



Foundation for Individual Rights in Education

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September 16, 2011

Chancellor Holden Thorp
The University of North Carolina at Chapel Hill
Office of the Chancellor
103 South Building
Campus Box 9100
Chapel Hill, North Carolina 27599

Sent via U.S. Mail and Facsimile (919-962-1647)

Dear Chancellor Thorp:

As you know from our previous interactions, FIRE unites civil rights and civil liberties leaders, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of free speech, academic freedom, due process, legal equality, religious liberty, and freedom of association on America's college campuses.

We write to you again today to strongly remind you that The University of North Carolina at Chapel Hill (UNC) must equitably apply its own policies regarding student groups during its continuing investigation of the Christian student *a capella* singing group Psalm 100. It is our understanding that Psalm 100, which recently voted to remove a student from the group after it was determined that he no longer subscribed to the group's religious beliefs, is being investigated to determine whether that removal was consistent with UNC policy.

Thanks in large part to past interactions between UNC, FIRE, and other civil liberties groups, the university's student organization nondiscrimination policy contains the following provision dealing with belief-based groups:

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, gender identity, gender expression, or, unless exempt under Title IX, gender.

According to reports both directly from Psalm 100 and from *The Daily Tar Heel*, Psalm 100's removal of student ██████████ was motivated not by his sexual orientation—that is, his status as a gay person—but rather because of the fact that he no longer agreed with Psalm 100's interpretation of the Bible. Indeed, Psalm 100 reported to FIRE that the decision to remove ██████████ was an extremely painful one for the group, and was marked by protracted discussions within the group and with ██████████ himself.

An indication that Psalm 100 based its decision solely on ██████████ religious beliefs rather than his status comes from the group's report that two votes were actually taken in light of ██████████ changing understanding of the Bible. This was because after the first vote but before the second, ██████████ indicated to several of the members of Psalm 100 that he might have decided not to change his religious views to be incompatible with those of the group. After the entire group heard from ██████████ again, however, it became clear that he had indeed changed his religious views, and Psalm 100 once again voted to remove him from the group. If Psalm 100's decision was based not on his beliefs but instead on his status as a gay man, the need for this second vote would have been obviated.

It should be a simple matter to verify Psalm 100's report of how this decision was reached. If the situation is as it has been reported both by Psalm 100 and by numerous news outlets, including *The Daily Tar Heel*, UNC's "investigation" of Psalm 100 should be straightforward and brief, granting those involved time to reflect and move on following what has by accounts been a painful process for all parties.

UNC's policy on religious, political, and other groups with an expressive purpose is a wise one. Such groups simply cannot persuasively express their views—the activity that is the very purpose of their existence—if they are forced to include members or leaders who do not themselves agree with the group's message. We ask UNC to have the wisdom to follow its own policy, and to resist the temptation to prolong the investigation to make a political point or to satisfy other ideological groups on campus. Despite FIRE and UNC's past differences on the issue of religious liberty, we are hopeful that the university will do so.

Sincerely,



Robert L. Shibley
Senior Vice President

cc:

Winston B. Crisp, Vice Chancellor for Student Affairs, The University of North Carolina at Chapel Hill

Jonathan Sauls, Dean of Students, The University of North Carolina at Chapel Hill

Jonathan E. Curtis, Associate Director of Student Activities & Organizations, The University of North Carolina at Chapel Hill

Leslie C. Strohm, General Counsel, The University of North Carolina at Chapel Hill