

University

UNC's lawsuit saga begins next chapter

Officials slated to react today in fraternity battle

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October 25, 2004

The University is set to respond today to a federal lawsuit that was filed Aug. 25 by a Christian civil rights group when students were just returning to classes.

The Alliance Defense Fund stands poised for combat on behalf of Alpha Iota Omega, a three-member Christian fraternity that was denied official UNC recognition.

After refusing last fall to sign the nondiscrimination and sexual orientation policies that are required of all UNC organizations, the fraternity members enlisted the support of national civil rights organizations to fight for what they consider their First Amendment right to freedom of association.

The University has held that it must compromise between students' First Amendment rights and those freedoms from discrimination stipulated by the Fourteenth Amendment and the N.C. Constitution.

But history doesn't always repeat itself, and today will determine how UNC will follow a path already laid.

In 2002, the University struck two deals of religious sensitivity.

As part of its Summer Reading Program, UNC originally required all incoming students to read and write a response paper on "Approaching the Qur'an: The Early Revelations," translated and introduced by Michael Sells.

But the University later changed its requirements and stated that students with religious objections did not need to read the book.

Later that year, InterVarsity Christian Fellowship - an organization that excludes practicing homosexuals from leadership positions because they do not follow the

example of the life of Christ - received a letter from University officials to inform members that they were not in compliance with the nondiscrimination policy.

The policy states that groups must allow membership and participation without regard to age, race, color, national origin, religion, disability, sex or sexual orientation.

But in December of that year, the Foundation for Individual Rights in Education, a Philadelphia-based individual liberties organization, threatened to press charges against UNC for violating the First Amendment if it did not allow InterVarsity to exclude non-Christians from leadership positions.

UNC avoided legal action when Chancellor James Moeser issued a statement and allowed InterVarsity to be exclusive in its requirements for leaders as long as qualifications for general membership remained nondiscriminatory.

Both sides were satisfied with the InterVarsity bargain, and UNC spared itself from severing strong ties with the group, which has three undergraduate chapters consisting of about 265 students this year.

The influence that the size of a group has on the decision to fight cases of religious nature now is being scrutinized by outside groups.

David French, president of FIRE, said he thinks the University's move to refuse to compromise with the three-member AIO is puzzling.

UNC has given FIRE, the group that reviewed InterVarsity's charges and first brought AIO's case to light, no indication of why or how InterVarsity's case is different.

"All of the arguments that they tried are equally applicable to InterVarsity," French said.

Armed with the potential to influence many other big religious groups on campus, InterVarsity sent letters to 14 other student organizations and attracted the attention of many parents.

UNC officials cannot comment on the details of the pending suit, but a statement from Moeser, released Aug. 25, explains some rationale.

"We are a public institution, and we cannot discriminate," Moeser stated. "And that's why we are very comfortable with the position that we've taken on this issue."

The University also has underscored that groups have three discriminatory options that are justified for recognized groups:

- • Requiring members to have an interest in the subject matter and support the work of the group
- • Requiring apprentice members to pass an objective test on the subject matter with which the group is affiliated
- • Requiring that officers of organizations whose activities center on a core of beliefs subscribe to tenets.

Officials in the N.C. Department of Justice said the response filed today will determine where the University now stands and the course it will follow in the future.

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