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**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

Make Up Your Own Mind, a student
organization, and **Bryn Carmichael**;

Plaintiffs,

vs.

The Members of the Board of Trustees of

Case No. 12-211

**VERIFIED COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEF**

the University of North Carolina Greensboro—**Kate R. Barrett, Charles Blackmon, Nathan Duggins, Carolyn R. Ferree, Linda Hiatt, Randall R. Kaplan, M. Lee McAllister, Richard L. Moore, Susan M. Safran, Harriett Smalls, David Sprinkle, Martin P. Weissburg**—all in their official capacities; **Linda P. Brady**, Chancellor of the University of North Carolina Greensboro, in her individual and official capacities; and **Ashleigh K. Musyt**, Assistant Director for Student Group Leadership Development at the University of North Carolina Greensboro, in her individual and official capacities.

Defendants.

COME NOW the Plaintiffs, by and through counsel, and respectfully submit this Verified Complaint:

I. INTRODUCTION

1. This case is a federal civil rights action brought against Defendants, various University of North Carolina Greensboro (“UNCG”) officials, by Make Up Your Own Mind (“MUYOM”), a religious, life-affirming student organization, and Bryn Carmichael, a student at UNCG (hereinafter collectively, “Plaintiffs”), who desires to start a MUYOM student chapter at UNCG.

2. As a condition to obtaining recognition and its significant benefits, Defendants require student organizations to comply with UNCG’s nondiscrimination policy.

3. Defendants’ nondiscrimination policy compels student organizations to open their membership and leadership to students without regard to, *inter alia*, religion.

4. UNCG’s nondiscrimination policy contains an exemption for student groups that select their members based on a shared set of beliefs, which is stated as follows: “Student groups 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 group to students who, upon individual inquiry, affirm that they support the group’s goals and agree with its beliefs.”

5. Pursuant to this policy, UNCG grants recognition to belief-based student organizations, including religious and political ones, and allows those organizations to limit their members and leaders to students who share their beliefs.

6. Under this policy, UNCG officials have the discretion to determine whether a student organization is a religious organization, and thus whether it qualifies for the exemption that allows it to limit its members and leaders to its religious beliefs.
7. MUYOM's constitution requires its members and leaders to agree with and affirm its Christian Statement of Faith.
8. MUYOM's constitution requires its members and leaders to live their lives consistent with MUYOM's Statement of Faith and the standards of morality taught in Biblical scripture.
9. MUYOM's constitution requires its members and leaders to agree with Biblical teachings regarding the sanctity of human life and the standards of sexual purity, including abstinence until marriage.
10. MUYOM's constitution requires its members and leaders to submit a membership application (which must be approved by MUYOM's student officers) in which they describe their religious beliefs and views and sign statements agreeing to MUYOM's Statement of Faith and life-affirming views.
11. MUYOM is thus a group of individuals who share the same orthodox Christian beliefs and agree with the Bible's teachings regarding the sanctity of human life and sexual purity, and who, based on their sincerely held religious beliefs, have joined together to promote their religious message at UNCG.
12. MUYOM is a religious organization.

13. Defendants determined that MUYOM is not a religious organization and thus denied MUYOM official recognition.

14. Defendants relied on their nondiscrimination policy in determining that MUYOM is not a “religious” organization and in denying it official recognition.

15. Pursuant to their policies and practice, Defendants permit other recognized student organizations to restrict membership and leadership on the basis of shared beliefs, including their religious and political beliefs.

16. MUYOM desires to promote its particular religious message and beliefs on campus.

17. Thus, MUYOM qualifies for UNCG’s exemption allowing religious belief-based groups to restrict members and leaders to their religious beliefs.

18. Despite MUYOM’s desire to promote its religious beliefs, Defendants refused to grant MUYOM recognition pursuant to the exemption to its nondiscrimination policy allowing belief-based groups to restrict members and leaders to their particular beliefs.

19. Defendants’ nondiscrimination policies and actions violate Plaintiffs’ rights to free exercise of religion, free association, free speech, equal protection of the laws, and their rights under the Establishment Clause.

20. Plaintiffs therefore seek preliminary and permanent injunctive relief to enjoin Defendants, their officers, agents, servants, employees, or persons acting at their behest or direction, from depriving Plaintiffs of their constitutional rights, and requiring Defendants to immediately grant MUYOM official recognition.

II. JURISDICTION AND VENUE

21. This action raises federal questions under the United States Constitution, particularly the First and Fourteenth Amendments and 42 U.S.C. § 1983.

22. This Court has original jurisdiction over the federal claims by operation of 28 U.S.C. §§ 1331 and 1343.

23. This Court has authority to grant the requested injunctive relief under 28 U.S.C. § 1343; the requested declaratory relief under 28 U.S.C. §§ 2201-02; the requested damages under 28 U.S.C. § 1343; and costs and attorneys fees under 42 U.S.C. § 1988(b).

24. Venue lies in the Federal District Court for the Middle District of North Carolina pursuant to 28 U.S.C. § 1391(b). A substantial part of the actions or omissions giving rise to this case occurred within the District, and at least one Defendant resides in the District.

III. IDENTIFICATION OF THE PARTIES

Plaintiffs

25. Plaintiff MUYOM desires to become a recognized student organization at UNCG. It is affiliated with a Christian, non-profit ministry located in Greensboro, North Carolina, the Greensboro Pregnancy Care Center.

26. MUYOM is a group of individuals who share the same core, orthodox Christian views as expressed in MUYOM's Statement of Faith, who agree with the Bible's teachings on the sanctity of human life and sexual purity, and who desire to join together

to promote these Christian beliefs and views to the UNCG campus and larger Greensboro community.

27. Plaintiff Bryn Carmichael is a student at UNCG who agrees with MUYOM's Statement of Faith and its views regarding the sanctity of life and sexual purity.

28. Pursuant to her sincerely held religious beliefs, Bryn desires to start and lead a MUYOM student chapter at UNCG so that she can join together with like-minded students to promote the group's and its members' Christian, life-affirming, and pro-abstinence beliefs and views on campus and to the Greensboro community.

Defendants

29. Defendants Kate R. Barrett, Charles Blackmon, Nathan Duggins, Carolyn R. Ferree, Linda Hiatt, Randall R. Kaplan, M. Lee McAllister, Richard L. Moore, Susan M. Safran, Harriett Smalls, David Sprinkle, and Martin P. Weissburg are members of the Board of Trustees of the University of North Carolina Greensboro (hereinafter "the Trustee Defendants"), a public university organized and existing under the laws of North Carolina, and are responsible for the operation and supervision of UNCG.

30. The Trustee Defendants also formulate, adopt, and implement UNCG policies, including the policies governing the recognition of student organizations challenged herein.

31. The Trustee Defendants are responsible for UNCG officials', including Chancellor Brady's, Ms. Musyt's, and UNCG attorneys', enforcement of UNCG policies governing the recognition of student organizations.

32. The Trustee Defendants denied Plaintiffs recognition and its significant benefits pursuant to their nondiscrimination policies challenged herein.
33. Each of the Trustee Defendants is sued in his or her official capacity.
34. Defendant Linda P. Brady is Chancellor of UNCG.
35. Chancellor Brady is the administrative and executive head of UNCG, and executes and carries out the policies of the Trustee Defendants, including the policies governing the recognition of student organizations challenged herein.
36. Chancellor Brady enforced UNCG's policies governing the recognition of student organizations against MUYOM by denying it recognition, and is responsible for UNCG's officials' including Ms. Musyt's and UNCG's attorneys', enforcement of those policies against MUYOM.
37. Chancellor Brady is sued in her individual and official capacities.
38. Defendant Ashleigh K. Musyt is Assistant Director for Student Group Leadership Development at the University of North Carolina Greensboro.
39. Ms. Musyt's duties include the oversight of the recognition process for student organizations and the application of University policies and regulations to those student organizations.
40. Ms. Muyst enforced the UNCG policies challenged herein against the Plaintiffs, by denying them recognition based on the determination that MUYOM is not a religious organization.
41. Ms. Musyt is sued in her individual and official capacities.

IV. FACTUAL ALLEGATIONS

UNCG's Student Organization Speech Forum

42. UNCG is a public university located in Greensboro, North Carolina.
43. UNCG is one of sixteen public universities that comprise the University of North Carolina.
44. UNCG operates a speech forum for private, student organizations.
45. UNCG operates this speech forum for the purpose of encouraging students to form private, independent student organizations to advocate ideas on campus.
46. UNCG encourages the creation of student organizations to increase the range of viewpoints expressed in the marketplace of ideas on campus.
47. UNCG lists all officially-recognized student organizations, which are those organizations UNCG has granted access to its speech forum, on its website. *See* https://uncg-community.symplicity.com/index.php?s=student_group&au=&ck=.
48. As of the filing of this Complaint, UNCG's website indicated that UNCG had granted recognition to approximately 190 student organizations.
49. Among many others, UNCG's student organization speech forum includes the following groups:
 - a. Vox - Voices for Planned Parenthood, which "supports full access to comprehensive reproductive and complementary health care services in settings that preserve and protect the essential privacy and rights of each individual; advocates public policies that guarantee these rights and ensure access to such

services; and supports access to medically accurate educational programs that enhance understanding of human sexuality”;

b. College Democrats, which “pledges itself to support the philosophy and candidates of the Democratic Party”;

c. College Republicans, which exists “to make known and promote the principles of the Republican Party among the UNCG campus and members of the surrounding community”;

d. College Libertarians, which exists to “bring Libertarian values and ideas to the UNCG Community”;

e. National Association for the Advancement of Colored People, which exists to “improve the political, educational, social, and economic status of minority groups; to eliminate racial prejudice; to keep the public aware of the adverse effects of racial discrimination; and to take all lawful action to secure its elimination”;

f. Garden Club, which exists to “support and maintain sustainable community gardens on and off campus” to help create a “healthier world”;

g. Science Fiction Fantasy Federation, which exists to “to provide a social ground for the interaction of people interested in science fiction, fantasy, and gaming” and to “produce conventions to help further our cause”;

h. PRIDE!, which exists to “promote and represent diversity, individuality, equality, and social awareness and acceptance of gay, lesbian, bisexual, transgender, queer, questioning, intersex and straight allied issues”;

i. GRO (Girls Reaching Out), which exists to “build confidence, encourage, uplift, inspire and support the young women of the surrounding areas through service, mentoring, and leadership”; and

j. I.H.E.A.R. (I’m Helping End Adolescent Rape), which exists to “[r]aise awareness to sexual, emotional, and physical abuse” and to “strive to rally together in support of one another, and to continue providing preventive methods throughout the UNCG and Greensboro community.”

50. UNCG does not endorse the viewpoints or actions of recognized student organizations.

51. Student organizations granted access to UNCG’s speech forum obtain access to many communication channels and benefits, including:

- a. free use of University facilities for meetings, activities, and events;
- b. free web space to promote the group and its activities;
- c. access to office space and mailboxes at the Elliot University Center (which is the student union and the main hub of student activity on campus);
- d. placement of banners in areas designated on campus to promote group events and activities;

- e. reservation of display cases in the Elliot University Center and Dining Hall to promote group events and activities;
 - f. reservation of space on Elliot University Center railings to place banners to promote group events and activities;
 - g. use of the Students Graphics Office for design and creation of promotional materials, including t-shirts, flyers, posters, brochures, websites, logos, and more; and
 - h. access to student activity fees to fund group activities and events.
52. Student organizations that are denied recognition, like MUYOM, are prohibited from accessing any of the above listed benefits.

UNCG Policies Governing Student Organization Recognition

53. Defendants grant access to their student organization speech forum through a student organization recognition application process.
54. New and continuing student organizations must apply for recognition each year.
55. New organizations, like MUYOM, must do the following to obtain recognition:
- review UNCG's "So You Want to Start a New Student Organization?" packet;
 - find five students interested in their group with a 2.5 cumulative GPA or higher;
 - complete a New Student Group Application via COMMUNITY (an online tool provided by UNCG);
 - complete UNCG's Statement on Anti-Hazing and Human Dignity;

- complete a Grade Release;
- write a group constitution that includes: name, mission, purpose, anti-discrimination statement, and membership requirements;
- identify a full-time UNCG faculty or staff member to serve as an advisor; and
- meet with the Assistant Director for Campus Activities and Programs upon completion of the above materials.

56. UNCG requires student organizations to include a nondiscrimination statement in their constitutions that states that the group will not “discriminate on the basis of race, color, religion, gender, age, national origin, disability, military, veteran status, or sexual orientation.”

57. UNCG’s nondiscrimination policy prohibits student groups from selecting their members or leaders on the basis of any of the protected characteristics listed in the policy.

58. UNCG interprets its policy to prohibit religious student organizations from selecting their members and leaders on the basis of shared religious beliefs.

59. However, UNCG provides an exemption to its nondiscrimination policy for groups who form to express a particular set of beliefs. This exemption (hereinafter referred to as the “belief-based exemption”) is as follows:

Student groups 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 group to students who, upon individual inquiry, affirm that they support the group’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.

60. The belief-based exemption further states that “[a] student group may limit its membership to an affirmation of shared values” so long as its “fee sponsored programming [is] open to the entire university community.”

61. The belief-based exemption allows student organizations formed to promote a particular set of religious beliefs to limit their membership and leadership to students who support the group’s religious goals and agree with the group’s religious beliefs.

62. For example, UNCG granted recognition to the religious student organization Encounter Campus Ministries.

63. Encounter Campus Ministries is a religious organization whose constitution restricts members to those students who agree with the group’s Statement of Faith and who agree to live their lives in accordance with biblical standards of belief and conduct.

64. Specifically, Encounter Campus Ministries requires its members to sign a membership application in which the members attest that they are “in agreement with, and believe to be true, the Statement of Faith of Every Nation Campus Ministries” (the group’s parent ministry) and will “strive to uphold godly Christian character and conduct.”

65. The belief-based exemption grants UNCG officials the authority to determine if a student organization is “religious.”

66. To determine whether a student organization is “religious,” UNCG must evaluate the religious beliefs and doctrines of student organizations, the nature of the religious

duties and responsibilities student organizations impose on their members and leaders, the religious affiliations of student organizations with parent ministries, and other matters of religious faith and doctrine.

67. The belief-based exemption also allows nonreligious organizations (including, but not limited to, political organizations) formed to promote a particular set of nonreligious beliefs to limit their membership and leadership to students who support the group's nonreligious goals and agree with the group's nonreligious beliefs.

68. Under the belief-based exemption, the College Republicans may restrict membership and leadership to students who agree with the "principles of the Republican Party."

69. Under the belief-based exemption, the College Democrats can restrict membership and leadership to students who agree with promoting the "philosophy and candidates of the Democratic Party."

70. Under the belief-based exemption, the College Libertarians can restrict membership and leadership to students who agree with "Libertarian values and ideas."

71. Under the belief-based exemption, the Vox – Voices for Planned Parenthood organization can restrict membership and leadership to students who agree with protecting the right of women to access abortion and abortion-related services.

72. Under the belief-based exemption, the National Association for the Advancement of Colored People can restrict membership and leadership to students who agree with

their goals of “improv[ing] the political, educational, social, and economic status of minority groups.”

73. Under the belief-based exemption, the Garden Club can restrict membership and leadership to students who are committed to the belief that “support[ing] and maintain[ing] sustainable community gardens on and off campus” will help create a “healthier world.”

74. Under the belief-based exemption, the PRIDE! Student organization can restrict membership and leadership to students who agree with their beliefs in “diversity, individuality, equality, and social awareness and acceptance of gay, lesbian, bisexual, transgender, queer, questioning, intersex and straight allied issues.”

75. In practice, UNCG allows organizations to limit membership in several ways, including restrictions based on: commitment to/agreement with the groups’ missions/beliefs; interest in the groups’ purposes/missions; a person’s moral character and/or leadership potential; and protected characteristics that are germane to the groups’ missions/purposes. A non-exhaustive list of examples of such groups include:

- a. The Black Graduate Student Association, which requires members to “support the mission and constitution of the organization” which is to “assist graduate students of color by providing information and resources vital to initial and continued success at UNCG;”
- b. The Club Equestrian Team, which states that a “love for horses is necessary” to become a member;

- c. The Delta Chi Honorary Dance organization informs prospective members that “in accepting membership they are agreeing to commit to the purpose and goals of Delta Chi Xi,” which are to “inform and educate students about dance, and to challenge them to reach out to the world through their gift”;
- d. The I.H.E.A.R. organization, whose primary mission is to stop adolescent sexual abuse, requires members to “be willing to stand up for a cause that goes beyond just yourself” and to be “a person who wants abuse to stop”;
- e. The Lambda Chi Alpha Fraternity requires its members to be “[c]ollege men of good moral character whose ideals, characteristics, and attainments are such as will make them compatible, congenial, and worthy members of the Fraternity”;
- f. The Rotaract Club requires its members to be “of good character and leadership potential”;
- g. The YUVA organization, which exists to “introduce Indian culture at UNCG,” limits membership to those students “who are interested in the Indian culture”;
- h. Beta Iota Omicron – Biology Club limits its membership to “anyone who is interested in biological sciences”;
- i. Club Akido, a martial arts and self-defense club, limits membership to “students who are interested in the martial arts and in learning practical self-defense methods”;

j. GRO (Girls Reaching Out), which exists to “build confidence, encourage, uplift, inspire and support the young women of the surrounding areas through service, mentoring, and leadership,” requires that members “[m]ust be a female student at UNCG” and “[m]ust be enthusiastic about community service”;

k. Sigma Alpha Iota Honorary, a fine/performing arts student organization, limits its membership to “any woman student who has completed at least one semester of study at [UNCG]”; and

l. Sapphires, a fine/performing arts student group, limits its membership to “all female students and employees” at UNCG.

76. UNCG also exempts all social fraternities and sororities from the prohibition on gender discrimination, such that male fraternities may restrict their members and leaders to male students and female sororities may restrict their members and leaders to female students.

The MUYOM Student Organization

77. MUYOM is a group of like-minded students who desire to become a recognized student organization at UNCG.

78. MUYOM is an affiliated student chapter of the Greensboro Pregnancy Care Center, a nonprofit, Christian ministry located in Greensboro, North Carolina.

79. MUYOM’s constitution sets out its religious purpose and mission as follows:

- To promote a culture of life through the delivery of valuable, life-affirming, Christian ministry to people facing unplanned pregnancies and related sexual issues.

- To offer every pregnant woman the support she needs to choose life for her unborn baby.
- To provide practical help and emotional support to women and men who are facing unplanned pregnancies by connecting students with the Greensboro Pregnancy Care Center.
- To share the love, hope, and truth of Jesus Christ, both in word and deed.

80. MUYOM's constitution sets out its Statement of Faith as follows:

I believe:

- That the Bible is the inspired, the only infallible, authoritative Word of God.
- That there is one God, eternally existent in three persons: Father, Son and Holy Spirit.
- In the deity of our Lord Jesus Christ, in His virgin birth, in His sinless life, in His miracles, in His vicarious and atoning death through His shed blood, in His bodily resurrection, in His ascension to the right hand of the Father, and in His personal return in power and glory.
- That for the salvation of lost and sinful man, regeneration by the Holy Spirit is absolutely essential, and that this salvation is received through faith in Jesus Christ as Savior and Lord and not as a result of good works.
- In the present ministry of the Holy Spirit by whose indwelling the Christian is enabled to live a godly life and to perform good works.
- In the resurrection of both the saved and the lost: they that are saved unto the resurrection of life and they that are lost unto the resurrection of damnation.
- In the spiritual unity of believers in our Lord Jesus Christ.

81. MUYOM's constitution requires that its members and leaders agree with its Statement of Faith and with its religiously-based beliefs regarding the sanctity of life and sexual purity through the following requirement:

All members and officers must endeavor to live their lives in a manner consistent with the Statement of Faith and must exemplify the highest standards of morality as set forth in Biblical Scripture. Members and officers must share MUYOM's commitment to the sanctity of human life and to Biblical standards of sexual purity.

82. MUYOM's constitution further admonishes members that they are "expected to bear witness to Christ through their adherence to the Statement of Faith," and that this "expectation is especially incumbent upon officers."

83. MUYOM membership may be revoked if the officers determine, by a majority vote, that a "member does not hold to the mission and values of MUYOM in his or her beliefs and lifestyle."

84. MUYOM ensures adherence to its Statement of Faith and religious beliefs regarding the sanctity of life and sexual purity by requiring prospective members to fill out and submit a membership application, which the student officers of MUYOM must approve before the student can become a member.

85. The application requires members to read the Statement of Faith of MUYOM and sign a statement that says that they "fully agree with all of the above statements."

86. The application also includes a Statement of Principle, which sets out 10 core principles that guide MUYOM.

87. One of MUYOM's core principles is that the group is a Christian ministry that is "committed to presenting the gospel of our Lord to women with crisis pregnancies."

88. Another of MUYOM's core principles is that the group is life-affirming and thus "does not recommend, provide, or refer for abortion or abortifacients."

89. And another of MUYOM's core principles is that the group is abstinence-promoting and thus "does not recommend, provide, or refer single women for contraceptives."

90. The membership application requires prospective members to read the Statement of Principle and sign a statement that says they "fully agree with all of the above principles."

91. The application also requires students to answer several questions about: the nature of their Christian beliefs; how they believe their Christian faith will impact their membership and work in MUYOM; their past experience counseling a person considering abortion or who was sexually active; under what circumstances they would consider abortion an alternative for a woman with an unplanned pregnancy; and their knowledge regarding abortion methods, abortion laws, and what the Bible teaches about abortion.

92. It would contradict MUYOM's expressive and associational purpose to permit individuals who do not agree with and follow its Statement of Faith and religiously-based beliefs regarding the sanctity of life and sexual purity to serve as leaders or members.

93. MUYOM requires its members and leaders to hold to Christian beliefs to maintain control over its distinctive Christian, life-affirming identity and message.

94. MUYOM's constitution grants members voting authority, which allows them to vote on many important group matters including, but not limited to, "definition of its

message to the university community, amendment of the constitution, and election and removal of its officers.”

95. Permitting students who disagree with MUYOM’s Statement of Faith and with its religious beliefs regarding the sanctity of life and sexual purity to become voting members of MUYOM would result in MUYOM losing control over its religious identity and message.

96. Members and officers of MUYOM will routinely interact with the campus community through official MUYOM meetings, events, and activities, and through personal one-on-one and small group relationships, and will be expected to uphold and promote MUYOM’s religious beliefs and views during the course of these interactions.

97. Permitting students who disagree with MUYOM’s Statement of Faith and with its religious beliefs regarding the sanctity of life and sexual purity to become members and officers of MUYOM would result in MUYOM losing control over the distinctive religious message it desires to promote to the UNCG campus and community.

98. Unplanned pregnancies are a significant problem on university campuses across the country, including at UNCG, and MUYOM members and officers will be expected to seek out students struggling with unplanned pregnancies, promote MUYOM’s religiously-based life-affirming message to such students, advocate that they make a life-affirming choice regarding the pregnancy, and recommend that they seek counseling at Greensboro Pregnancy Care Center.

99. Permitting students who disagree with MUYOM's Statement of Faith and with its religious beliefs regarding the sanctity of life and sexual purity to become members and officers of MUYOM would result in MUYOM losing control over the religiously-based life-affirming message it desires to share with persons struggling with unplanned pregnancies.

100. All UNCG students, employees, and non-UNCG community members are welcome to attend MUYOM meetings, events, and activities.

Defendants Deny Recognition To MUYOM

101. UNCG students interested in starting a MUYOM student group submitted a new student group application to UNCG's Office of Campus Activities and Programs at the end of March or early April, in 2011.

102. On April 28, 2011, Defendant Ashleigh Muyst emailed MUYOM's student leader about the submission, stating that she "ha[s] had some questions and need[s] to confer with the University Attorney."

103. Defendant Muyst also stated in her April 28, 2011 email that she was "not certain if this group will fall under the Statement of Equal Opportunity #2," which is the belief-based exemption from UNCG's nondiscrimination policy set out in preceding paragraphs.

104. Defendant Muyst further stated in her April 28, 2011 email that MUYOM's constitution needed to include a statement of nondiscrimination, explaining that "[a]ll events and programs must be open to all people without regard to age, race, color,

national origin, disability, religious status or historic religious affiliation, veteran status, gender or sexual orientation.”

105. Having not heard a final decision from UNCG by May 25, 2011, MUYOM’s student leader sent Defendant Muyst an email on that date inquiring as to the status of the group’s application for recognition.

106. Defendant Muyst replied on June 6, 2011, stating that she had “heard back from our university counsel’s office” and that MUYOM had been denied recognition because there was no statement of nondiscrimination in the constitution and because the group’s membership “will be discriminatory.”

107. On June 22, 2011, Defendant Muyst responded to an email sent from MUYOM’s student leader, stating that “I can double check with our university attorneys, but as I said, it is my understanding that because the purpose of this group is not religion or politics, it must adopt a statement of nondiscrimination for all members.”

108. Having not heard from Defendant Muyst regarding the status of MUYOM’s application for recognition by July 19, 2011, the group’s student leader sent Defendant Muyst an email on that date inquiring as to the status of the group’s application.

109. On August 11, 2011, Defendant Muyst sent MUYOM’s student leader an email stating that the group’s constitution “must include an anti-discrimination statement,” and that the group does not qualify as a “religious” organization, and thus did not qualify for the exemption that allows religious organizations to restrict members to MUYOM’s

religious beliefs and mission, “[b]ecause you are not affiliated with a church but rather a local non-profit organization.”

110. Being affiliated with a church is not a requirement for qualifying as a religious organization.

111. Many religious organizations, including university campus ministries like InterVarsity Fellowship, are not affiliated with a church yet are religious organizations.

112. Defendant Muyst’s August 11, 2011 email further advised MUYOM’s student leader that the Office of Campus Activities and Programs recently hired a new director, that Defendant Muyst wanted to run MUYOM’s application by the new director, and that she would “let you know our final decision soon.”

113. Having not heard a final decision from Defendant Muyst by September 7, 2011, MUYOM’s student leader sent Defendant Muyst an email on that date inquiring whether a final decision had been made.

114. Defendant Muyst replied by email on September 7, 2011, confirming that MUYOM had been denied recognition.

115. Defendant Muyst’s September 7, 2011 email provided just two reasons for the denial: 1) “The constitution fails to include a statement of non-discrimination”; and 2) “The Constitution requires members to adopt a set of beliefs. This can not be required for any student group unless they are religious or political group.”

116. Other than the lack of a “statement of non-discrimination” in MUYOM’s constitution and UNCG’s determination that MUYOM did not qualify as a “religious”

group, MUYOM's constitution and application for recognition fully complied with UNCG's policies and requirements for starting a new student organization.

117. On October 19, 2011, MUYOM's student leader sent Defendant Muyst an email, with a revised MUYOM constitution attached, explaining that MUYOM had resolved UNCG's first reason for denial—the lack of a nondiscrimination statement—by including a nondiscrimination statement in the “Membership” section of its constitution.

118. Specifically, MUYOM included the following statement at section 4.4 of its constitution: “*Statement on Nondiscrimination.* MUYOM® will not discriminate on the basis of race, color, gender, age, national origin, disability, military, veteran status, or sexual orientation.”

119. Regarding UNCG's other reason for denial of recognition—that MUYOM was not a religious group and thus did not qualify for the exemption that would allow it to restrict its members to its religious beliefs—MUYOM's student leader explained in the October 19, 2011 email that MUYOM is clearly a religious organization. Relying on various statements in the group's constitution, MUYOM's student leader stated the following:

As to the second issue, MUYOM® is a religious student group, so we should fall within the UNCG policy that allows religious groups to restrict membership to those who share the group's religious beliefs. Our constitution clearly states that we are a religious group. It states our group's mission as follows:

- To promote a culture of life through the delivery of valuable, life-affirming, Christian ministry to people facing unplanned pregnancies and related sexual issues.
- To offer every pregnant woman the support she needs to choose life for her unborn baby.

- To provide practical help and emotional support to women and men who are facing unplanned pregnancies by connecting students with the Greensboro Pregnancy Care Center.
- To share the love, hope, and truth of Jesus Christ, both in word and deed.

Our constitution also contains a statement of our core Christian beliefs and states at section 3.2 that “All members and officers must endeavor to live their lives in a manner consistent with the Statement of Faith and must exemplify the highest standards of morality as set forth in Biblical Scripture. Members and officers must share MUYOM®’s commitment to the sanctity of human life and to Biblical standards of sexual purity.”

Our group’s life-affirming mission and message of protecting and promoting the sanctity of human life is grounded in our group’s Christian beliefs. We could not maintain control over this religious mission and message of our group if we could not require our members and leaders to share our religious beliefs. Our members must agree with our religious beliefs because they vote on many matters that directly impact the club’s mission and message. As our constitution states, members “are eligible to vote on any organization business, including but not limited to, definition of its message to the university community, amendment of the constitution, and election and removal of its officers.” And as the leaders of our group, our officers must be committed to our club’s religious beliefs and mission.

I believe the MUYOM® constitution clearly shows that we are a religious organization. We uphold a standard of beliefs just like other religious groups on campus, such as CRU, Hillel, and Intervarsity. Therefore we are asking that we be granted recognition just like those groups under the UNCG policy that allows religious (and political) groups to require members to share a certain set of beliefs.

120. In the October 19, 2011 email, MUYOM’s student leader also explained the reason why the group left the term “religion” out of the statement of nondiscrimination included in the membership section of its constitution as follows:

I also wanted to mention that we have eliminated the term “religion” from the nondiscrimination statement included in our constitution. We did so because we understand that under UNCG policy religious groups can restrict their members to those who share their religious beliefs. While we

do not believe that religious groups, like MUYOM®, engage in religious “discrimination” when they ask their members and leaders to share religious beliefs, we are concerned that UNCG may interpret its policy this way and so we have eliminated the term altogether to avoid any confusion.

121. In the October 19, 2011 email, the MUYOM student leader requested an answer “as soon as possible on whether our group will be recognized” because “[t]he school year has already begun and without recognition and the important benefits that come with it we are losing opportunities everyday to impact the campus with our message.”

122. On October 24, 2011, MUYOM student leaders submitted a hard copy of the revised MUYOM constitution to UNCG’s Office of Campus Activities and Programs, with the signatures of three student officers.

123. Having not heard a final decision from Defendant Muyst by November 7, 2011, on whether UNCG would grant MUYOM recognition based on its revised constitution, MUYOM’s student leader sent Defendant Muyst an email on that date inquiring when a final decision would be made.

124. Defendant Muyst replied via email on November 7, 2011, stating that “[w]e are looking into the points you make in your previous email. I will let you know as soon as we hear back – hopefully in the next couple of weeks.”

125. As of the date of the filing of this Verified Complaint, neither Defendant Muyst, nor any other UNCG official, has provided any student associated with the MUYOM student group a final decision on their application for recognition.

126. MUYOM’s application for recognition has been pending since at least the end of March or beginning of April, 2011, and UNCG officials have had over four months to

make and communicate a final decision regarding MUYOM's request for recognition under the revised constitution.

127. UNCG's failure to act on MUYOM's request for recognition is a denial of recognition.

128. While the student leader who submitted MUYOM's application for recognition in Spring 2011 and primarily communicated to UNCG officials and Defendant Muyst about that application graduated in December 2011, Plaintiff Carmichael and numerous other students interested in starting a MUYOM chapter desire to immediately obtain recognition so they may promote their Christian, life-affirming, and pro-abstinence beliefs and message on campus and to the greater Greensboro community.

V. ALLEGATIONS OF LAW

129. Private speakers are entitled to equal access to public fora, free of content- and viewpoint- based discrimination.

130. Religious speech is fully protected by the First Amendment.

131. Policies establishing prior restraints on speech may not delegate overly broad discretion to government decision-makers or allow for content- and viewpoint- based restrictions, and must be narrowly tailored to serve compelling governmental interests.

132. The government may not discriminate against private speech based on its viewpoint, regardless of the forum.

133. Content-based restrictions on speech in a public forum are presumptively unconstitutional and are subject to strict scrutiny.

134. Each and all of the acts herein alleged of the Defendants, their officers, agents, servants, employees, or persons acting at their behest or direction, were done and are continuing to be done under the color of state law, including the statutes, regulations, customs, policies, and usages of the State of North Carolina.

135. Plaintiffs are suffering irreparable harm as a result of the Defendants' conduct.

136. Plaintiffs have no adequate or speedy remedy at law to correct or redress the deprivation of their rights by the Defendants.

137. Unless the conduct of Defendants is enjoined, Plaintiffs will continue to suffer irreparable injury.

VI. CLAIMS FOR RELIEF

FIRST CLAIM: VIOLATION OF THE FREE EXERCISE CLAUSE OF THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION

138. Plaintiffs re-allege and incorporate herein, as though fully set forth, paragraphs 1 through 137 of this Complaint.

139. The Free Exercise Clause, incorporated and made applicable to the states by the Fourteenth Amendment to the United States Constitution, requires the government to be neutral in relation to religion, and forbids the government from preferring one religion over another.

140. Defendants grant an exemption to their policy prohibiting discrimination on the basis of religious beliefs to student organizations they determine are "religious organizations."

141. Student organizations that Defendants determine are “religious organizations” are granted recognition and permitted to restrict members and leaders to a set of religious beliefs.

142. Student organizations that Defendants determine are not “religious organizations” are denied recognition.

143. Pursuant to their policy and practice, Defendants have granted recognition and the ability to restrict members and leaders to a set of religious beliefs to student organizations it has determined are “religious organizations,” like Encounter Campus Ministries.

144. Defendants’ denial of recognition to MUYOM and their refusal to allow MUYOM to restrict members and leaders to a set of religious beliefs based on its determination that MUYOM is not a “religious organization” is not neutral toward religion and prefers other student groups’ religious beliefs over the religious beliefs of MUYOM, in violation of the Free Exercise Clause.

145. Defendants’ policy and practice of deeming student organizations “religious organizations” if they are affiliated with a church, but not if they are affiliated with a local non-profit Christian ministry, is not neutral toward religion and impermissibly prefers some religions over others.

146. Defendants are enforcing their preference for student organizations affiliated with churches against MUYOM, by denying them recognition and the ability to restrict members and leaders to a set of religious beliefs because they are not affiliated with a church, but rather with a local, non-profit, Christian ministry.

147. Defendants policy and practice of determining whether a student organization is a “religious organization” requires Defendants to evaluate the religious beliefs and doctrines of student organizations, the nature of the religious duties and responsibilities student organizations impose on their members and leaders, the religious affiliations of student organizations with parent ministries, and other matters of religious faith and doctrine.

148. This intrusion into the internal affairs and doctrines and faith of religious student organizations, which in MUYOM’s situation resulted in Defendants rejecting MUYOM’s claim that it is a religious organization, violates the freedom from governmental interference the Free Exercise Clause guarantees to religious groups.

149. Defendants’ nondiscrimination policies target disfavored religious student groups, like MUYOM, for discriminatory treatment and therefore are neither neutral nor generally applicable in respect to religion.

150. Defendants’ nondiscrimination policies are also not generally applicable because, through their belief-based exemption from those policies, they permit student organizations formed to promote a certain set of beliefs (including nonreligious, political, and favored religious organizations) to restrict membership and leadership on the basis of those beliefs, yet deny this same right to Plaintiffs.

151. Defendants’ nondiscrimination policies are also not generally applicable because they exempt numerous student organizations, including sororities and fraternities, fine/performing arts groups, athletic teams, and some service groups (e.g., GRO (Girls

Reaching Out)) from the prohibition on gender-based discrimination, thus undermining the purpose of the nondiscrimination policies, without providing a similar exemption for religious conduct that allegedly violates the nondiscrimination policies.

152. The text of MUYOM's constitution, its Statement of Faith, and its life-affirming and pro-abstinence beliefs and message, are informed and motivated by the sincerely held religious beliefs of its members.

153. Defendants' nondiscrimination policies and enforcement thereof impose special disabilities on Plaintiffs because of their religious identity, beliefs, and speech.

154. Defendants' nondiscrimination policies and enforcement thereof substantially burden Plaintiffs' free exercise of religion by conditioning their access to UNCG's student organization speech forum on foregoing their religious identity, beliefs, and speech.

155. Defendants' nondiscrimination policies and enforcement thereof force Plaintiffs to choose between maintaining their religious identity, beliefs, and speech and being censored, or abandoning their religious identity, beliefs, and speech in order to speak without censorship or punishment.

156. The Defendants' nondiscrimination policies and enforcement thereof are not justified by a compelling governmental interest and are not narrowly tailored to advance any such interest.

WHEREFORE, Plaintiffs respectfully request that the Court grant the relief set forth hereinafter in the prayer for relief.

SECOND CLAIM: VIOLATION OF THE ESTABLISHMENT CLAUSE UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

157. Plaintiffs re-allege and incorporate herein, as though fully set forth, paragraphs 1 through 137 of this Complaint.

158. The Establishment Clause, incorporated and made applicable to the states by the Fourteenth Amendment to the United States Constitution, requires governmental neutrality toward religion and prohibits the government from 1) preferring one religion over another, 2) becoming excessively entangled in religion, and 3) exhibiting hostility toward some or all religions.

159. Defendants grant an exemption to their policy prohibiting discrimination on the basis of religious beliefs to student organizations they determine are “religious organizations.”

160. Student organizations that Defendants determine are “religious organizations” are granted recognition and permitted to restrict members and leaders to a set of religious beliefs.

161. Student organizations that Defendants determine are not “religious organizations” are denied recognition.

162. Pursuant to their policy and practice, Defendants have granted recognition and the ability to restrict members and leaders to a set of religious beliefs to student organizations it has determined are “religious organizations,” like Encounter Campus Ministries.

163. Defendants’ denial of recognition to MUYOM and their refusal to allow MUYOM to restrict members and leaders to a set of religious beliefs based on its determination that

MUYOM is not a “religious organization” is not neutral toward religion and prefers other student groups’ religious beliefs over the religious beliefs of MUYOM, in violation of the Establishment Clause.

164. Defendants’ policy and practice of deeming student organizations “religious organizations” if they are affiliated with a church, but not if they are affiliated with a local, non-profit, Christian ministry, is not neutral toward religion and impermissibly prefers some religions over others.

165. Defendants are enforcing their preference for student organizations affiliated with churches against MUYOM, by denying them recognition and the ability to restrict members and leaders to a set of religious beliefs because they are not affiliated with a church, but rather with a local, non-profit, Christian ministry.

166. Defendants’ policy and practice of determining whether a student organization is a “religious organization” excessively entangles Defendants with religion.

167. Defendants’ determination of whether a student organization is “religious” results in excessive entanglement by compelling them to evaluate the religious beliefs and doctrines of student organizations, the nature of the religious duties and responsibilities student organizations impose on their members and leaders, the religious affiliations of student organizations with parent ministries, and other matters of religious faith and doctrine.

168. Such inquiries entangle Defendants in the interpretation of religious beliefs and doctrines in a manner forbidden by the Establishment Clause.

169. Such inquiries also require Defendants to make theological interpretations in order to determine whether a student organization qualifies as a “religious organization.”

170. Defendants’ enforcement of their nondiscrimination policies to deny recognition to MUYOM based on its religious beliefs and expression is a discriminatory suppression of private speech that is not neutral, but rather is hostile toward religion.

171. The Defendants’ denial of recognition to MUYOM sends the message to students, community members, and individuals that MUYOM and its members are outsiders whose religious beliefs and expression should be excluded, rather than permitted along with all other beliefs and views.

172. No compelling state interest justifies the Defendants’ lack of neutrality toward religion, preferring one religion over another, excessive entanglement with religion, and hostility toward and censorship of MUYOM’s religious beliefs and expression.

WHEREFORE, Plaintiffs respectfully request that the Court grant the relief set forth hereinafter in the prayer for relief.

THIRD CLAIM: VIOLATION OF THE FREEDOM OF SPEECH CLAUSE OF THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION

173. Plaintiffs re-allege and incorporate herein, as though fully set forth, paragraphs 1 through 137 of this Complaint.

174. The First Amendment’s Freedom of Speech Clause, incorporated and made applicable to the states by the Fourteenth Amendment to the United States Constitution, prohibits censorship of religious expression.

175. Through its process of granting recognition and access to numerous communication channels to student organizations, the Defendants have created an open forum for student organizations to express their beliefs and views on a virtually unlimited number of topics.

176. However, Defendants have enforced their nondiscrimination policies against Plaintiffs so as to exclude them from this forum based on their religious beliefs and expression.

177. This unequal treatment of Plaintiffs' religious beliefs and expression is a content-based restriction in an otherwise open forum.

178. Defendants' enforcement of their nondiscrimination policies against Plaintiffs constitutes viewpoint discrimination because, through their belief-based exemption from those policies, they permit student organizations formed to promote a certain set of beliefs (including nonreligious, political, and favored religious beliefs) to require that their members and leaders agree with their beliefs, yet denies this same right to Plaintiffs.

179. For example, Defendants granted recognition to the Vox - Voices for Planned Parenthood student group, allowing it to promote its beliefs about preventing and terminating pregnancies, yet denied recognition to MUYOM, prohibiting it from promoting its life-affirming views on the same subject.

180. Defendants are also engaging in viewpoint discrimination by allowing numerous student organizations to exclude persons of the opposite gender from membership and leadership because including them would undermine the expressive purposes and

activities of these groups (e.g., sororities and fraternities, fine/performing arts groups, athletic teams, and some service groups), while at the same time disallowing Plaintiffs from excluding persons with opposing religious beliefs and views from membership and leadership even though their inclusion would undermine their expressive purpose and activities.

181. Defendants' nondiscrimination policies and their enforcement thereof also impose an unconstitutional prior restraint because they vest UNCG officials with unbridled discretion in determining whether a student organization is "religious."

182. Defendants' enforcement of their nondiscrimination policies so as to deny Plaintiffs' recognition and access to the numerous channels of communication provided to recognized student groups is not justified by a compelling state interest, and is not narrowly tailored to serve any compelling interest Defendants may claim.

WHEREFORE, Plaintiffs respectfully request that the Court grant the relief set forth hereinafter in the prayer for relief.

FOURTH CLAIM: VIOLATION OF THE RIGHT TO EXPRESSIVE ASSOCIATION UNDER THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION

183. Plaintiffs re-allege and incorporate herein, as though fully set forth, paragraphs 1 through 137 of this Complaint.

184. The First Amendment of the United States Constitution, incorporated and made applicable to the states by the Fourteenth Amendment to the United States Constitution, recognizes and protects the right to expressive association.

185. Plaintiff MUYOM is an expressive association whose ability to advocate its Christian beliefs and viewpoints on campus would be significantly affected if forced to accept as members and leaders individuals who do not agree with its Christian, life-affirming, and pro-abstinence beliefs.

186. The Defendants' nondiscrimination policies violate the Plaintiffs' right to expressive association by compelling them to accept as members and officers individuals who do not agree with their Christian, life-affirming, and pro-abstinence beliefs as a condition to receiving recognition and access to the primary means of communicating their beliefs and viewpoints on campus.

187. Defendants also violate the Plaintiffs' right to expressive association by granting recognition, via their belief-based exemption from their nondiscrimination policies, to nonreligious, political, and favored religious organizations that require their members and leaders to agree with their beliefs, yet denying recognition to Plaintiffs based on their desire to exercise this same right.

188. Defendants further violate the Plaintiffs' right to expressive association by granting recognition to numerous student organizations that exclude persons of the opposite gender from membership and leadership because including them would undermine the expressive purposes and activities of these groups (e.g., sororities and fraternities, fine/performing arts groups, athletic teams, and some service groups), while at the same time denying recognition to Plaintiffs based on their desire to exclude persons

with opposing religious beliefs and views from membership and leadership because including them would undermine their expressive purpose and activities.

189. The Defendants have no compelling interest that would justify the burden imposed upon the Plaintiffs' right to association, and whatever interest Defendants claim can be achieved through means significantly less restrictive of associational freedoms.

WHEREFORE, Plaintiffs respectfully request that the Court grant the relief set forth hereinafter in the prayer for relief.

FIFTH CLAIM: VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION

190. Plaintiffs re-allege and incorporate herein, as though fully set forth, paragraphs 1 through 137 of this Complaint.

191. The Equal Protection Clause of the Fourteenth Amendment requires that government actors treat equally all persons similarly-situated.

192. Defendants denied recognized status to the Plaintiffs, and the rights, benefits, and privileges attendant thereto, based upon their requirement that their members and officers agree with their Christian, life-affirming, and pro-abstinence beliefs.

193. Defendants grant recognized status to similarly-situated nonreligious student groups, favored religious student groups, and gender-based groups, even though they require their members and officers to agree with the groups' beliefs and purposes, or select their members based on gender.

194. In so doing, the Defendants have treated the Plaintiffs differently than similarly-situated student groups.

195. Defendants' disparate treatment of the Plaintiffs affects the exercise of their fundamental rights to free association, free speech, and free exercise of religion.

196. When government regulations, like the Defendants' challenged herein, infringe on fundamental rights, discriminatory intent is presumed.

197. Defendants lack a rational or compelling state interest for treating Plaintiffs in such a disparate manner.

198. Defendants' denial of access to Plaintiffs is not narrowly tailored in that their restriction of Plaintiffs' speech, association, and free exercise of religion are unrelated to any legitimate government interest.

WHEREFORE, Plaintiffs respectfully request that the Court grant the relief set forth hereinafter in the prayer for relief.

VII. PRAYER FOR RELIEF

Plaintiffs respectfully pray for the following relief:

A. That this Court issue a Preliminary and Permanent Injunction restraining the Defendants, their officers, agents, employees, and all other persons acting in active concert with them, from enforcing Defendants' nondiscrimination policies in a manner that infringes upon Plaintiffs' rights guaranteed under the First and Fourteenth Amendments to the United States Constitution, and ordering Defendants to immediately

grant Plaintiffs recognition and access to all of the channels of communication provided to other recognized student groups;

B. That this Court enter a Declaratory Judgment declaring Defendants' past enforcement of their nondiscrimination policies was unconstitutional and violated the Plaintiffs' rights guaranteed under the First and Fourteenth Amendments to the United States Constitution;

C. That this Court enter a Declaratory Judgment declaring Defendants' policies facially unconstitutional in so far as they grant Defendants the unbridled discretion to determine whether a student organization is "religious," subject to no standards or guidelines;

D. That this Court adjudge, decree, and declare the rights and other legal relations of the parties to the subject matter here in controversy, in order that such declarations shall have the force and effect of a final judgment;

E. That this Court retain jurisdiction of this matter for the purpose of enforcing any Orders;

F. That the Court award Plaintiffs' costs and expenses of this action, including a reasonable award of attorney's fees, in accordance with 42 U.S.C. § 1988;

G. That this Court award nominal damages against the individually named Defendants for the violation of Plaintiffs' constitutional rights;

H. That this Court issue the requested injunctive relief without a condition of bond or other security being required of Plaintiffs; and

I. That the Court grant such other and further relief as the Court deems equitable and just in the circumstances.

Respectfully submitted this the 29th day of February, 2012.

By: s/ Jeremy D. Tedesco

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s/ Lisa Stewart

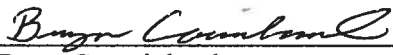
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Local Counsel

Attorneys for Plaintiffs

VERIFICATION

I, Bryn Carmichael, a citizen of the United States and a resident of the State of North Carolina, have read the foregoing Verified Complaint for Declaratory and Injunctive Relief and declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 27th day of February, 2012.



Bryn Carmichael
Individually and on behalf of
Make Up Your Own Mind

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Make Up Your Own Mind; and Bryn Carmichael

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Jeremy D. Tedesco
ALLIANCE DEFENSE FUND
15100 N. 90th Street, Scottsdale, AZ 85260; (480) 444-0020

DEFENDANTS

Kate R. Barrett; Charles Blackmon; Nathan Duggins; Carolyn R. Ferree; Linda Hiatt; Randall R. Kaplan; M. Lee McAllister; Richard L. Moore; Susan M. Safran; Harriett Smalls; David Sprinkle; Martin P. Weissburg; Linda P. Brady; and Ashleigh K. Musyt

County of Residence of First Listed Defendant Guilford
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1983
Brief description of cause:
Defendants denied Plaintiffs official recognition as a student group due to their nondiscrimination policy.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$ nominal
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

February 29, 2012 s/Lisa Stewart

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____