

April 16, 2026

Via Email and FedEx

Barry University Dwayne O. Andreas School of Law
Attn: Barry University Administration
6441 East Colonial Drive
Orlando, Florida 32807

Re: *Denial of Turning Point USA Student Chapter on Barry University
Dwayne O. Andreas School of Law Campus*

Dear Barry University Administration,

We have the privilege of representing Christina Malsky and other law students (collectively, the “Chapter Organizers”) who attend Barry University Dwayne O. Andreas School of Law. The Chapter Organizers respectfully request reversal of Barry Law’s denial of their application to form a Turning Point USA (“TPUSA”) chapter.

The Chapter Organizers are law students in good standing, with the noble intention to foster debate and discussion on campus at Barry Law. They complied with each requirement for recognition as a New Recognized Student Organization (“RSO”). Barry Law denied their application and provided only a vague assertion that TPUSA is contrary to its values. The Chapter Organizers inquired into the reasoning behind the denial, but Barry Law administrators have not offered a concrete explanation.

Barry Law’s denial of a TPUSA chapter formation violates its obligations to protect students’ free expression on campus. Barry Law should direct the Office of Student Affairs to rescind its previous denial and approve the TPUSA chapter. This letter serves as our clients’ formal demand that Barry Law (1) reverse its denial of the Chapter Organizers’ application, (2) grant full recognition to the TPUSA chapter with all attendant rights and privileges afforded to other RSOs, and (3) provide written confirmation of such approval within five business days of receipt of this letter. Should Barry Law fail to comply, the Chapter Organizers are prepared to pursue all available legal remedies to vindicate their rights.

I. Factual Background

The following reflects our understanding of the pertinent facts. If you and your staff have additional information to offer, we invite you to share it with us. However, if the facts here are substantially accurate, Barry Law must direct the Office of Student Affairs to make student group recognition in a viewpoint-neutral manner.

TPUSA is a national nonprofit organization whose mission is “to identify, educate, train, and organize students to promote the principles of freedom, free markets, and limited government.”¹ To advance these principles, TPUSA supports the formation of student-led chapters on university campuses.

In late September 2025, following the assassination of Charlie Kirk, a group of Barry Law students submitted an RSO application to the Office of Student Life to establish a TPUSA chapter at Barry Law. The Office of the Dean denied the application. In November, the Chapter Organizers received a written denial from Davey Jay, the Interim Associate Dean of Student Affairs. The denial letter stated that “the stated mission, national affiliation, and programmatic focus of Turning Point USA are not aligned with Barry University’s Catholic and Adrian Dominican heritage.”² The letter further asserted that TPUSA’s public materials, “activism kits,” and campaign-style engagement initiatives are inconsistent with Barry Law’s educational philosophy. Barry Law stated that it “values discussion of differing viewpoints,” but that “such discourse must occur in a context of intellectual humility, empathy, and shared purpose, rather than ideological confrontation or partisan activism.”³ The denial letter instructed the Chapter Organizers to explore other existing student organizations that address constitutional principles and public policy in a manner Barry Law deemed consistent with its standards.

In February 2026, the Chapter Organizers sent a detailed email to Samuel Kan, Interim Dean of Barry Law, requesting a meeting to reconsider the denial.⁴ They also submitted a formal written rebuttal contending that the denial rested on unfounded assumptions about TPUSA rather than a fair review of its activities.⁵ The rebuttal identified the specific programming the chapter planned to host throughout the year, including a screening of *Mr. Smith Goes to Washington*, a nonpartisan voter-registration drive open to students and citizens of all backgrounds and political affiliations, and a structured legal debate about the *Dobbs* decision.

The Chapter Organizers’ rebuttal also addressed Barry Law’s objection to TPUSA materials, clarifying that the chapter had selected for its affiliation TPUSA’s “Go Vote” civic engagement kit, which is nonpartisan and promotes general voter participation.

Critically, the rebuttal identified seven recognized student organizations at Barry University that engage in explicit political, ideological, or advocacy-oriented activity—including OUTLaw, Black Law Students Association, National Lawyers Guild, NAACP, Students Supporting Israel, College Democrats, and the Muslim Students Association. The Chapter Organizers provided supporting documentation,

¹ *Our Mission*, TURNING POINT USA, <https://tpusa.com/about/> (last visited Apr. 8, 2026).

² Letter from Davey Jay, Interim Associate Dean of Student Affairs, to Anna Jordan, Christina Malsky, Trinity Demeo, and David Sardines (Nov. 13, 2025) (on file with the author).

³ *Id.*

⁴ E-mail from Christina Malsky on behalf of the Chapter Organizers, to Samuel Kan, Interim Dean of Barry Law (Feb. 2, 2026, at 14:37 ET) (on file with author).

⁵ Letter from the Chapter Organizers, to Dean Samuel Kan, Dean Davey Jay, and Matter Cameron (Feb. 20, 2026) (on file with the author).

including social media posts and event flyers. Notably, this documentation revealed that the official Instagram account for the Barry Law library had liked several posts on OUTLaw’s account, undermining the school’s claim of viewpoint neutrality. Moreover, several of these organizations appear to advance positions that are in direct tension with Catholic doctrine. The Catholic Church has taken a clear position on transgenderism, which OUTLaw expressly supports, as well as abortion, which has been supported by the Women’s Law Association (“WLA”) and the national ACLU.

Dean Kan did not respond to the February email for over two weeks. After the Chapter Organizers followed up, the parties met on February 20th, with administrators from both the law school campus and the main University campus.⁶

Shortly after that meeting, the Chapter Organizers contacted Mike Allen, President of the University, requesting review of the denial.⁷ The following day, the Chapter Organizers contacted Jennifer Pugh, Vice President for University Administration, drawing attention to two recognized student organizations—WLA and OUTLaw—whose events appeared directly at odds with Catholic doctrine.⁸ Specifically, the WLA was at that time hosting a silent auction to benefit an organization facilitating access to abortion, and OUTLaw was conducting a donation drive for transgender youth. Vice President Pugh acknowledged that this was the first time the main campus had been made aware of the matter at the law school, and stated that the University was “taking this matter seriously.”

In March, Pablo Ortiz, Executive Vice President and Provost, informed the Chapter Organizers that although the University was maintaining its denial of TPUSA’s RSO application, it would permit the students to host events on campus during the semester as an unrecognized organization.⁹ The Chapter Organizers requested clarification on the alleged conflict between TPUSA’s mission and Catholic doctrine.¹⁰ To date, University administrators have failed to provide any substantive response.

The Chapter Organizers were also informed that any events would need to be publicly disclaimed as activities of an unrecognized organization—a condition they found objectionable. The Chapter Organizers proposed renaming the chapter to “Kirk Freedom Group,” but were told by main campus that the name “Kirk” was itself “too

⁶ E-mail from Samuel Kan, Interim Dean of Barry Law, to Christina Malsky on behalf of the Chapter Organizers (Feb. 18, 2026, at 16:38 ET) (on file with author); e-mail from Samuel Kan, Interim Dean of Barry Law, to Christina Malsky on behalf of the Chapter Organizers (Feb. 19, 2026, at 22:55 ET) (on file with author).

⁷ E-mail from Christina Malsky on behalf of the Chapter Organizers, to Mike Allen, President of Barry University (Feb. 23, 2026, at 15:59 ET) (on file with author).

⁸ E-mail from Christina Malsky on behalf of the Chapter Organizers, to Jennifer Pugh, Vice President for University Administration (Feb. 24, 2026, at 18:49 ET) (on file with the author).

⁹ E-mail from Pablo Ortiz, Executive Vice President and Provost, to Christina Malsky on behalf of the Chapter Organizers (Mar. 5, 2026, at 10:49 ET) (on file with the author).

¹⁰ E-mail from Christina Malsky on behalf of the Chapter Organizers, to Pablo Ortiz, Executive Vice President and Provost (on file with the author).

controversial.” The Organizers declined to proceed under those unfair conditions and ultimately hosted no events.

Following the Chapter Organizers’ outreach to main campus administrators—and after the University shut down the WLA silent auction—TPUSA Chapter Organizers began experiencing harassment. Members of the WLA circulated the Organizers’ social media accounts and sought to identify them to promote harassment and retaliation for the complaint. In late March, the Chapter Organizers reported this conduct in writing to Bryce Cooke, Director of Student Life and Event Planning.¹¹ Director Cooke confirmed that a formal incident report had been filed.¹² The University administrators recently reached out to the Chapter Organizers to schedule a meeting to discuss the harassment.

II. Barry University Must Uphold Students’ First Amendment Rights on its Campuses.

Although Barry University is a private Catholic university against which First Amendment rights cannot be traditionally enforced, Barry has several obligations that compel its compliance with students’ free expression and associational rights. Because of these legal obligations, Barry cannot open itself to some student speech but close those doors to others that may not align with “Catholic and Adrian Dominican heritage,” when the expression causes no material disruption or threat to the educative mission of the university. Such viewpoint discrimination violates students’ rights.

A. Multiple Regulations Require Barry to Protect Student Expression.

First, Barry University’s Student Handbook guarantees its students First Amendment freedoms under what the Handbook labels as “Freedom of Inquiry and Expression” where Barry “[s]tudents and student organizations are free to examine and to discuss all questions of interest to them, and to express opinions publicly and privately. They are free to support causes by orderly means which do not disrupt the regular and essential operation of the institution.”¹³ Additionally, the Handbook guarantees a right of association: students “are free to organize and join associations to promote their common interests.”¹⁴ These protections are binding. As the Handbook explains, “[t]he relationship between the student and the University is one of contract . . . [u]nder the terms of this contract, the students have certain rights.”¹⁵ The Barry University Student Handbook thus incorporates by reference First

¹¹ E-mail from Christina Malsky on behalf of the Chapter Organizers, to Bryce Cooke, Director of Student Life and Event Planning (Mar. 26, 2026, at 11:46 ET) (on file with the author).

¹² E-mail from Bryce Cooke, Director of Student Life and Event Planning, to Christina Malsky on behalf of the Chapter Organizers (Mar. 26, 2026, at 14:16 ET).

¹³ Barry University, *Student Rights and Responsibilities*, Freedom of Inquiry and Expression, <https://www.barry.edu/en/student-handbook/students-rights-and-responsibilities> (last visited Apr. 10, 2026).

¹⁴ *Id.* at Freedom of Association.

¹⁵ *Id.* at Student Responsibilities.

Amendment protections for free speech and association, placing a contractual obligation on Barry to refrain from abridging students' and student organizations' free expression.

Second, Barry's status as an ABA-accredited law school imposes similar obligations. The ABA requires accredited schools to protect "Academic Freedom and Freedom of Expression" and permits restrictions on speech only when consistent with the First Amendment.¹⁶ It permits law schools to "restrict speech [only in a manner] consistent with the First Amendment of the United States Constitution."¹⁷

Third, Barry University must abide by the rules of its other accreditor: the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). SACSCOC Principles of Accreditation require member colleges to respect "the right of . . . students to access opportunities for learning and for the open expression and exchange of ideas."¹⁸

Fourth, as a recipient of federal funding, Barry University is required to uphold neutrality toward free speech and expression on its campus. In the fiscal year ending on June 30, 2025, Barry University received federal funding through the U.S. Department of Education, which conditions that recipients "must comply with [their] stated institutional policies regarding freedom of speech, including academic freedom, as a material condition of the Department's grant."¹⁹

Each of these four obligations independently requires Barry University to respect its students' freedom of expression.

B. Barry's Denial Violates Students' Rights to Free Speech and Association.

Barry's denial of the TPUSA chapter violates both the Chapter Organizers' right to associate and their right to free expression.

For one, it deprives them of their right to association. The U.S. Supreme Court has held that colleges denying "official recognition, without justification, to college organizations burdens or abridges [their] associational right," given the numerous privileges denied to a student group without RSO status.²⁰ Additionally, "the effect

¹⁶ American Bar Association, *Standards and Rules of Procedure for Approval of Law Schools*, Standard 208. Academic Freedom and Freedom of Expression (2025) (on file with author).

¹⁷ *Id.*; see American Bar Association, Managing Director's Guidance Memo: Standard 208, 6 (Apr. 2025) (on file with author).

¹⁸ Southern Association of Colleges and Schools Commission on Colleges, *Principles of Accreditation: Foundations for Quality Enhancement* (2023) (on file with author).

¹⁹ Barry University, Financial Statements as of and for the Years Ended June 30, 2025 and 2024, Supplemental Information as of and for the Year Ended June 30, 2025, and Independent Auditor's Report, 50-51, https://flauditor.gov/pages/nonprofit_forprofit%20rpts/2025%20barry%20university.pdf (last accessed Apr. 10, 2026); 34 C.F.R. § 75.500(c)(1) (2026).

²⁰ *Healy v. James*, 408 U.S. 169, 181 (1972). Here, the Court held a college's denial of the formation of a chapter of Student for a Democratic Society, a leftist activist organization known for organizing

of [a university]’s denial of recognition [is] a form of prior restraint . . . [and w]hile a college has a legitimate interest in preventing disruption on campus . . . a ‘heavy burden’ rests on the college to demonstrate the appropriateness of that action.”²¹ Barry’s letter denying the TPUSA chapter merely asserts, without explanation, that TPUSA is at odds with the university’s Catholic values—and provides no other elaboration of a potential disruptive conduct that could justify its denial. In short, Barry has placed an unjustified prior restraint on the Chapter Organizers that impedes their right to association.²²

Barry’s denial is also characteristic of prohibited viewpoint discrimination. Viewpoint discrimination occurs when speech is targeted based on the speaker’s opinions or perspective. It is an “egregious” form of discrimination presumed to violate the First Amendment, even in situations with wide state latitude for speech regulation, such as limited public fora.²³ Barry justifying its denial on TPUSA’s purported incongruence with Catholic and Adrian Dominican values—while welcoming other students organizations’ speech and conduct that are plainly at odds with Catholicism—is textbook viewpoint discrimination: the denial is solely grounded upon the supposed views TPUSA represents.

Additionally, Barry cannot assert that it wishes not to permit a TPUSA chapter because it believes doing so would endorse the group’s beliefs. The University Handbook specifically provides that “in their public expressions or demonstrations, students or student organizations speak only for themselves and not for the University.”²⁴ This provision permits student organizations to exist on campus even when the student groups may hold viewpoints that the university does not espouse.

Finally, any speculative concerns about potential disruption do not justify the denial. The law requires concrete, evidence-based reasons—not generalized fears.²⁵

III. Conclusion

Barry Law violated the Chapter Organizers’ freedom of speech, expression, and association when it denied the TPUSA chapter’s application. In doing so, Barry Law violated its contractual obligations to its students as well as the conditions of its accreditation and federal funding. In keeping within the spirit of Barry’s own assertion, that “[f]ree inquiry and free expression are indispensable to the attainment of [its] goals,” our clients request prompt reconsideration and approval of their

student civil disobedience on campuses, likely violated the First Amendment and reversed lower court decisions upholding the school’s denial.

²¹ *Id.* at 184.

²² Note also that placing a prior restraint in this manner also conflicts with Barry’s guarantee that its “institutional control of campus facilities shall not be used as a device of censorship.” Barry University, *supra* note 13, at Freedom of Inquiry and Expression.

²³ See *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829-30 (1995).

²⁴ Barry University, *supra* note 13, at Freedom of Inquiry and Expression.

²⁵ *Healy*, 408 U.S. at 187 (“The mere disagreement of the [University] with the group’s philosophy affords no reason to deny it.”).

application for a TPUSA chapter as an official RSO program, with the same privileges as any other student organization at Barry Law.

We request Barry Law provide a written response by close of business on Thursday, April 23rd, to confirm that the University will be approving the TPUSA chapter as an RSO. You may reach us via the contact information listed below.

Sincerely,



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