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## Judge: Christian frat can ban homosexuals But university president still supporting 'non-discrimination policy'

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A federal court has ordered the University of North Carolina at Chapel Hill to reinstate a Christian fraternity which had been denied recognition because its officers refused to sign the university's nondiscrimination policy requiring the group to allow homosexuals to join.

The preliminary injunction, issued by U.S. District Court Judge Frank W. Bullock Junior, will permit Alpha Iota Omega access to student funds and university facilities, like other fraternities on campus. The order will remain in force until the issue of compliance with the university's policy against discrimination is settled, most likely in court.

"This is the first battle in the lawsuit, and we are victorious in that sense," said Joshua

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Carden, an attorney with the Alliance Defense Fund, the Arizona-based organization representing the fraternity.

Alpha Iota Omega was formed six years ago for the purpose of "providing leadership and outreach to the campus Greek community through evangelism and mentorship."

As reported by WorldNetDaily, the fraternity had made numerous attempts to convince the university to change its policy that required them to admit homosexuals. In a letter to UNC-CH Chancellor James Moeser, the Philadelphia-based Foundation for Individual Rights in Education (FIRE), a national civil liberties organization, emphasized the fraternity's belief that a shared faith was central to the group's identity: "UNC simply may not use its nondiscrimination policy to dictate how religious student organizations must deal with matters of faith. No group can control the content of its message if it is unable to choose its messengers."

Moeser and the university, however, refused to back down, insisting that all student groups must have open memberships. The policy requires recognized student groups to open membership to anyone, regardless of age, race, color, national origin, religion, disability, veteran status, sexual orientation or gender.

"At this university, we encourage students to nurture their moral, spiritual and religious lives," he wrote in reply. "And we do not discriminate against students seeking recognition for religious groups.

"So, for example, Baptist student groups are open to Presbyterian students; Jewish student groups are open to Christian students; the Italian Club is open to Korean students; and the Black Student Movement is open to white students," Moeser concluded.

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Official recognition of the fraternity was withdrawn last August and Alpha Iota Omega filed suit.

The preliminary injunction puts Alpha Iota Omega "on the same footing as nonreligious organizations which select their members on the basis of commitment ... ," Bullock wrote in his order. The nondiscrimination policy, the judge said, "raises significant constitutional concerns and could be violative of the First Amendment of the United States Constitution."

In the wake of Judge Bullock's ruling, Moesler is still standing firm in his support of the nondiscrimination policy, according to the Durham Herald Sun, telling a meeting of the Faculty Council, "No one has won at this point. We continue to believe in the merits of the university's position."

UNC was involved in a similar flap in 2002 when it withheld recognition for InterVarsity Christian Fellowship because the group required its leaders to be Christians. The uproar that followed was met with a change of mind by Chancellor Moeser at that time, and a policy was adopted allowing religious groups to require that leaders share the group's faith. However, membership had to remain open to all.

During 2002's summer session, UNC drew national attention for requiring its 3,600 incoming freshmen and transfer students to enroll in a class on Islam and attend group discussions around the mandatory text, "Approaching the Qur'an: The Early Revelations."

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