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NEWS

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Christian fraternity sues UNC

by Laura Newman

Like most educational institutions, the University of North Carolina at Chapel Hill requires its organizations to strictly observe a nondiscrimination policy when recruiting members. Although this policy may not seem unusual, at UNC it has led a Christian fraternity to sue the University.

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Alpha Iota Omega, a small Christian fraternity at UNC, declined to sign the University's Nondiscrimination and Sexual Orientation Policy last September. The members argued that the policy went against the fraternity's requirement that all members be Christian, and the University subsequently denied AIO official recognition for the 2003-2004 school year.

Refusing to be denied access for a second academic year, two members, fraternity President Trevor Hamm and Carlon Myrick, a sophomore and AIO member, filed a lawsuit against UNC Wednesday.

The members have called on the Foundation for Individual Rights in Education, a civil liberties group, and the Alliance Defense Fund, the largest American legal alliance defending religious liberties, to support their cause.

In a formal complaint to the University, the plaintiffs argued that they "refused on First Amendment grounds to sign the University's Policy on Nondiscrimination." They said that allowing non-Christians to enter the fraternity would undermine the reason for its creation.

Nancy Davis, associate vice chancellor for University relations, noted that having been denied recognition does not prevent the fraternity from remaining on campus. But organizations can only have access to certain benefits, such as school funding and the use of school facilities, if they have official recognition. Since AIO has not received this status, the plaintiffs said in their complaint that UNC is denying "express organizations" equal access to privileges provided by the University.

UNC has continued to back its policy, which states, according to the complaint, "membership and participation in [an] organization must be open without regard to age, race, color, national origin, religion, disability, veteran status, or sexual orientation."

Davis also said there are 595 recognized organizations on campus and each one follows the nondiscrimination policy. Of these 595 organizations, 42 are religious groups, which are predominantly Christian, Davis said.

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In an Aug. 23 statement, the UNC Campus Ministers' Association announced its support of the University policy. "We encourage the University to continue to protect the right of all students to participate in organizations of their choosing," the group said.

At a press conference held at UNC Aug. 25, the fraternity members and their lawyers, as well as UNC Chancellor James Moeser, once again clarified their positions.

"We are a public institution, and we cannot discriminate. That's the law," Moeser said in the Aug. 25 statement, obtained from UNC archives. "We think our position strikes the right balance between First Amendment rights to freedom of association and the rights afforded by the Fourteenth Amendment and the North Carolina Constitution to freedom from discrimination."

Bill Marshall, an expert on constitutional law at the UNC School of Law, also supported the UNC decision. "There is nothing that the University is doing that forbids the fraternity from believing what it wants to believe," Marshall said.

The University was given 20 days to respond when the case was opened Wednesday. "We're hoping that the federal judge will see the unconstitutionality of this policy and strike it down," said Joshua Garden, the litigation staff council at ADF.

The AIO members were unavailable for comment Thursday.

"The student body at large is informed about what is going on, but I think it's a much bigger issues for the lawyers and the University than for the students," said Matt Calabria, UNC's student body president.

At Duke, University organizations are also required to follow a nondiscrimination policy. According to Duke's Office of Institutional Equity, "Duke University does not discriminate on the basis of race, color, national and ethnic origin, disability, sexual orientation or preference, gender, or age in... any... university program or activity."

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