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Firm Obtains Dismissal of Article 78 Petition Challenging University's Decision Regarding Student Club

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Cullen and Dykman LLP attorneys recently obtained dismissal of an Article 78 petition brought by students of a major New York university seeking to challenge the university's decision to deny official recognition to a proposed student club. Petitioners claimed that the university failed to follow its published club approval policy and that its decision to deny the proposed club's application was arbitrary, capricious, and made without a rational basis.

While the New York Supreme Court originally granted the petition, the Appellate Division First Department unanimously reversed that decision and dismissed the matter in its entirety.

On appeal, Cullen and Dykman LLP successfully argued that, contrary to petitioners' claims, the university abided by its own published policy governing the approval and recognition of student clubs and that the university's decision was well reasoned and supported by thorough research and deliberation regarding the relevant issues. The First Department agreed and held that the university "followed its approval procedure and acted 'in the exercise of its honest discretion.'"

The First Department also addressed petitioners' motion to amend their petition and held that the Supreme Court erred in granting petitioners' motion to add an additional petitioner because the proposed petitioner lacked standing (he was not enrolled at the time the proposed club submitted their application or at the time the original petitioners' application for recognition of a student club was denied by the university). The proceeding was moot due to the graduation of the last original petitioner.

Practices

- Higher Education
- Commercial Litigation

Attorneys

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