speakers like other clubs. The new policy restricts YAF's ability to compete in the marketplace of ideas with other clubs solely because it is a chapter of a well-recognized conservative national organization. The university has created a hostile environment for students and chilled the speech of conservative clubs like YAF. Alliance Defending Freedom, representing YAF at UB, has filed a lawsuit against the Student Association for violating the freedom to speak and associate. Public universities have no right to shut down certain groups on campus simply because of the group's affiliation or content of their speech.

Key Points

- Public universities cannot deny student clubs recognition based on the content or viewpoint of their speech, nor can student clubs lose recognition based on their affiliation with national organizations.
- The University of Buffalo has created a hostile environment by chilling speech and restricting opportunities for conservative clubs, like Young Americans for Freedom, to assemble on campus property.
- Universities are responsible for creating and promoting an open forum for intellectually diverse speech and debate. The use of university policies to disfavor student groups based on their speech is a violation of First Amendment freedoms.

Key Facts

- Once a club is de-recognized, its members are no longer eligible to receive the budget allocated by the Student Association out of the Mandatory Student Activity Fee.
- Without the allocated budget and official club status, the YAF at UB is unable to access many university resources, including reserving tables at the Student Union and spaces for weekly meetings and guest speakers.

The Bottom Line: Universities cannot pick and choose which student groups are allowed on campus based on disagreement with that groups' beliefs.