



THE UNIVERSITY
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August 12, 2004

Mr. Robert L. Shibley
Program Officer

210 West Washington Square, Suite 303

Dear Mr. Shibley:

(nondiscrimination on the basis of age). Finally, as noted before, we must also abide by the U.S. Constitution, including the equal protection clause of the Fourteenth Amendment, and the North Carolina Constitution, which provides that "No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin."

When the University recognizes student groups, it provides their members with access to certain public resources, including priority access to University facilities for meetings and events as well as the right to seek student activity fee funding for their activities from Student Congress. The University charges and collects the student activity fee from every student as part of its tuition and fees and grants Student Congress the power to appropriate it.

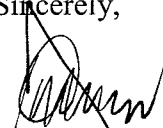
The University has established several requirements that organizations must meet to be recognized. One requirement is that the groups agree to abide by the University's nondiscrimination policy by allowing membership and participation without regard to age, race,

student organizations (including the 42 student religious organizations referred to earlier with their 4,811 total members) have agreed to abide by this policy. So, for example, Baptist student groups are open to Presbyterian students; Jewish student groups are open to Christian students;

There is sometimes a tension between the First Amendment to the Constitution and the equal protection provisions of the Fourteenth Amendment to the Constitution. The U.S. Supreme Court has not yet addressed this issue in the context of student groups at public universities. At present, therefore, all public institutions must strive to balance constitutional rights and

willingness to work with the members of Alpha Iota Omega to achieve their goals strikes a proper balance between the interests of nondiscrimination and free association.

Sincerely,



James Moeser