Viewpoint Neutrality in Funding Decisions

What does “Viewpoint Neutrality” mean?
In the U.S. Supreme Court decision "Southworth v. The Board of Regents of the University of Wisconsin System", the Court deemed the UW segregated fee system to be legal so long as funding decisions are made in a viewpoint-neutral manner.

> Viewpoint-neutral funding means that funding decisions cannot be based on a group's point of view. An organization cannot be denied funding because it advocates a particular opinion, no matter how deplorable or unusual.

Viewpoint neutral criteria for evaluating funding proposals should only consider factors that are not tied to viewpoint such as fiscal responsibility, relevance to mission, and level of services provided.

Must all funding be equal for all organizations?
No. Viewpoint neutrality is about the process, not the outcome. Different groups may be funded at different levels, but not because of their viewpoint. Different organizations require different amounts of money to function effectively on campus.

Viewpoint Neutrality and the First Amendment
When the Court states that funds must be allocated in a viewpoint neutral manner, they mean that funding decisions can’t be based on a particular group or activity's point of view. The decision to fund or not to fund an organization can’t be contingent on the content of the group's message. This method of allocating funds protects students' free speech rights by ensuring that all viewpoints, including those that are controversial, have an equal chance to receive student-fee funding.

Unfortunately, the concept of viewpoint neutrality has been subject to misinterpretation:

– **Viewpoint neutrality doesn’t mean that all groups should receive the same amount of money.** If this were true, then the chess club would receive the same amount of funding as the student newspaper, which would result in either excessively extravagant chess sets or a student paper unable to publish and distribute its work.

– **Viewpoint neutrality doesn’t mean that by funding one point of view, you must automatically fund an "opposite" point of view.** First, most organizations and activities don’t have an opposite point of view. Second, even in a situation where a pro-life group and a pro-choice group apply for funding, it isn’t necessary to fund both groups at the same level, or even to fund both at all. Chances are strong that one of the two groups provides a greater level of services to the student body and thus deserves more funding. The level of services provided and other objective criteria should direct the funding decision, not the viewpoint of either group.

The most important thing to remember is that viewpoint neutral funding pertains to the process, not the outcome. Different groups will receive greater or less amounts of money based on their needs and the service they provide to students. What matters is that discrepancies in funding aren’t a result of an activity or organization's point of view or message.

Adapted from the Center for Campus Free Speech website – www.campusspeech.org