

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



ALPHA IOTA OMEGA CHRISTIAN
FRATERNITY, an unincorporated
association, ET AL.

Plaintiffs,

v.

JAMES MOESER Chancellor of
the University of North
Carolina at Chapel Hill, ET
AL.

Defendants.

CIVIL NO. 1:04CV00765

ORDER and PRELIMINARY INJUNCTION

BULLOCK, District Judge

As more fully set out on the record, in open court, at a hearing on Plaintiffs' motion for a preliminary injunction and Defendants' motion to dismiss on February 16, 2005, the court, after denying Defendants' motion to dismiss and in deciding whether preliminary injunctive relief should be granted, evaluated the four applicable factors and found that without a limited injunction the Plaintiffs could be subject to a policy imposing conditions on them which are inapplicable to other student groups seeking university recognition; that Defendants would not be harmed by the granting of a limited injunction in that the interim relief granted would place the Plaintiffs on the

same footing as non-religious organizations which select their members on the basis of commitment, and would not be substantially inconsistent with the Defendants' current unofficial interpretation of their non-discrimination policy; that the likelihood of success on the merits favored Plaintiffs in that a policy which imposes conditions for the receipt of benefits on a religious organization not imposed on non-religious organizations raises significant constitutional concerns and could be violative of the First Amendment of the United States Constitution; and that the public interest favored the granting or withholding of official recognition to each student organization under the same terms and conditions.

NOW, THEREFORE, IT IS ORDERED that, pending resolution of this case by a trial on the merits, or otherwise, Defendants and their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this order are ENJOINED from applying the University of North Carolina-Chapel Hill's non-discrimination policy for student organizations seeking official recognition as set out in the University's Recognition Agreement for UNC-CH Student Co-Curricular Organizations to prohibit Plaintiffs from limiting membership and participation in their organization to students who, upon individual inquiry, affirm that they support

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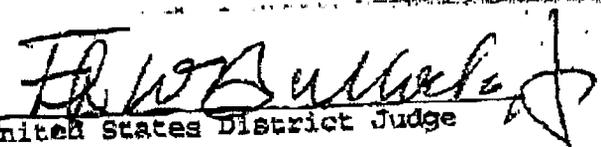
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Plaintiffs' goals, agree with Plaintiffs' beliefs, and agree to conform their behavior to Plaintiffs' tenets and standards of conduct.

No bond is required.

March 2 2005


United States District Judge