



THE UNIVERSITY of NORTH CAROLINA  
**GREENSBORO**

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January 20, 2006

**MEMORANDUM**

TO: Allison Jaynes, President  
UNCG College Libertarians

Melissa Westmoreland, President  
UNCG College Republicans

FROM: Lucien Capone III   
University Counsel

SUBJECT: Student Organization Affiliation Policy

I am responding on behalf of Chancellor Sullivan to your letter of January 19<sup>th</sup>, 2006 in which you ask that “the anti-discrimination statement be altered to except political groups from the political affiliation portion of the statement and religious groups from the religion portion of the statement.”

As you are no doubt aware, there has been litigation against UNC Chapel Hill about this same issue in the case of *Alpha Iota Omega Christian Fraternity, et al. v. James Moeser, et al.* CIVIL No. 1:04CV00765 (M.D.N.C.). Judge Bullock entered a preliminary order in that case directing that UNC Chapel Hill allow plaintiffs to limit membership in their organization to students who, “upon individual inquiry, affirm that they support the organization’s goals and beliefs.” Although this had been UNC Chapel Hill’s interpretation of their affiliation policy prior to the litigation, nonetheless the University amended its affiliation policy to expressly incorporate the Judge’s criteria while maintaining the overall requirement that student organizations not otherwise engage in discriminatory conduct or practices regarding access to programs and benefits. That language reads as follows:

**To be eligible for official recognition from the University -- and the privileges that accompany official recognition -- a student co-curricular organization must abide by the following:**

**1. Membership and participation in the organization must be open to all students without regard to age, race, color, national origin, disability, religious status or historic religious affiliation, veteran status, or sexual orientation. Membership and participation in the organization must also be open without regard to gender, unless exempt under Title IX.**

**2. Student organizations that select their members on the basis of commitment to a set of beliefs (e.g., religious or political beliefs) may limit membership and participation in the organization to students who, upon individual inquiry, affirm that they support the organization's goals and agree with its beliefs, so long as no student is excluded from membership or participation on the basis of his or her age, race, color, national origin, disability, religious status or historic religious affiliation, veteran status, sexual orientation, or, unless exempt under Title IX, gender.**

As a result of that action by UNC Chapel Hill, UNCG had already put in motion the process of amending UNCG's policy to include the same language. That process is nearly complete. We believe that this language will clarify the scope of the policy while preserving UNCG's bedrock commitment to equal opportunity.

- c: Chancellor Sullivan  
M.L. Gough, Assistant Director for Student Organization Governance Development  
Bruce Michaels, Director of Student Life, Assistant Vice Chancellor for Student Affairs  
Carol Disque, Vice Chancellor for Student Affairs  
Jen Day Shaw, Dean of Students  
Erskine Bowles, President, University of North Carolina System  
George Leef, Pope Center for Higher Education Policy  
Robert Shibley, Foundation for Individual Rights in Education  
Paul Mengert, Chair, Guilford County Democrats  
Paul Elledge, Chair, Guilford County Libertarians  
Marcus Kindley, Chair, Guilford County Republicans