

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
EASTERN DIVISION**

<p>BUSINESS LEADERS IN CHRIST, <i>Plaintiff,</i> v. THE UNIVERSITY OF IOWA, <i>et al.</i>, <i>Defendants.</i></p>	<p>Civil Action No. 17-cv-00080-SMR-SBJ</p> <p>PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION</p> <p>ORAL ARGUMENT REQUESTED</p> <p>(Expedited Relief by January 24, 2018 Requested.)</p>
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Pursuant to Federal Rule of Civil Procedure 65, LR 7, and LR 65, Plaintiff Business Leaders in Christ (BLinC) moves for a preliminary injunction requiring Defendants to reinstate BLinC’s registered group status. In support of this motion, and as further explained in the attached memorandum in support, BLinC states the following:

1. Since Spring 2014, BLinC has been a registered student group at the University of Iowa.
2. BLinC is a religious group established for a religious purpose and led by students who share its faith.
3. For as long as it has been registered at the University, BLinC has welcomed anyone to join as a member, and has required its leaders to share its Christian faith.
4. The Defendants deregistered BLinC on November 16, 2017.
5. The basis for the derecognition was Defendant’s disagreement with BLinC’s religious expression and beliefs, and the selection of its religious leaders.

6. The University's actions violate BLinC's clearly established First Amendment rights to freedom of speech, the free exercise of religion, and the freedom to select its religious leaders without government interference.

7. In the enclosed supporting memorandum, BLinC has shown that it has a likelihood of success on the merits of these claims.

8. Absent injunctive relief, BLinC is suffering ongoing irreparable harm through the suppression of its constitutional freedoms and the denial of its ability to participate equally with other student groups at the University.

9. The harms to BLinC's First Amendment rights outweigh any harms to the Defendants' interests. Nor do the Defendants have a legitimate governmental interest in regulating the speech, religious beliefs, or internal religious leadership selection of a private religious student group.

10. Protecting BLinC's First Amendment rights is in the public interest.

11. Because the Defendants derecognized BLinC, BLinC is unable to participate in the University's upcoming spring recruitment fairs, which will take place on January 24 and 25, 2018, and are crucial to BLinC's continued existence.

12. BLinC requests the Court to enjoin the Defendants and require them to reinstate BLinC's status as a registered student organization before January 24, 2018, so that BLinC can participate in the spring recruitment fairs.

13. BLinC further respectfully requests an emergency hearing at the earliest possible time. There is good cause to hold oral argument because this motion presents important issues of First Amendment rights which require a prompt resolution.

WHEREFORE, BLinC requests that this Court enter the following ORDER:

1. Defendants and their agents, servants, and employees are ORDERED to restore the Plaintiff to its status as a registered student group that it enjoyed prior to the withdrawal of its recognition.
2. Defendants and their agents, servants, and employees are ENJOINED from taking any further action to punish or retaliate against the Plaintiff, or any other similarly situated student religious organization at the University of Iowa, for the exercise of their constitutionally protected rights.
3. This Preliminary Injunction shall take effect immediately and shall remain in effect pending trial in this action or further order of this Court.
4. This Court has exercised its discretion to determine that no bond shall be required.

Respectfully submitted,

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
EASTERN DIVISION**

BUSINESS LEADERS IN CHRIST, an
unincorporated association,

Plaintiff,

v.

THE UNIVERSITY OF IOWA; LYN
REDINGTON, in her official capacity as
Dean of Students and in her individual
capacity; THOMAS R. BAKER, in his
official capacity as Assistant Dean of
Students and in his individual capacity; and
WILLIAM R. NELSON, in his official
capacity as Executive Director, Iowa
Memorial Union, and in his individual
capacity,

Defendants.

Civil Action No. 17-cv-00080-SMR-SBJ

**MEMORANDUM IN SUPPORT
OF APPLICATION FOR
PRELIMINARY INJUNCTION**

ORAL ARGUMENT REQUESTED

**(Expedited relief before
January 24, 2018 requested.)**

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INTRODUCTION

Justice Kennedy recently stated in a case similar to this one that “tolerance is essential in a free society. And tolerance is most meaningful when it’s mutual.”¹ The opposite of tolerance is when government officials intentionally target a religious group because they are hostile to its religious beliefs. That is this case. Far from being the haven of tolerance it ought to be, the University of Iowa has singled out a Christian student group for special disfavor, banishing it from its campus. University officials, including Dean of Students Lyn Redington, say they are enforcing a nondiscrimination policy. Yet the University is the one doing the discriminating—it allows literally thousands of students to violate its nondiscrimination policy, but enforces that policy against a small group of fewer than ten Christian students. If there is room at the University for single-sex fraternities and literally hundreds of other ideology- and identity-driven student groups, surely there is also room for a student group that wants its leaders to be Christian. The First Amendment demands no less.

* * *

Business Leaders in Christ, BLinC, is a religious student group at the University of Iowa. Its members meet weekly for Bible study and spiritual support, organize one or two service projects each semester, and invite speakers to mentor students on how to integrate their faith and careers. Membership in BLinC is open to everyone. Leaders, however, are required to affirm BLinC’s Statement of Faith, which asks them to embrace and strive to follow BLinC’s religious beliefs, including traditional beliefs concerning marriage and sexual morality. After a student complained about these leadership requirements, the University deregistered BLinC, denying it the right, among other things, to reserve meeting space on campus, to participate in student recruitment fairs,

¹ Oral Argument Tr. at 64:3-5, *Masterpiece Cakeshop, Ltd. v. Colo. Civ. Rights Comm’n*, No. 16-111 (S. Ct. argued Dec. 5, 2017).

to access funds from the University’s mandatory student activity fees, or to use University-wide communication services—important benefits that are available to all other student groups on campus.

The University’s ostensible reason for imposing second-class status on BLinC is that BLinC’s “Statement of Faith, on its face, does not comply with the University’s Human Rights Policy,” which prohibits discrimination on the basis of sexual orientation. Estell Decl. ¶¶ 30, 33, Exs. E, G. The University told BLinC that, to be re-registered and gain equal access to campus, it would have to submit “revisions to [its] Statement of Faith” and submit an “acceptable plan” for selecting its leaders. *Id.* ¶ 30, Ex. E.

University Defendants Lyn Redington (the Dean of Students), Thomas Baker (the Associate Dean of Students), and William Nelson (the Executive Director of the Iowa Memorial Union with responsibility over student organizations)—the final decisionmakers regarding BLinC’s status—are all keenly aware that the University’s demand for BLinC to modify its religious beliefs is illegal and unconstitutional. That demand is such a gross violation of the most basic protections of the First Amendment that the University and its officials have explicitly admitted that what they are doing is illegal—first in a 2004 letter from Dean Baker to the Christian Legal Society, Colby Decl. ¶ 6, Ex. 1, and second in a face-to-face meeting between Dean Baker, Dr. Nelson, and BLinC’s leaders just three months ago. Estell Decl. ¶¶ 12-21. Moreover, the University itself continues to offer scholarships and diversity programs, to operate its sports teams, to support fraternities and sororities, and to allow more than 500 student groups to select their leaders and members in ways that often directly discriminate on the basis of race, sex, religion, sexual orientation, creed, and other categories enumerated in the Humans Right Policy. BLinC alone has been targeted, solely

because the University does not like its religious beliefs and standards for leaders, even though BLinC does not discriminate on any other basis, including sexual orientation.

Because the University's effort to dictate BLinC's religious beliefs and religious leadership selection as a condition of equal campus access violates the First Amendment's guarantees to freedom of speech and religion, BLinC urges the Court to enjoin the University and require it to reinstate BLinC's status as a registered student organization. Absent relief, BLinC is suffering ongoing irreparable harm through the suppression of its constitutional freedoms. And because the University's spring recruitment fairs will take place on January 24 and 25, 2018, BLinC respectfully requests a decision from this Court prior to that time, as its participation in the fairs is critical to its continued existence on campus.

FACTUAL BACKGROUND

The Policy for Registration of Student Organizations

The University of Iowa boasts a robust extracurricular life for its students. Alongside Hawkeye athletics, the University offers top facilities for intramural events, club sports, and personal fitness programs. It provides a rich array of programming in music, art, film, dance, and theater. And it encourages students to form their own groups around any other interests they might wish to pursue. Currently, there are over 500 student groups registered with the University where students engage in a range of activities from celebrating distinct cultures to promoting political causes, from pursuing unique hobbies to worshiping together, from creating service opportunities to pursuing academic excellence, and much more. *See* Center for Student Involvement and Leadership, *Pick One!*, <https://csil.uiowa.edu/pickone>.

The University's official policy on Registration of Student Organizations trumpets a high ideal of free association for all these groups. *See* Baxter Decl. ¶ 2, Ex. A. It emphasizes that a student

organization may be any “voluntary special interest group organized for educational, social, recreational, and service purposes.” *Id.* at 1. And it broadly “encourages the formation of student organizations around the areas of interest of its students.” *Id.* Recognizing that students have “interests” in “organiz[ing] and associat[ing] with like-minded” individuals, the policy confirms that “all registered student organizations [are] able to exercise free choice of members” and indicates that organizations may restrict membership to “individuals who subscribe[] to the goals and beliefs” of the organization.” *Id.* at 2.

All organizations receive significant benefits for being registered, including: (1) access to a financial account and “purchasing privileges” with the University; (2) “eligibility to apply for funds from mandatory Student Activity fees”; (3) “inclusion in appropriate University publications”; (4) use of the University’s OrgSync software, trademarks, meeting facilities, and outdoor spaces; (5) “[e]ligibility” to use University vehicles, staff and programming resources, and—once per semester—the school mass mail services; and also (6) “eligibility to apply” for “office space and/or storage space” on campus. *Id.* at 1.

The University is careful to clarify that “General” student groups like BLinC are not an official arm of the University and that registration “does not constitute an endorsement of [the organization’s] program or its purposes.” *Id.* Rather, registration “is merely a charter to exist.” *Id.*²

² Select organizations are given additional privileges. “Affiliated” student organizations are “those that serve a specific University interests” and “provide support to University programs and initiatives.” RSO at 4. They are subject to direct “oversight” by an assigned University department. *Id.* “Sponsored” student organizations are “those considered critical to the mission and culture of the University and work in partnership with a University department or unit.” *Id.* at 5. These student groups receive first priority in utilizing the University’s resources. *Id.* at 4-5.

BLinC's Registered Status

BLinC is a small, newly organized group within the University's Tippie School of Business. Thompson Decl. ¶ 3; Estell Decl. ¶ 35. Its "primary mission is to create a community of followers of Christ . . . in order to share and gain wisdom on how to practice business that is both Biblical and founded on God's truth." Baxter Decl. ¶ 6, Exhibit N. Students within and without the business school are welcome to participate in the group. *Id.* BLinC's members meet weekly for prayer, Bible study, and spiritual discussion led by the organization's leaders. Thompson Decl. ¶¶ 10-12. The leaders also frequently invite prominent Iowa business leaders to visit campus and speak to students about how they integrate their faith and careers. *Id.* And they also organize one or two regular service projects each semester, including providing childcare at a local Saturday school program and partnering with an after-school mentoring program for at-risk youth. *Id.* at ¶¶ 13-14. BLinC's ability as a registered organization to reserve space for meetings, to participate in student recruitment fairs, to receive funding from the mandatory activity fees for students, to be listed on the University's OrgSync website, and to utilize campus communications systems is critical to its continued existence and potential for growth. *Id.* ¶¶ 6-8; Estell Dec. ¶¶ 35-42.

The Meeting with the University

In February 2017, a former member of BLinC filed a complaint with the University claiming that, during the previous school year, he had been denied a leadership position in the organization because he was "openly gay." Thompson Decl. ¶ 35. He simultaneously filed a similar complaint against another Christian student group called 24:7. Baxter Decl. ¶ 5, Ex. M. Despite the University's instructions that such complaints should remain confidential, the student immediately told the media about his grievance. *See id.*

In the course of the University's subsequent investigation, Hannah Thompson, the president of BLinC at that time, emphasized that the student was welcome to be a member of BLinC, but was not eligible to serve in BLinC's leadership because he had rejected BLinC's religious beliefs on sexual conduct. Thompson Decl. ¶¶ 16-24, 43, Ex. I. Although the investigator acknowledged Ms. Thompson's statements that the student was ineligible to serve in BLinC's leadership "because of [his] desire to pursue a homosexual . . . *relationship*" in violation of BLinC's religious beliefs, the investigator ultimately concluded that "the basis for BLinC's refusal . . . was his sexual *orientation*." Estell Decl. ¶ 10, Ex. A (emphases added). While BLinC vigorously disputes the investigator's findings, for purposes of this motion, they are irrelevant for purposes of this motion.³

The investigator's findings were first submitted to Defendant Nelson, who has responsibility over student organizations, for a determination of an appropriate sanction. Dr. Nelson invited BLinC to meet with him to discuss the investigator's findings. Estell Decl. ¶ 12. BLinC's president and vice president, Mr. Estell and Mr. Eikenberry, attended on BLinC's behalf, along with two of their attorneys. *Id.* ¶ 13. Dr. Nelson and Dean Baker represented the University. *Id.* ¶ 14.

Dr. Baker commenced the meeting by reviewing the University's findings and noting that the University had addressed a similar issue in 2004 involving another Christian student group—the Christian Legal Society ("CLS"). He acknowledged that CLS had been allowed to remain on campus while maintaining similar leadership standards to BLinC and conceded that student groups generally must be free to select leaders who support their mission. *Id.* ¶ 15-17; *see also* Colby Decl. ¶¶ 4-10 and Ex. 1 (attaching letter from Dr. Baker). He analogized to a student environmental

³ That is true for two reasons. First, BLinC's leaders have unequivocally declared that they have not and will not discriminate on the basis of sexual orientation going forward. Second, as discussed *infra*, the University ultimately chose to derecognize BLinC not because of the incident, but because BLinC's Statement of Faith allegedly violates the Human Rights Policy "on its face." Estell Decl. ¶¶ 30, 33, Exs. E, G.

society established to promote awareness of global warming and emphasized that such a group would be allowed to choose leaders based on that tenet just like BLinC could expect the same of its leaders regarding its tenets. Estell Decl. ¶ 10.

Seeking to confirm the University's unexpected position, BLinC pressed Dr. Baker for assurance that it could screen its leaders based on their *beliefs* and *conduct* on sexual morality, as long as it did not exclude anyone based strictly on *status* (*i.e.* sexual orientation). Dr. Baker and Dr. Nelson both confirmed that this was the University's position. *Id.* ¶¶ 18-21. Mr. Estell and Mr. Eikenberry reiterated and affirmed that BLinC does not discriminate on the basis of any status (other than religion): membership is open to everyone and leadership is open to everyone that embraces and strives to follow BLinC's Statement of Faith. *Id.* ¶¶ 20-22.

Dr. Baker and Dr. Nelson did express concern that students should be made aware of BLinC's religious beliefs before joining, so as to avoid the risk of later being offended upon learning they may not be eligible to serve as leaders. *Id.* ¶ 23. BLinC's officers readily agreed to amend its constitution to expressly set forth BLinC's religious beliefs. *Id.* ¶ 24. The meeting ended with Dr. Nelson turning to the students on his way out the door and commending them as "some of the best students" that the University has. *Id.* ¶ 26.

The University's Discriminatory Animus against BLinC

Shortly thereafter, BLinC submitted an amended constitution expressly incorporating its Statement of Faith, which includes the following provision:

DOCTRINE OF PERSONAL INTEGRITY: All Christians are under obligation to seek to follow the example of Christ in their own lives and in human society. In the spirit of Christ, Christians should oppose racism, every form of greed, selfishness, and vice, and all forms of sexual immorality, including pornography. We believe God's intention for a sexual relationship is to be between a husband and a wife in the lifelong covenant of marriage. Every other sexual relationship beyond this is outside of God's design and is not in keeping with God's original plan for humanity. We believe that every person should embrace, not reject, their

God-given sex. We should work to provide for the orphaned, the needy, the abused, the aged, the helpless, and the sick. We should speak on behalf of the unborn and contend for the sanctity of all human life from conception to natural death.

Estell Decl. ¶ 3, Ex. D (emphasis added). Leaders are then asked to sign the Statement of Faith with the following affirmation, emphasizing their willingness to turn from conduct that BLinC believes to be sin:

As I hold an Executive position with Business Leaders in Christ, I commit to live a life in which I turn from my sin and actively choose the biblical principles of Godly sanctification and righteousness. If and when I misstep, I will confess my struggle to God and to a member of the Business Leaders in Christ executive board acknowledging that I choose to receive grace and forgiveness from God and from others, and turn from my sin.

Id.

Upon receiving this requested clarification of BLinC's beliefs, the University pulled a bait-and-switch, asserting that BLinC's Statement of Faith violates the University's Human Rights Policy. In a letter to BLinC dated October 19, 2017, Dr. Nelson attacked BLinC's "Statement of Faith, *on its face*," because it "does not comply with the University's Human Rights Policy since its affirmation, as required by [BLinC's] Constitution *for leadership purposes*, would have the effect of disqualifying certain individuals *from leadership positions* based on sexual orientation or gender identity." *Id.* ¶ 30, Ex. E (emphasis added). Dr. Nelson gave BLinC ten days to "make additional revisions to your Statement of Faith" and submit "an acceptable plan" for selecting leaders or have its registration "revoke[d]." *Id.*

BLinC's appeal to Dean Redington was unavailing. Reflecting the same hostility to BLinC's religious beliefs, she s "affirm[ed] the decision of Dr. Nelson," repeating that BLinC's "Statement of Faith, *on its face*, does not comply with the University's Human Rights policy." *Id.* ¶ 33, Ex. G (emphasis added). Dean Redington then proceeded to "affirm the sanctioning decision of Dr. Nelson to revoke the registration of BLinC." *Id.*

LEGAL STANDARD

On a motion for preliminary injunction, courts must consider the following factors:

(1) the threat of irreparable harm to the movant; (2) the state of the balance between this harm and the injury that granting the injunction will inflict on other parties litigant; (3) the probability that movant will succeed on the merits; and (4) the public interest.

Dataphase Sys., Inc. v. C L Sys., Inc., 640 F.2d 109, 113 (8th Cir. 1981). The Eighth Circuit takes a “flexible” approach to these factors. *Id.* When “the equities are . . . strongly” in the plaintiff’s favor, “the showing of success on the merits can be less.” *Id.* And where—as here—the challenge is to “informal rules” that have not been subject to the “democratic processes,” an even more relaxed standard applies: the movant is required to show only “a reasonable probability of success, that is, a fair chance of prevailing.” *Powell v. Noble*, 798 F.3d 690, 698 (8th Cir. 2015) (citation and internal quotation marks omitted). BLinC easily meets this standard.

ARGUMENT

For purposes of this motion only, BLinC relies on a subset of its claims: its Free Exercise and Establishment Clause Claims (Counts I-V) and its Free Speech Claims (Counts VI-VIII). For the reasons that follow, BLinC is likely to succeed on each of these claims.

I. BLinC is likely to succeed on its First Amendment Claims.

A. The Free Speech Clause prohibits the University from deregistering BLinC.

Universities are not obligated in the first instance to grant official recognition to student-led organizations. But once “a forum generally open to student groups” is created, the case law is overwhelming that universities cannot exclude groups based on the content of their speech or the viewpoints they espouse. *Widmar v. Vincent*, 454 U.S. 263, 267 (1981); *see also Healy v. James*, 408 U.S. 169, 181 (1972) (universities cannot “den[y] official recognition . . . to college organizations” on the basis of their identity or views). In this regime, religious groups are not

second-class citizens—they enjoy at least the same protection as everyone else. *See Lamb’s Chapel v. Ctr. Moriches Sch. Dist.*, 508 U.S. 384, 394 (1993); *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 831 (1995); *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 120 (2001). Indeed, under the First Amendment, religious organizations receive “special solicitude.” *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 565 U.S. 171, 189 (2012).

1. Denying BLinC recognition violates its freedom of speech.

The Supreme Court and the Eighth Circuit have repeatedly held that a university’s denial of official recognition to a student group because of its views violates the First Amendment. In *Healy v. James*, a state college in Connecticut denied recognition to students forming a local chapter of Students for a Democratic Society, barring them from “plac[ing] announcements . . . in the student newspaper,” “from using various campus bulletin boards,” and “from using campus facilities for holding meetings.” 408 U.S. at 176. The college claimed the chapter was affiliated with a national organization that had espoused “violent and disruptive activities” in the past, and that the chapter itself implied that it might resort to such means in the future. *Id.* at 178, 173.

The Supreme Court quickly rejected these arguments, stating that—as an “instrumentality of the State”—a public school can never “deny[] rights and privileges solely because of a citizen’s association with an unpopular organization” or “because [the school] finds the views expressed by any group to be abhorrent.” *Id.* at 186-89. The Court conceded that student groups may “be bound by reasonable school rules governing conduct.” *Id.* at 191. But it emphasized that this referred to “reasonable” time, place, and manner regulations that “in no sense infringe[]” the “freedom to speak out, to assemble, or to petition for changes in school rules.” *Id.* at 192-93.

In *Widmar v. Vincent*, the Court emphasized that any restrictions on student conduct must be both content- and viewpoint-neutral. There the Court held that a state university that “makes its facilities generally available” to registered student groups could not “close its facilities” to a “group

desiring to the use the facilities for religious worship and religious discussion.” 454 U.S. at 264-65. Because the restriction was based on the “content of a group’s intended speech,” it could only be justified if the regulation were “necessary to serve a compelling state interest” and “narrowly drawn to achieve that end.” *Id.* at 274.

The university claimed an “interest in maintaining strict separation of church and State.” *Id.* at 275. But the Court denied the interest as insufficient because neutral treatment of “over 100 recognized student groups” would “not confer any imprimatur of state approval.” *Id.* at 276, 277; *see also Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2019 (2017) (“a generally available benefit” may not be withheld “solely on account of religious identity”).

Finally, in *Rosenberger v. Rector and Visitors of University of Virginia*, the University of Virginia maintained a Student Activities Fund from which student groups could seek expense reimbursement for their student magazines. 515 U.S. 819, 824 (1995). Reimbursement was precluded, however, for “religious activities.” *Id.* at 824-25. When a student group sought the costs of publishing its magazine, which shared a Christian perspective on a wide range of issues, the University denied reimbursement. *Id.* at 826-27. But the Supreme Court again ruled for the students, rejecting the University’s rationalization that it was simply declining to subsidize religious activity. The Court, rather, found viewpoint discrimination, noting that “the University does not exclude religion as a subject matter but selects for disfavored treatment those student journalistic efforts with religious editorial viewpoints.” *Id.* at 831. Because the University chose to reimburse publications presenting a secular point of view, it could not deny reimbursement to those addressing the same issues from a religious perspective. *Id.* at 829.

The Eighth Circuit has likewise long held that a public university cannot restrict student speech or assembly simply because it disagrees with the message or viewpoints presented. For example,

more than 40 years ago, when the University of Missouri attempted to exclude an LGBTQ group from campus, the Eighth Circuit ruled that the First Amendment protected the group's rights to association and equal treatment. *Gay Lib v. Univ. of Mo.*, 558 F.2d 848 (8th Cir. 1977). In that case, the University had denied the group recognition and funding. *Id.* at 850. As the Court explained: “[i]t is of no moment, in First Amendment jurisprudence, that ideas advocated by an association may to some or most of us be abhorrent, even sickening. The stifling of advocacy is even more abhorrent, even more sickening. It rings the death knell of a free society.” *Id.* at 856; *see also Gay & Lesbian Students Ass’n v. Gohn*, 850 F.2d 361, 368 (8th Cir. 1988) (stating that while “[c]onduct may be prohibited or regulated . . . [the] government may not discriminate against people because it dislikes their ideas”).

In another recent speech case, the Eighth Circuit, and this Court, found that Iowa State University (“ISU”) violated the First Amendment when it discriminated against a student chapter of the National Organization for the Legalization of Marijuana (NORML-ISU) for advocating the legalization of marijuana. *Gerlich v. Leath*, 861 F.3d 697, 700 (8th Cir. 2017). Under ISU’s recognition policy, student groups could apply to use the school’s trademarks on their merchandise. NORML-ISU requested and received permission to use the ISU insignia on a pro-marijuana shirt. But following community backlash, the University withdrew its approval. *Id.* at 703. The Eighth Circuit found a First Amendment violation, emphasizing that once the University “create[d] a limited public forum for speech,” it could not single out a group for disfavored treatment because of its position on controversial topics. *Id.* at 704-05.

These cases establish unequivocally that the University of Iowa’s derecognition of BLinC violates BLinC’s freedom of speech. The University’s policy regarding Registration of Student Programs creates precisely the type of forum that triggers full constitutional protections. It

“encourages the formation of student organizations around the areas of interest of its students” and grants to student groups freedom to “organize and associate with like-minded individuals.” Baxter Decl. ¶ 2, Exhibit A. And the University explicitly states that registration “does not constitute an endorsement of [the organization’s] program or its purposes.” *Id.* at 4); *see also* Estell Decl. ¶ 33, Ex. G (noting that student organizations are “voluntary special interest group[s]” and “separate legal entities from the University” and “not treated the same as University departments or units”). Having thus created a public forum for student expression and association, the University’s refusal to recognize a group because of its religious beliefs and leadership standards is a gross violation of the Free Speech Clause. *Rosenberger*, 515 U.S. at 835 (since “[t]he University declares that the student groups eligible for . . . support are not the University’s agents, are not subject to its control, and are not its responsibility,” it “may not silence the expression of selected viewpoints”).

2. The University’s discrimination against BLinC fails strict scrutiny.

Because the University’s action restricts protected speech, “it is invalid unless . . . it passes strict scrutiny—that is, unless it is justified by a compelling government interest and is narrowly drawn to serve that interest.” *Brown v. Entm’t Merchants Ass’n*, 564 U.S. 786, 799 (2011). This is “the most demanding test known to constitutional law,” *City of Boerne v. Flores*, 521 U.S. 507, 534 (1997). The University thus bears a “heavy burden” to justify excluding an organization from the full “range of associational activities” it otherwise permits. *Healy*, 408 U.S. at 184. To date, the University has relied upon its Human Rights Policy to justify denying BLinC equal access. But there are at least five reasons why that argument fails, revealing religious animus as the real reason for the University’s withdrawal of BLinC’s recognition.

a. BLinC is not in violation of the Human Rights policy.

First, by the University’s own admission, BLinC’s use of its Statement of Faith to screen leaders is not prohibited by the Human Rights Policy. Rather, the University guarantees that “all

registered student organizations be able to exercise free choice of members,” that they may “organize and associate with like-minded students,” and that they may restrict membership to “any individual who subscribes to the goals and beliefs of [the] student organization.” Baxter Decl. ¶ 2, Ex. A at 2. Similarly, in a 2004 letter to the Christian Legal Society (“CLS”), Dean Baker emphasized that “a student religious group is entitled to require a statement of faith as a pre-condition for joining the group” and that “[a]sking prospective members to sign the CLS statement of faith would not violate the UI Human Rights Policy.” Colby Decl. ¶ 6, Ex. 1 (emphasis in original). Because the University allows tenet-based restrictions on *members*, it cannot complain about BLinC’s tenet-based restrictions on just its *leaders*. And Dean Baker and Dr. Nelson admitted as much at the September 1, 2017 meeting, where they stated that BLinC could select leaders based on its tenets, just like a group promoting awareness of global warming could choose leaders based on its tenets. Estell Decl. ¶ 19.

Moreover, BLinC has repeatedly affirmed that it does not discriminate against members based on *any* protected status (including sexual orientation or gender identity), and that it will not discriminate against potential leaders on any protected status either, *except the basis of religion*. Thompson Decl. ¶¶ 41, 43, Exs. H, I; Estell Decl. ¶¶ 9, 11, 20-21 and Exhibit B. BLinC maintains that the complaining student was passed over for a leadership position solely because he rejected BLinC’s religious beliefs concerning marriage and sexuality. In fact, Ms. Thompson was happy for him to take a leadership role if he could have embraced BLinC’s beliefs and agreed to comply with the Statement of Faith. Thompson Decl. ¶ 15. Moreover, regardless of the basis for the decision regarding the complaining student, both Ms. Thompson and BLinC’s current leadership have reiterated that students will not be denied a leadership position on the basis of sexual orientation going forward. Thompson Decl. ¶¶ 41-44, Exs. H, I; Estell Decl. ¶¶ 9, 11, 20-21.

At the parties' September 1, 2017 meeting, the University repeatedly assured BLinC that it was permissible to distinguish leaders' *status* (including sexual orientation) from their *beliefs* and *conduct*. Estell Decl. ¶¶ 19-21. Because BLinC screens its leaders solely on the basis of their religious beliefs and conduct, and not any other protected category, it is not in violation of the Human Rights Policy. *See Hurley v. Irish-Am. Gay, Lesbian & Bisexual Group of Boston*, 515 U.S. 557, 574-75 (1995) (distinguishing excluded parade participants' sexual orientation from parade organizers' choice "not to propound a particular point of view").

b. Applying the Human Rights policy against BLinC in this context would constitute religious discrimination.

The Human Rights Policy—including its prohibition against religious discrimination—first and foremost binds the University itself. The University's own Statement of Religious Diversity notes that "[r]eligious history, religious diversity, and spiritual values have formed a part of The University of Iowa's curricular and extracurricular programs since [its] founding" and that "[a]s a public institution," the University cannot "discriminate[] against students, staff, or faculty on the basis of their religious viewpoints." Baxter Decl. ¶ 2, Ex. B. Additionally, the University's policy on Registration of Student Organizations states that "[t]he reasons for denying or withdrawing registration of a student organization shall not violate the University Policy on Human Rights," including by discriminating on the grounds of "creed" or "religion." Baxter Decl. ¶ 2, Ex. A at 1.

This explains why, in his 2004 letter to CLS, Dean Baker reiterated that student groups with traditional views on marriage and sexuality did not need an exemption from the "sexual orientation[] and gender identity" non-discrimination requirements because "the Human Rights Policy protects groups such as your CLS student clients from discrimination [by the University] on the basis of creed" and that, "[o]nce recognized, the University is obliged to protect the right of CLS members to espouse the group's basic tenets." Colby Decl. ¶ 6, Ex. 1, at 2. It also explains

why Dean Baker, early in the meeting with BLinC's officers on September 1, 2017, stated that the University recognized its obligation to respect the right of student groups, and particularly religious student groups, to select leaders who shared their group's mission and beliefs. Estell Decl. ¶¶ 17-21. Because the Human Rights Policy itself prohibits the University from engaging in religious discrimination, the University cannot claim that it has an interest under the Human Rights Policy in compelling BLinC to change its Statement of Faith or associated leadership standards.

c. The Human Rights Policy does not trump BLinC's constitutional rights.

Third, even if the Human Rights Policy could be broadly construed to prohibit discrimination on *beliefs* concerning sexual orientation, as opposed to just *status*, that would be an insufficient basis for overriding BLinC's constitutionally protected freedom of expression. In *Hurley*, for example, the non-governmental organizer of a large St. Patrick's Day parade was sued under Massachusetts' antidiscrimination law for excluding a gay-rights group that wanted to march "to celebrate its members' identity as openly gay, lesbian, and bisexual descendants of the Irish immigrants." 515 U.S. at 570. The Supreme Court held that the State's sexual-orientation nondiscrimination provision could not override the parade organizer's First Amendment right to set its own limits on the parade's message, at least where the organizer "disclaim[ed] any intent to exclude homosexuals as such." *Id.* at 570, 572. Similarly, in *Boy Scouts of America v. Dale*, the Supreme Court held that New Jersey's antidiscrimination law could not override the Boy Scouts' right to exclude openly gay scout leaders, which would "surely interfere with the Boy Scouts' choice not to propound a point of view contrary to its beliefs." 530 U.S. 640, 654 (2000); *see also Cuffley v. Mickes*, 208 F.3d 702, 708 (8th Cir. 2000) (holding that nondiscrimination law could not justify excluding a group that discriminated "on the basis of race, religion, color, and national origin" from participating in Missouri's Adopt-A-Highway program).

Here, BLinC does not exclude on grounds of sexual orientation, but only on grounds of its beliefs—beliefs that are motivated by what the Supreme Court has called “decent and honorable religious . . . premises” and that must be given “proper protection” under the First Amendment. *Obergefell v. Hodges*, 135 S. Ct. 2584, 2602, 2607 (2015). Thus, even if the Human Rights Policy were misconstrued to prohibit BLinC’s Statement of Faith, it would still not override BLinC’s First Amendment rights.⁴

d. The University applies the Human Rights Policy arbitrarily.

Finally, even if an antidiscrimination policy in some contexts could justify overriding First Amendment rights, it cannot do so here, because the University does not apply the policy fairly or uniformly. Such “[u]nderinclusiveness raises serious doubts about whether the government is in fact pursuing the interest it invokes, rather than disfavoring a particular speaker or viewpoint.” *Brown*, 564 U.S. at 802. Here, the University’s application of its Human Rights Policy is highly arbitrary, demonstrating that it has no compelling interest in applying it against BLinC.

First, the University itself obviously does not follow the Human Rights Policy in multiple contexts. To take an obvious example, the policy forbids differential treatment on the basis of “sex.” But the University’s large and lucrative sports program—its annual operating budget recently passed the \$100 million mark—is divided into men’s and women’s teams.⁵ *See* University

⁴ The Supreme Court’s decision in *Christian Legal Society v. Martinez*, 561 U.S. 661 (2010), is not to the contrary. There, the student group derecognized by the University of California had stipulated that the University had a neutral “all-comers” policy that required all student-led clubs to “open eligibility for membership and leadership to all students,” without any exceptions. *Id.* at 668, 675 (emphasis added). In light of that concession, a 5-4 majority of the Court held that the policy was “a reasonable, viewpoint-neutral condition on access to the student-organization forum.” *Id.* at 669. Here there is no such stipulation and no such policy.

⁵ A review of the individual teams’ rosters does not reveal any exceptions. For instance, the 2017 men’s football team had over 115 spots on its roster—all of them filled by men. University of Iowa Athletics, *2017 Football Roster*, <http://www.hawkeyesports.com/roster.aspx?path=football>. Same for the 16

of Iowa Athletics, *Iowa Administration*, <http://hawkeyesports.com/sports/2016/6/13/administration-athletic-director-html.aspx>. Nor does Iowa even offer the same programs for both sexes—there are no women’s football, baseball, or wrestling teams, for instance, nor are there men’s volleyball, softball, or field hockey teams.

There are other examples of the University not applying the Human Rights Policy to its own programs. For instance, the Policy bans “differences in the treatment of persons because of race, . . . status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, [and] associational preferences.” Baxter Decl. ¶ 3, Ex. C. Yet there are University programs that discriminate on all of those bases. Several University scholarships, including the Advantage Iowa Award, discriminate based on race.⁶ The University’s Armed Forces Award discriminates based on status as a U.S. veteran or service in the U.S. military.⁷ And the University’s annual “Rainbow Scholarship” discriminates on the basis of sexual orientation and gender identity, while its “Rainbow Graduation” discriminates on both of those bases and on the basis of associational preferences.⁸

slots filled on the men’s basketball team. University of Iowa Athletics, *2017-18 Men’s Basketball Roster*, <http://www.hawkeyesports.com/roster.aspx?path=mball>.

⁶ See University of Iowa, *Advantage Iowa Scholars*, <https://diversity.uiowa.edu/awards/advantage-iowa-award> (scholarship open only to “African American, Hispanic, Native American, Pacific Islander, [and] Multiracial” students); see also University of Iowa, *Iowa First Nations Tuition Program*, <https://diversity.uiowa.edu/awards/iowa-first-nations-tuition-program> (broadly “invit[ing] members of the Tribes/Nations historic to Iowa” to obtain in-state tuition costs, “regardless of where they live”).

⁷ See University of Iowa, *U.S. Armed Forces Award*, <https://diversity.uiowa.edu/awards/us-armed-forces-award> (granting award of \$17,000, plus eligibility for in-state tuition, to veterans and active-duty service members).

⁸ See University of Iowa LGBTQ Staff & Faculty Assoc., *The Rainbow Scholarship 2016-17*, https://lgbtqsf.org.uiowa.edu/sites/lgbtqsf.org.uiowa.edu/files/wysiwyg_uploads/Rainbow.pdf (scholarship is “for a regularly enrolled University of Iowa undergraduate student who is gay, lesbian, bisexual or transgender”); see University of Iowa, *Rainbow Graduation*,

Second, the University does not extend the same stringent standard that it has set for BLinC's *leadership* to even the *membership* requirements of other student organizations. The most obvious example is the University's many large fraternities and sororities. Those groups are subject to the University's Policy but nonetheless restrict both membership and leadership on the basis of sex.⁹ As explained on the official website to which the University directs its students, fraternities are "for men" and sororities are "for women." See Iowa FSL, *Terminology*, <http://uiowafsl.com/terminology>. An individual's sex is thus a non-negotiable eligibility requirement.¹⁰ There is no evidence that the University has enforced the Human Rights Policy against these organizations. Indeed, far from derecognizing these groups, the University *advertises* for them, telling students that the "44 Greek organizations on campus . . . provide[] a welcoming social structure" and that "[b]eing a member of a fraternity or sorority provides one of the best ways to becoming an involved student at Iowa."¹¹

Third, the University does not equally enforce its policy against other registered student organizations. Many organizations are permitted to use mission-based restrictions to screen their members. The Korean American Student Association requires members to "exhibit an optimistic attitude towards Korean culture" and reserves the right to exclude any member who "possesses a

<https://csil.uiowa.edu/multicultural/rainbowgrad/> ("annual event" to honor "graduating gay, lesbian, bisexual, transgender, and/or queer student[s], or a graduating ally").

⁹ See Dean of Students, *Registration of Student Organizations*, University of Iowa, <https://dos.uiowa.edu/policies/registration-of-student-organizations/> ("[u]ndergraduate social fraternities" must operate "consistent with the University Policy on Human Rights").

¹⁰ See Sigma Lambda Beta, *Requirements and Next Steps*, <http://sigmalambdabeta.com/requirements-next-steps/> ("Membership is only available for collegiate men"); *Bylaws of the Panhellenic Council at the University of Iowa*, (Oct. 26, 2017) [http://uiowafsl.com/Websites/iowafsl/images/UPDATED%20PHC%20Bylaws%20\(10-26-17\).pdf](http://uiowafsl.com/Websites/iowafsl/images/UPDATED%20PHC%20Bylaws%20(10-26-17).pdf) (noting that all member sororities must be for "women").

¹¹ See University of Iowa, *Center for Student Involvement & Leadership*, [https://csil.uiowa.edu/pickone](https://csil.uiowa.edu/pickone;); Tom Rocklin, *Iowa Fraternity & Sorority Life 2016-2017*, at 2, http://iowafsl.publishpath.com/Websites/iowafsl/images/1426-1_-_FSL_2016-2017_Booklet_Updates.pdf.

negative attitude.” Baxter Decl. ¶ 4, Ex. E. Students for Life requires its members to be “Pro-Life.” *Id.*, Ex. F. And the Association of Women Dentists requires members to support the advancement and recognition of women in dentistry. *Id.*, Ex. G.

Further, many campus groups besides BLinC require leaders to ascribe to religiously motivated conduct standards yet still retain registered status. For instance, Imam Mahdi, a Sunni Muslim student organization, declares that its “[o]fficials . . . shall refrain from major sins (*kaba’ir*) and endeavor to avoid minor sins (*saga’ir*).” *Id.*, Ex. H. CLS continues to exist on campus despite its beliefs on marriage and sexuality that are similar to BLinC’s. Colby Decl. ¶¶ 4-15. And perhaps most ironically, Love Works, a pro-LGBT campus ministry founded by the student who filed the complaint against BLinC, requires its leaders to “sign and agree to [its] Mission and Statement of Core Beliefs,” which includes a “Jesus-centered” affirmation of “those in the LGBTQ+ community who have been pushed aside from many other faith communities.” Baxter Decl. ¶ 4, Ex. J. Because the University fails to enforce its Human Rights Policy in all these contexts, it cannot have a compelling interest in targeting BLinC. *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 547 (1993) (“[A] law cannot be regarded as protecting an interest of the highest order . . . when it leaves appreciable damage to that supposedly vital interest unprohibited.”)

e. The University has not employed the least restrictive means.

Even if the University could show that it has a compelling interest in punishing BLinC for its speech, complete derecognition is not narrowly tailored to accomplishing that interest. The least restrictive means requirement is “exceptionally demanding.” *Burwell v. Hobby Lobby*, 134 S. Ct. 2751, 2780 (2014) (citing *City of Boerne*, 521 U.S. at 532). If a less restrictive alternative would serve the government’s purpose, “the legislature *must* use that alternative.” *United States v. Playboy Entm’t Grp., Inc.*, 529 U.S. 803, 813 (2000) (emphasis added). Here, the fact that the University has managed to accommodate its own mission and the missions of other student groups

without sacrificing the overall interests promoted by the Human Rights Policy is alone sufficient evidence that both diversity and freedom of speech on religious issues can coexist.

* * * *

The University's discrimination burdens BLinC's religious speech and association without a compelling justification and thus violates the Free Exercise Clause. On this basis alone, then, this Court should rule find that BLinC has a likelihood of success on the merits.

B. The Religion Clauses prohibit the University from deregistering BLinC.

The Religion Clauses also forbid the University's attempt to control the content of BLinC's beliefs and the selection of its leaders.

1. The Religion Clauses protect BLinC's selection of leaders.

Government interference with a religious group's leadership selection "runs headlong into the Religion Clauses of the First Amendment." *Scharon v. St. Luke's Episcopal Presbyterian Hosps.*, 929 F.2d 360, 361 (8th Cir. 1991). As the Supreme Court unanimously affirmed in 2012, "[t]he Establishment Clause prevents the Government from appointing ministers, and the Free Exercise Clause prevents it from interfering with the freedom of religious groups to select their own." *Hosanna-Tabor*, 565 U.S. 171, 184 (2012).

This constitutional doctrine, known as the "ministerial exception," guarantees that a religious group's "selection of its ministers is unfettered." *McNeil v. Missouri Annual Conference of United Methodist Church*, 412 F. App'x 912, 913 (8th Cir. 2011) (citing *Elvig v. Calvin Presbyterian Church*, 375 F.3d 951, 961 (9th Cir. 2004)). It is a "structural limitation imposed on the government" that "categorically prohibits federal and state governments from becoming involved in religious leadership disputes." *Conlon v. InterVarsity Christian Fellowship*, 777 F.3d 829, 836 (6th Cir. 2015). Even as against "undoubtedly important" government interests in enforcing nondiscrimination statutes, "the First Amendment has struck the balance" in favor of allowing a

religious group to be “free to choose those who will guide it on its way.” *Hosanna-Tabor*, 565 U.S. at 196 (barring disability discrimination claim); *see also Cooper–Igwebuike v. United Methodist Church*, 160 F. App’x 549 (8th Cir. 2005) (barring race discrimination claim).

The ministerial exception applies if (1) the entity in question is a “religious group,” and (2) the position in question is for “one of the group’s ministers.” *Hosanna-Tabor*, 565 U.S. at 177, 196; *see also Scharon*, 929 F.2d at 362 (considering the nature of the “institution” and the “position”). Both factors are met here: BLinC is a religious group, and its leaders fill a ministerial position.

a. BLinC is a religious organization.

A group is a religious organization for purposes of the ministerial exception if its “mission is marked by clear or obvious religious characteristics.” *Conlon*, 777 F.3d at 834 (quoting *Shaliehsabou v. Hebrew Home of Greater Wash., Inc.*, 363 F.3d 299, 310 (4th Cir. 2004)); *see also Scharon*, 929 F.2d at 362 (finding an entity fit within the exception because of its “substantial religious character”). Courts have found that the exception covers a broad variety of religious organizations, including schools, a nursing home, and a hospital that was “primarily a secular institution.” *See Scharon*, 929 F.2d at 362 (hospital); *Hosanna-Tabor*, 565 U.S. at 171 (school); *Shaliehsabou*, 363 F.3d at 310 (nursing home). The Sixth Circuit recently applied the ministerial exception to the InterVarsity Christian Fellowship, a national religious group for college students which has over 600 campus chapters, including one at the University, and whose chapters are substantially similar to BLinC. *Conlon*, 777 F.3d at 831. The Court emphasized that since “InterVarsity *Christian Fellowship* is a Christian organization, whose purpose is to advance the understanding and practice of Christianity in colleges and universities,” the ministerial exception protected the group. *Id.* at 833-34.

BLinC likewise qualifies as a religious group. It is a voluntary private organization whose name marks it as “in Christ.” Estell Decl. ¶¶ 1, 3. It was founded by Christian students to help each other and fellow University students grow in their faith and integrate their faith into their studies and careers. *Id.* ¶ 4. Its official statement of purpose in its constitution is to “help students learn about how to continually keep Christ first in the fast-paced business world.” *Id.* ¶ 29, Ex. D at 1. And BLinC accomplishes that mission by having its members meet together for regular prayer, Bible study, community service, and religious guidance from Christian business leaders. *Id.* ¶¶ 6-8. BLinC also holds itself out to the University community as a religious group. Its official University webpage states that its “primary mission is to create a community of followers of Christ within the Tippie College of [B]usiness in order to share and gain wisdom on how to practice business that is both Biblical and founded on God’s truth.” *See* Baxter Decl. ¶ 6, Exhibit N. Similarly, BLinC’s Facebook page, facebook.com/TippieBelievers, prominently features the text of a scripture verse—Colossians 3:23—superimposed on a New York City skyline. Finally, as particularly relevant here, BLinC ensures that it protects and maintains its religious mission by requiring its leaders to affirm and live by its Statement of Faith.

Thus, BLinC has the requisite “substantial religious character,” *Scharon*, 929 F.2d at 362, because it “is a Christian organization, whose purpose is to advance the understanding and practice of Christianity” at the University. *Conlon*, 777 F.3d at 833-34. BLinC’s ministerial decisions are accordingly protected by the ministerial exception.

b. BLinC’s leaders hold ministerial roles.

BLinC’s leaders also qualify as ministers for purposes of the ministerial exception because they hold positions that require them to engage in important religious functions.

The term “‘ministerial exception’ is judicial shorthand”; the doctrine “protects more than just ‘ministers.’” *Rweyemamu v. Cote*, 520 F.3d 198, 206-07 (2nd Cir. 2008) (noting the doctrine’s application to a “press secretary,” “staff of [a] Jewish nursing home,” and an “organist/music director”). Rather, the “point of the ministerial exception” is ensuring that a religious group may “select and control” those who “minister to the faithful” and “personify its beliefs.” *Hosanna-Tabor*, 565 U.S. at 188, 194-195. To this end, courts have held that ministerial status ultimately “depend[s] . . . upon the function of the position” in question. *Rayburn v. Gen. Conference of Seventh-Day Adventists*, 772 F.2d 1164, 1168 (4th Cir. 1985); accord *Fratello v. Archdiocese of N.Y.*, 863 F.3d 190, 205 (2d Cir. 2017) (“‘courts should focus’ primarily ‘on the function[s] performed by persons who work for religious bodies.’”) (quoting *Hosanna-Tabor*, 565 U.S. at 198 (Alito, J., joined by Kagan, J., concurring)). And the core functions to evaluate are whether the position in question has an important role in “conveying the [ministry’s] message and carrying out its mission.” *Hosanna-Tabor*, 565 U.S. at 192; see *Cannata v. Catholic Diocese of Austin*, 700 F.3d 169, 177 (5th Cir. 2012) (music director was “minister” because he “furthered the mission of the church and helped convey its message”); accord *Preece v. Covenant Presbyterian Church*, No. 8:13CV188, 2015 WL 1826231, at *3, *5 (D. Neb. Apr. 22, 2015) (“Courts evaluating the propriety of the ministerial exception for employees explore the individual’s functional role” in “conveying the defendant’s message and carrying out its mission”). Selecting “whose voice speaks for the church is *per se* a religious matter” and courts have agreed that they “cannot imagine an area of inquiry less suited” to government control. *Scharon*, 929 F.2d at 363 (quoting *Minker v. Baltimore Annual Conf. of United Methodist Church*, 894 F.2d 1354, 1356-57 (D.C. Cir. 1990)).

BLinC’s elected officers are the central means by which BLinC conveys its religious message and carries out its mission. Leaders open BLinC’s weekly meetings in prayer, choose and express

the content of religious study, and help guide the group in determining how to apply religious principles to their lives. Thompson Decl. ¶ 10-11; Estell Decl. ¶ 6. The leaders are also responsible for evaluating and selecting Christian business leaders to speak to students about how they integrate their faith and careers. Thompson Decl. ¶ 12; Estell Decl. ¶ 7. And BLinC's leaders organize religious service projects on and around campus, such as providing childcare at a religious private school's Saturday-school program. Thompson Decl. ¶¶ 13-14; Estell Decl. ¶ 8. The leaders are thus primarily responsible for the content of all religious teaching and prayer within BLinC, and all of its external ministry activity.

To ensure that BLinC's leaders guide the group consistent with its faith, BLinC's constitution emphasizes that its executive officers are expected to "live BLinC's religious beliefs as set forth in its Statement of Faith" and "must be prepared to provide spiritual leadership for the organization, including leading prayer and Bible study, explaining the content of BLinC's religious beliefs, and ministering to others." Estell Decl. ¶ 29, Ex. D at 1-2. Because of the religious importance and sensitivity of BLinC's leadership positions, BLinC requires each of its leaders to "commit to live a life in which I turn from my sin and actively choose the biblical precepts of Godly sanctification and righteousness," to confess sin to each other, and to "choose to receive grace and forgiveness from God." Estell Decl. ¶ 29, Ex. D at 2).

Because of their central, essential role in conveying BLinC's religious beliefs and carrying out its mission, BLinC's leaders qualify as ministers. The University thus violated the Religion Clauses by interfering with BLinC's leadership judgments and "punishing [it] for failing to" make selections that the University approves. *Hosanna-Tabor*, 565 U.S. at 188.

2. The Free Exercise Clause protects BLinC against discrimination by the University because of its Statement of Faith.

The University has violated the Free Exercise Clause in two additional ways. First, the University is punishing BLinC for the content of its internal religious beliefs, which is categorically forbidden by the First Amendment. Second, the University is singling BLinC's religious practices out for censure while allowing numerous other groups to engage in similar religious and secular practices unscathed.

a. The University is impermissibly censoring BLinC's religious beliefs.

Under the Free Exercise Clause, "targeting religious beliefs as such is never permissible." *Trinity Lutheran*, 137 S. Ct. at 2024 n.4 (citations omitted). Rather, "freedom to believe . . . is absolute." *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940). Thus, governmental attempts to control religious beliefs are categorically forbidden, regardless of the government's interest.

This absolute right is not limited to the confines of one's mind. Rather, it extends to cover "the expression of religious doctrines" among coreligionists. *Emp't Div. v. Smith*, 494 U.S. 872, 877 (1990); *McDaniel v. Paty*, 435 U.S. 618, 635 (1978) (Brennan, J., concurring) (First Amendment categorically protects both "the *act* of declaring a belief in religion" and "the act of discussing that belief with others."). Deciding the content of internal matters such as "faith and doctrine" is left to the discretion of religious groups alone. *Hosanna-Tabor*, 565 U.S. at 186 (quoting *Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church in N. Am.*, 344 U.S. 94, 116 (1952)).

Here, the University has targeted the content of BLinC's religious beliefs and its attempt to communicate those beliefs to members and potential leaders via its Statement of Faith, saying that BLinC could regain recognition if it would "make additional revisions to [its] Statement of Faith" to comply with the Human Rights Policy. Estell Decl. ¶¶ 30, 33, Ex. E, G. In other words, the University took umbrage not at BLinC's actions, but at its Statement of Faith. That is "never

permissible.” *Trinity Lutheran*, 137 S. Ct. at 2024 n.4. Because BLinC is being deprived of access to campus “solely because of [its] religious beliefs,” the constitutional inquiry is “at an end,” and the University can in no way justify its discriminatory policy. *McDaniel*, 435 U.S. at 626.

b. The University is impermissibly discriminating against BLinC’s religious practices.

The University also violates the Free Exercise Clause by discriminating against BLinC’s religious conduct. The Free Exercise Clause “‘protect[s] religious observers against unequal treatment’ and subjects to the strictest scrutiny laws” that disfavor religion. *Trinity Lutheran*, 137 S. Ct. at 2019 (quoting *Lukumi*, 508 U.S. at 542-43). Thus, “[l]aws burdening religious practice must be of general applicability.” *Lukumi*, 508 U.S. at 542. A law is not generally applicable if it burdens a category of religiously motivated conduct but exempts or does not reach a substantial category of conduct that is not religiously motivated, and which undermines the purposes of the law “in a similar or greater degree than” the restricted religious conduct. *Id.* at 543; *accord Blackhawk v. Pennsylvania*, 381 F.3d 202, 209 (3rd Cir. 2004) (Alito, J.).

The University’s Policy on Human Rights is not generally applicable because, as already discussed with regard to the Free Speech Clause, it is not enforced equally against either the University itself or other student organizations as it is against BLinC. *Lukumi*, 508 U.S. at 545-46 (regulation that “‘society is prepared to impose upon [religious groups] but not upon itself’” is the “precise evil . . . the requirement of general applicability is designed to prevent”) (quoting *Florida Star v. B.J.F.*, 491 U.S. 524, 542 (1989) (Scalia, J., concurring)); *see also Railway Express Agency v. New York*, 336 U.S. 106, 112 (1949) (Jackson, J., concurring) (“there is no more effective practical guaranty against arbitrary and unreasonable government than to require that the principles of law which officials would impose upon a minority must be imposed generally.”).

Here, the University's enforcement of its policy is patently selective: it has targeted BLinC while consistently exempting its own operations, its many fraternities and sororities, and other recognized student groups. Such a policy must be subject to "the strictest scrutiny." *Trinity Lutheran*, 137 S. Ct. at 2019 (quoting *Lukumi*, 508 U.S. at 542-43). And as explained above, the University cannot hope to meet that standard.

II. The remaining preliminary injunction factors all weigh in favor of granting injunctive relief.

BLinC need only show "a reasonable probability of success" or "a fair chance of prevailing" on any one of its First Amendment claims to justify a preliminary injunction. *Powell*, 798 F.3d at 698. On a First Amendment claim, once this standard is met, "the other requirements for obtaining a preliminary injunction are generally deemed to have been satisfied." *Minnesota Citizens Concerned for Life, Inc. v. Swanson*, 692 F.3d 864, 870 (8th Cir. 2012) (citation omitted). Here, BLinC has shown that it has not just a "reasonable probability," but a strong likelihood of succeeding on several First Amendment claims. Thus, without going any further, this Court should grant an injunction. If it does go further, though, the remaining relevant factors all support a preliminary injunction as well.

A. BLinC will suffer irreparable harm absent injunctive relief.

Defendants are actively discriminating against and punishing BLinC because of its religious beliefs, expression, and conduct. That is clear irreparable harm. "The loss of First Amendment freedoms constitutes irreparable injury[.]" *Powell v. Ryan*, 855 F.3d 899, 904 (8th Cir. 2017). That is true even if the deprivation is only for "minimal periods of time." *Johnson v. Minneapolis Park & Recreation Bd.*, 729 F.3d 1094, 1102 (8th Cir. 2013). And it is also true even if official University recognition is a "gratuitous benefit" to which BLinC is not otherwise entitled, since conditioning recognition on "disavowing [BLinC's] religious" beliefs and conduct

“inevitably deter[s] or discourage[s] the exercise of First Amendment rights.” *Trinity Lutheran*, 137 S. Ct. at 2022 (quoting *Sherbert v. Verner*, 374 U.S. 398, 405 (1963)); accord *Cuffley*, 208 F.3d at 707. Because BLinC has demonstrated that its constitutional and civil rights are being violated, it has demonstrated irreparable harm.

In addition, BLinC suffers continued irreparable injury because it is now unable to access the benefits of recognized student groups, recruit new student members on an equal basis with other student groups, or otherwise participate equally in University life. Estell Decl. Courts have repeatedly held that such derecognition is a significant and enduring harm to student groups. *See Healy*, 408 U.S. at 183 (emphasizing that “the group’s possible ability to exist outside the campus community does not ameliorate significantly the disabilities imposed by the [University’s] action”); *Christian Legal Soc’y v. Walker*, 453 F.3d 853, 864 (7th Cir. 2006) (concluding that being “denied university money and access to private university facilities for meetings” irreparably harmed a student group’s First Amendment rights). Moreover, by branding BLinC as an outsider, the University is stigmatizing BLinC and its religious beliefs, and sending a message to BLinC’s students that they are not equal members of the University. *Cf. Singh v. Carter*, 168 F. Supp. 3d 216, 233 (D.D.C. 2016) (“being subjected to discrimination is by itself an irreparable harm”).

B. The balance of harms weighs in BLinC’s favor.

Defendants will suffer no or *de minimis* injury from a preliminary injunction. An injunction would simply preserve the status quo, allowing BLinC to continue to operate on campus as it has for the past several years. And it would merely require the university to treat BLinC just as it does numerous other student organizations. By contrast, BLinC will suffer irreparable and severe injury if it continues to be punished for its faith. *See Powell*, 855 F.3d at 904.

C. The public interest favors granting an injunction.

The public interest also strongly favors granting an injunction. Indeed, “it is always in the public interest to protect constitutional rights.” *Phelps-Roper v. Nixon*, 545 F.3d 685, 690 (8th Cir. 2008), *overruled on other grounds by Phelps-Roper v. City of Manchester, Mo.*, 697 F.3d 678 (8th Cir. 2012). Additionally, an injunction would further the University’s stated interest in allowing a diversity of student groups to operate on campus. *See Bowman v. White*, 444 F.3d 967, 980 (8th Cir. 2006) (accepting the University of Arkansas’ contention that “the fostering of a diversity of uses of University resources” was a significant governmental interest). In contrast, the University’s exclusionary policy will have a chilling effect on the willingness of groups like BLinC to express their beliefs on controversial topics, thereby impoverishing the marketplace of ideas at the University of Iowa. An injunction will best preserve and promote the free flow of ideas on campus and is therefore in the public interest.

CONCLUSION

For all the foregoing reasons, BLinC respectfully urges the Court to grant this application for a preliminary injunction. BLinC respectfully requests oral argument on this motion.

Respectfully submitted this 12th day of December, 2017.

/s/ Matt M. Dummermuth

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**Admission pro hac vice pending*

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
EASTERN DIVISION**

<p>BUSINESS LEADERS IN CHRIST, <i>Plaintiff,</i> v. THE UNIVERSITY OF IOWA, <i>et al.</i> <i>Defendants.</i></p>	<p>Civ. Action No. 3:17-cv-00080-SMR-SBJ DECLARATION OF ERIC BAXTER</p>
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I, Eric Baxter, declare as follows:

1. I am Senior Counsel at the Becket Fund for Religious Liberty. I represent Business Leaders in Christ (BLinC), a student group at the University of Iowa, in the above-captioned matter.

2. On December 11, 2017, I accessed the website of the Dean of Students of the University of Iowa. On that site, I accessed the University's policy with regard to the Registration of Student Organizations. A true and accurate version of that policy is attached as **Exhibit A**. I also accessed the Statement of Religious Diversity. A true and accurate version of that Policy is attached as **Exhibit B**.

3. On December 11, 2017, I accessed the Operations Manual at the website of the University of Iowa. Chapter 3 of that manual contains the University's Human Rights Policy. A true and accurate version of that Policy is attached as **Exhibit C**.

4. On December 11, 2017, I accessed the Center for Student Involvement & Leadership's OrgSync website, www.uiowa.orgsync.com, went to the pages of the following student clubs, and downloaded a copy of their constitutions. A true and accurate copy of the constitution of the Feminist Union is attached as **Exhibit D**. The constitution of the Korean American Student

Association is attached as **Exhibit E**. The constitution of Students for Life is attached as **Exhibit F**. The constitution of the Association of Women Dentists is attached as **Exhibit G**. The constitution of Imam Mahadi is attached as **Exhibit H**. The constitution of the Christian Legal Society is attached as **Exhibit I**. The constitution of Love Works is attached as **Exhibit J**. The constitution of Cru is attached as **Exhibit K**. The constitution of Campus Bible Fellowship is attached as **Exhibit L**.

5. On December 11, 2017, I accessed The Daily Iowan website, <http://daily-iowan.com/2017/03/02/finding-a-home-in-faith/>, to obtain a copy the news article by Naomi Hofferber, Finding a Home in Faith (The Daily Iowan, Mar. 2, 2017). A true and accurate version of the article is attached as **Exhibit M**.

6. On December 11, 2017, I accessed BLinC's OrgSync page, <https://orgsync.com/93906/chapter>. A true and accurate version of the page is attached as **Exhibit N**.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 11th day of December, 2017.

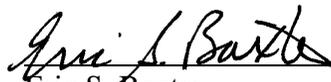

Eric S. Baxter

EXHIBIT A

DEAN OF STUDENTS

[Home](#) ▶ [Policies](#) ▶ Registration of Student Organi...

Registration of Student Organizations

A student organization is a voluntary special interest group organized for educational, social, recreational, and service purposes and comprised of its members. Student organizations are separate legal entities from the University of Iowa and legally are not treated the same as University departments or units. Student organizations can exist whether or not the University endorses them pursuant to this policy. Unless otherwise denoted hereafter, the use of the term “student organization” shall include sports clubs registered by Recreational Services.

Student organizations are an important link in the co-curricular activities of the University of Iowa. They play an important role in developing student leadership and providing a quality campus environment. As such, the University encourages the formation of student organizations around the areas of interests of its students, within the limits necessary to accommodate academic needs and ensure public safety.

I. Registration of Student Organizations

The University of Iowa, through the Vice President for Student Life (hereinafter, "vice president"), has delegated the responsibilities and obligations of registering student organizations to the Student Organization Review Committee (i.e., on behalf of the Center for Student Involvement & Leadership and Recreational Services) (SORC) and to deans of academic colleges. The SORC is a team of students and staff that determines the approval or denial of the application for registration. Registration of a student organization by the University does not constitute an endorsement of its program or its purposes, but is merely a charter to exist. The reasons for denying or withdrawing registration of a student organization shall not violate the University Policy on Human Rights.

It is the responsibility of each registered student organization to adhere to the mission of this University, its supporting [strategic plan](#), [policies](#), and [procedures](#). Organizations must abide by all local, state, and federal laws. An organization’s goals, objectives, and activities must not deviate from established University policies and procedures. Because participation in student organizations may enhance a student’s educational experience and the University deems this important to our students’ success, registered organizations are entitled to certain privileges and benefits.

A. Benefits of Registration:

1. Registration as a University organization;
2. Establishment of an account in the Student Organization Business Office (SOBO), Fraternity Business Service, or Recreational Services and appropriate purchasing privileges in accordance with University policies;
3. Eligibility to apply_ for funds from mandatory Student Activity fees (i.e., for student organizations) or Recreational Services fees (i.e., for sports clubs);
4. Inclusion in appropriate University publications;
5. Utilization of the Center for Student Involvement & Leadership’s (CSIL) OrgSync software (funded by UISG & GPSG)
6. Utilization of the University’s trademarks in accordance with the [UI Trademark Licensing Department’s program and policies](#);
7. Eligibility for use of campus meeting facilities and outdoor spaces;
8. Eligibility, but not the right, to utilize UI Fleet Services vehicles in accordance with state and University policies, procedures, guidelines, and insurance requirements;
9. Eligibility, but not the right, to utilize University staff and programming resources;
10. Eligibility, but not the right, to utilize Information Technology Services Mass Mail once each semester;
11. Eligibility to apply for awards and honors presented to University registered organizations and members; and
12. Eligibility to apply for Student Organization Office Suite (SOOS) or Student Activity Center (SAC) office space and/or storage space.

1. In order to exercise the privileges accorded to registered student organizations, students interested in starting a new registered student organization must first write a constitution for the potential student organization and hold a Pre-registration meeting with the appropriate CSIL staff, BEFORE filing the New Organization Registration Form online through OrgSync. This form includes organizational information and the organization's Constitution and Bylaws. Upon receiving this information, the CSIL staff will review it and submit it to the Student Organization Review Committee (SORC) for consideration. If approved for registration, the SORC will assign the appropriate registration tier (see below).
2. Eligibility/Registration Requirements
 - a. Any group or organization which consists of and maintains at least 80 percent University students, whose purposes are consistent with the educational objectives of the University, and do not violate local, state or federal law, is eligible for registration by the University. To start a new registered student organization, the organization must consist of and maintain at least five (5) individuals as members, of which four (4) must be currently enrolled UI students.
 - b. Membership. It is the policy of the University that all registered student organizations be able to exercise free choice of members on the basis of their merits as individuals without restriction in accordance with the University Policy on Human Rights. The University acknowledges the interests of students to organize and associate with like-minded students, therefore any individual who subscribes to the goals and beliefs of a student organization may participate in and become a member of the organization.

Membership and participation in the organization must be open to all students without regard to race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences, or any other classification that deprives the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons.

Membership in a student organization must be composed primarily of UI students (minimum 80% student membership) and be controlled and directed by UI students. Members are individuals who self-select to join an organization; "membership" is different from the audience a student organization targets, serves, or represents. The "audience" is not automatically considered a part of the organization's membership. Only UI student members shall have voting rights in a student organization. Membership is not open to persons under the age of 18 who are not enrolled UI students. Non-university community members who are at least 18 years of age may participate in the activities of student organizations but may not be voting members. If the student organization desires to allow persons under the age of 18 who are not UI students to participate in the activities of the student organization, the student organization must follow the requirements contained in the Youth Programs Policy Manual for RSOs, including that the youth participant must have permission to participate from a parent or guardian.

As some University services and benefits require knowledge of a student's membership in the student organization requesting the service or benefit, all organizations are encouraged to have a full membership roster on file with the Center for Student Involvement & Leadership via OrgSync. For example, if a member of a student organization wants to request approval to drive or ride in a university vehicle for an organization event or activity, that member must be listed on the organization's full membership roster located on OrgSync.

The student organization must be nonprofit in nature; student organizations affiliated with for-profit businesses are not eligible for registration. Student Representatives and student organization members must not profit or benefit financially from student organization membership.

- A. Primary and Secondary Student Representatives. Student Representatives are individuals who are authorized by the organization to speak for or represent the organization in its relations with the University and who are authorized to receive for the organization official notices, directives, or information from the University. Every student organization or potential student organization, registered with the Center for Student Involvement & Leadership/Recreational Services/academic deans via OrgSync must include the names of two student representatives in its Org Profile. Both Representatives must be currently enrolled UI students, and in academic and non-academic good-standing. One name will be designated as the Primary Representative and the other as the Secondary Representative. It is the responsibility of each student organization to update the Org Profile with the current names of Student Representatives. A student organization no longer under the direction of currently enrolled students may lose its registration.
- B. Access to University Resources. Registered student organizations are guaranteed an equal opportunity to apply for funds from mandatory Student Activity fees (i.e., for student organizations) or Recreational Services fees (i.e., for sports clubs) or for any other benefit conferred by the University of Iowa Student Government (UISG) or Graduate and Professional Student Government (GPSG) or their constituent bodies, without differentiation for reasons that violate the University Policy on Human Rights or inhibit the group's exercise of First Amendment rights of free expression and association. Nothing in this

section shall be construed to create an expectation of the receipt of funding or other benefit from UISG and/or GPSG and/or Recreational Services by any student organization or to prohibit the individual consideration of the program merits of funding or other proposals submitted by such student organizations.

C. Registration Procedure. Throughout the year on an ongoing basis, the University will consider applications from student organizations that request to be registered. Registration of student organizations is granted by the Student Organization Review Committee (i.e., on behalf of the Center for Student Involvement & Leadership and Recreational Services) or an academic dean. Registration granted for sports clubs, and fraternities and sororities are subject to additional policies administered by their respective department or student governance organization(s). In order to receive funds from mandatory Student Activity fees (i.e., for student organizations) or Recreational Services fees (i.e., for sports clubs), a student organization must be confirmed by the UISG and/or GPSG or Recreational Services. Greek-letter social organizations are registered by the University of Iowa Interfraternity Council, Panhellenic Council, Multicultural Greek Council, or the National Pan-Hellenic Council.

1. To start an organization one must follow the step-by-step process listed on the "Starting an Organization" website.

Registration of student organizations that are residential living units (i.e., residence hall organizations, fraternities, and sororities) is granted by their respective student governance organization (i.e., Associated Residence Halls [ARH], Interfraternity Council [IFC], Multicultural Greek Council [MGC], National Pan-Hellenic Council [NPHC], and Panhellenic Council [PHC]) with the concurrence of the vice president.

The Student Organization Review Committee (SORC) shall review all student organization registration applications. Upon its evaluation, the Committee will register the student organization and forward the organization's application to the appropriate student governance organization or college/department/unit for confirmation; 2) register the organization subject to specific conditions on activities the organization is permitted to sponsor; or 3) reject the application. If an application is rejected the organization may appeal the decision of the SORC within 30 calendar days upon the receipt of their denial of registration letter. Appeals must be submitted in writing to either the Director of the Center for Student Involvement & Leadership (i.e., for student organizations) or the Director of Recreational Services (i.e., for sport clubs). If an organization appeals and is not satisfied with the decision rendered by the Director of the Center for Student Involvement & Leadership or the Director of Recreational Services they may then submit a final appeal in writing to the Dean of Students. There is no further appeal after the Dean of Students.

D. Constitution and Bylaws. In order to complete the registration process, all student organizations must have an approved constitution and bylaws. Sponsored and affiliated student organizations (see Section 8, Registration Tiers) must also provide a copy of the charter, constitution, and/or bylaws of any organization external to the University with which such organization may be affiliated. Student organizations are required to include mandatory clauses within their organization constitutions.

E. Registration of Inter/National Chartered Organizations. In addition to observing all University rules, an organization that is chartered by an inter/national organization, such as a Greek-letter social fraternity or sorority, must maintain its affiliation with the inter/national organization in order to retain its University registration. University registration will cease when the inter/national organization no longer recognizes or sponsors the student organization as an active organization. In this situation, the organization is no longer eligible to affiliate with their respective student governance organization, to participate in activities sponsored by the governance organization or its member organizations, or to access the privileges granted to registered student organizations. Once the inter/national organization has officially returned the student organization to affiliation status, the student organization representatives may apply to the University and the respective student governance organization for registration, although re-registration is not guaranteed. When the University removes registration of a student organization for violating University rules but the organization remains affiliated with the inter/national organization, the student organization will not regain their University registration by virtue of their relationship with the inter/national organization.

F. Housing Organizations. Student organizations that provide off-campus housing to their student members are considered Housing Organizations. These include Professional Residence Groups, fraternal organizations with a professional focus that are recognized by an academic college, and Undergraduate Residence Groups, which includes Greek-letter organizations that are affiliated with their respective student governance organization.

1. In addition to all other student organization policies, Housing Organizations must fulfill the following expectations due to the level of responsibility and complexity involved in the service they provide:

- a. Manage their housing unit;
- b. Enforce internal organization rules;
- c. Ensure that relevant national, state, and local laws and regulations are observed;
- d. Provide safe and healthful lodging and cooperate with city or state agencies responsible for enforcing applicable health and safety laws; and

2. Organizations are eligible for the same privileges granted to registered student organizations which do not provide housing.
3. The responsibility for the regulation and governance of professional fraternities that maintain chapter structures shall be with the Dean of the respective college, including professional fraternities registered by the College of Medicine, the College of Dentistry, College of Liberal Arts and Sciences, and the Graduate College.
4. The possession or consumption of alcohol is prohibited in recognized undergraduate residence group housing except where explicitly authorized in writing by the vice president.

G. Governance Organizations.

1. Registered student organizations are governed by the University of Iowa Student Government (UISG), Graduate and Professional Student Government (GPSG), or Associated Residence Halls (ARH).
2. Undergraduate men's and women's social fraternities are governed by the University of Iowa Interfraternity Council, Panhellenic Council, National Pan-Hellenic Council, or the Multicultural Greek Council, which may establish, consistent with the University Policy on Human Rights, additional rules and regulations for recognition of new fraternities, membership selection standards, and standards of conduct.
3. Reviews. In order to determine whether a student organization is in compliance with a student governance organization regulation or policy, University officials may from time to time review the organization's record. Information gathered as part of the review may include, but is not limited to, the following: aggregate grade point averages, membership figures, financial reports, internal rules and policies, insurance coverage schedules, educational programs for members, safety and security precautions, compliance with relevant municipal ordinances and state laws, and complaints to the Iowa City police.

II. Registration Tiers

Each student organization granted registration with the University of Iowa is classified as general, affiliated, or sponsored. The registration tier is determined by assessing the student organization's relationship to the University, the purpose and scope of its activities, the University population served, and the perceived potential risk to participants and the University.

The relationship of student organizations to the University is determined by evaluating the student organization's mission, goals, and activities as they relate to the mission, vision, goals and culture identified by the University in its Strategic Plan.

The privileges and responsibilities associated with each type of registered student organization are outlined below.

- A. General Student Organizations: The privileges of becoming a registered student organization at the University are not extended without careful consideration. General student organizations are those that are consistent with the mission and culture of the University and engage primarily in activities that benefit their membership. These organizations are primarily interest groups capable of functioning with minimal support. The University registers but does not support or endorse the purposes of these general organizations and may not accept responsibility or liability for the activities undertaken by the student organization.

In addition to the University resources available to all registered student organizations, general student organizations may receive third priority consideration for:

- Student Organization Office Suite (SOOS) or Student Activity Center (SAC) office or storage space; and
- Reservable space for University-wide annual events at the Iowa Memorial Union, other University facilities, and outdoor venues through the IMU Event Services process and other University scheduling processes.

- B. Affiliated Student Organizations: Affiliated student organizations are those that serve a specific University interest and may provide support to University programs and initiatives. They contribute to the mission, vision, goals, and culture of the University by routinely presenting events for their members, the campus, or their related department's or unit's members and invited guests. A University department or unit must provide oversight and direct responsibility for the organization and its activities. Affiliated student organizations also may be directly associated with an academic course and its requirements.

In addition to the University resources available to all registered student organizations, affiliated student organizations shall comply with any rules, procedures, and expectations established by the responsible University department or unit.

Because of their broad impact, affiliated student organizations may receive second priority consideration for:

- Student Organization Office Suite (SOOS) or Student Activity Center (SAC) office or storage space; and
- Reservable space for University-wide annual events at the Iowa Memorial Union, other University facilities, and outdoor venues through the IMU event services process and other University scheduling processes.

Affiliated student organizations will need to follow appropriate criteria and guidelines from each University department or unit to receive these services and benefits.

- C. **Sponsored Student Organizations:** Sponsored student organizations are those considered critical to the mission and culture of the University and work in partnership with a University department or unit. These organizations are linked to the University because of their role representing the University or in presenting events of broad appeal that are considered an integral part of the institution and its activities. Sponsored students organizations routinely present events for the campus and broader community, and typically work in a collaborative relationship with a University department or unit. The student organization's purpose and effect are to serve a broad segment of the campus community, not just its membership.

Once registered, the events and activities presented by the student organization should accurately and positively reflect the mission, vision, goals and culture of the University, as well as the rules and standards of the institution and its activities. The registration process requires action by both student leaders and University officials. As such, this process creates a mutually beneficial relationship between sponsored student organizations and the University.

In addition to the University resources available to all registered student organizations, sponsored student organizations shall have:

- A full-time professional staff or faculty member whose job description designates them as the primary adviser to the sponsored student organization in accordance with student organization registration requirements. These advisers are considered experts within the respective student organization's area of interest;
- A University department or unit that provides oversight and direct responsibility for the student organization and its activities; and
- Routinely presented events of broad appeal for the campus and community. Student organization operations and event planning are complex, and the majority of the events/programs are University-wide. Sponsored student organizations routinely present events for the campus and broader community, and are expected to work closely with the appropriate University department or unit in the planning of these events.

Because of high complexity, sponsored student organizations may receive first priority consideration for:

- Student Organization Office Suite (SOOS) or Student Activity Center (SAC) office or storage space; and
- Reservable space for University-wide annual events at the Iowa Memorial Union, other University facilities, and outdoor venues through the IMU event services process and other University scheduling processes.

Sponsored student organizations must follow appropriate criteria and guidelines from each respective University department or unit to receive these services and benefits.

III. Tier Appeals

An appeals process exists for those organizations desiring a registration tier different than that into which they were initially placed. Based on additional information, an organization's registration tier or may be modified also by the Student Organization Review Committee (SORC).

1. **Appeals – Recognition Tier Decision.** A student organization has the right to appeal a tier designation decision of the SORC or the determination by the Center for Student Involvement & Leadership to change or modify a student organization's recognition tier. An appeal provides a limited review of the original decision. It is not an opportunity to present the evidence again or to re-evaluate credibility. If an error has been made, in most cases the matter will be returned to the SORC so that the error may be corrected.

One of the following two conditions must be used as a basis for appeal:

- Discovery of new information that was not available at the time of the decision; and/or
- The appropriate processes for registering student organizations were not followed.

The Director of the Center for Student Involvement & Leadership or Recreational Services will act as the appeal administrator. The Associate Director of the Center for Student Involvement & Leadership or Recreational Services will act as the appeal administrator if the Director is unable to serve due to conflict of interest or absence.

Written documentation stating the grounds for appeal must be filed with the appeal administrator within ten (10) business days of receipt of the original SORC decision.

The appeal administrator will decide one of the following:

- o Uphold the original decision;
- o Remand the case back to the SORC for reconsideration consistent with the findings of the appeal administrator;
- o Remand for a new registration process review of the student organization; or
- o Modify the registration tier assigned by the SORC.

The appeal administrator will provide a written decision to the SORC Chair within ten (10) business days of the appeal review. An appeal may be taken within ten (10) business days to the Dean of Students.

IV. Registration Renewal

- A. Each student organization must renew its Profile on OrgSync at or near the beginning of the fall (between Aug. 1-Sept. 15) and spring (Jan. 1-Feb. 15) semesters, even if there are no changes from the previous semester in primary and/or secondary representative and contact information. A student organization that does not update and renew its profile will lose its registration automatically for one semester. Any changes in primary or secondary representative or changes in contact information must be reflected in the profile. Registered student organizations must provide complete and accurate information as requested in the profile. If additional information is needed, student organization representatives must provide information upon request to the Center for Student Involvement & Leadership or Recreational Services. For those student organizations that are registered by an academic college as well as by a student government, student leaders are advised to check with the college/department/unit regarding registration deadlines.
- B. From time to time, the Student Organization Review Committee reviews the status of student organizations to ensure the safety and welfare of students who participate in activities sponsored by the organization. Depending upon the results of its evaluation, the Committee will 1) register the student organization; 2) register the student organization subject to specific conditions on activities the organization is permitted to sponsor; or 3) recommend to the Director of the Center for Student Involvement & Leadership or Director of Recreational Services that registration be denied.

V. Organizational Registration Changes

- A. During the year, registered student organizations must report to the Center for Student Involvement & Leadership or Recreational Services any amendments to or changes in its student organization name, constitution, by-laws, student representatives, and/or advisers within two weeks of the changes becoming effective. Registered student organizations also must submit any additional information requested from time to time by their respective registering body.

VI. Advisers

- A. Student organization advisers are strongly encouraged for all registered student organizations. Advisers shall be faculty members whenever possible in order to promote student-faculty interaction beyond the classroom. Professional & Scientific staff with advising experience and/or relevant expertise also may serve as student organization advisers. Merit staff, with advising experience and/or relevant expertise also may serve as student organization advisers upon approval from the Center for Student Involvement & Leadership, Recreational Services, or academic dean. A non-University affiliated individual may serve as an adviser to a student organization only if they serve as a liaison to a local/regional/national organization with which the registered student organization has an official affiliation.
- B. Student organization advisers must be employed at the University on at least a .5 FTE basis. The Division of Student Life shall have the right not to approve advisers of student organizations who are on disciplinary status as determined by the

- C. All student organization advisers are strongly encouraged to participate in the adviser training programs sponsored by the Center for Student Involvement & Leadership. The Center for Student Involvement & Leadership and Recreational Services will provide specific information to student organizations about these requirements.
- D. Graduate assistants, with at least 50% appointments, may serve as additional advisers in conjunction with student organization advisers who meet the requirements stated above; however, they will not have signatory authority (e.g., financial transactions, contracts, vouchers).

VII. Space Allocation for Registered Student Organizations

- A. Limited office or storage space is available to registered student organizations in the Student Organization Office Suite (SOOS) or Student Activity Center (SAC) in the Iowa Memorial Union. Student organizations allocated space in the SOOS or SAC must abide by the policies in regard to use of office or storage space. Application forms for the office and storage space are available online through the Center for Student Involvement & Leadership website (<http://csil.uiowa.edu/>). Office and storage space requests are reviewed annually by the CSIL Space Allocation Committee and recommendations for assignment of space are made to the Director of the Iowa Memorial Union and Center for Student Involvement & Leadership. Sport Clubs are required to follow all policies in regard to storage space established by Recreational Services.

Engaging students, supporting positive community behavior, and enriching the college experience through educationally-purposeful activities, service, and community building.

Office of the Dean of Students

135 Iowa Memorial Union, Iowa City, IA 52242

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EXHIBIT B

Statement of Religious Diversity and the University Calendar

Religious history, religious diversity, and spiritual values have formed a part of The University of Iowa's curricular and extracurricular programs since the founding of the University. In order to advance religious diversity on campus, the University makes reasonable accommodations for students, staff, and faculty whose religious holy days coincide with their work schedules and classroom assignments. As a public institution, the University neither promotes any particular form of religion nor discriminates against students, staff, or faculty on the basis of their religious viewpoints.

University holidays are not religious holy days, although a religious holy day may coincide with a University holiday. The University is prepared to make reasonable accommodations in its work assignments, test schedules, and classroom attendance expectations in a manner which is consistent with the University Policy on Human Rights and does not unfairly burden employees and students.

Students

With regard to classroom attendance, students who notify the faculty (including teaching assistants) of a religious holy day conflict in a timely manner shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith. Where attendance is mandatory, students compelled by their religious convictions to refrain from attending class on specific days must notify their instructors during the first few days of the semester or session, and no later than the third week or one week before the absence if a conflict occurs before that time.

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Students who notify their instructors of a religious holy day conflict in a timely manner shall be permitted a reasonable amount of time to make up the material or activities covered in their absence, including tests. Students who receive an exemption on religious grounds cannot be penalized for failing to attend class on the days exempted. The instructor may, however, appropriately respond if the student fails to satisfactorily complete any alternative assignment or examination.

In those cases where a request for an excused absence based upon a religious holy day conflict is denied by the instructor, a student may pursue a grievance under “Student Complaints Concerning Faculty Actions” (posted in *Policies & Regulations Affecting Students*, sub-section D (/policies/student-complaints-concerning-faculty-action/)). Where a timely request is made but denied by the instructor, the grievance process shall be expedited as much as reasonably possible to ensure that a student pursuing a religious holy day accommodation is not unduly disadvantaged by the passage of time.

Students with attendance conflicts may be required to notify an instructor in writing. An instructor who requires written notice must inform the class of this expectation in the class syllabus. An instructor may deny a student’s request for an excused absence on the ground that the request was not made within a reasonable time period, that is, no later than the third week of class or one week before the absence if a conflict occurs before that time.

Faculty

Faculty members have “the responsibility to meet classes as scheduled and, when circumstances prevent this, to arrange equivalent alternate instruction” (*University of Iowa Operations Manual* (<http://opsmanual.uiowa.edu/human-resources/professional-ethics-and-academic-responsibility/responsibilities-students>), Section III, Chapter 15.2.b). Faculty members who wish to observe religious holy days must fulfill the above-mentioned policy and satisfy any other responsibilities regarding off-campus time, including proper notice, in accordance with their standard departmental procedures.

When scheduling tests, instructors are encouraged to take cognizance of religious holy days which fall on University class days. In addition, faculty should include in their syllabi information regarding the policies for handling conflicts between classroom activities

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(attendance, tests, etc.) and religious holy days. Such policies must be consistent with University policies (see the section for “Students” above).

Staff

Staff members may request accommodation for religious observances through their immediate supervisor. Accommodation may be in the form of scheduled leave or an alternate work schedule. Approved absences will be recorded as vacation. In cases when vacation is not available or an alternative work schedule is not possible, a leave of absence without pay may be permitted. Departments will attempt to accommodate such requests, balancing the request to accommodate with the particular needs of the work unit.

In order to best meet staff needs in an area, appropriate advance notice is required.

EXHIBIT C

[Home](#) > [II. Community Policies](#)

Chapter 3 – Human Rights

(Amended 9/14; 7/1/17)

For related policies, see [II-14](#) Anti-Harassment, [II-4](#) Sexual Harassment, and [II-11](#) Anti-Retaliation.

[3.1 Policy and Rationale](#)

[3.2 Definition of Terms Used in This Policy](#)

[3.3 Bringing a Complaint](#)

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[3.9 Confidentiality](#)

3.1 Policy and Rationale

The University of Iowa brings together in common pursuit of its educational goals persons of many nations, races, and creeds. The University is guided by the precepts that in no aspect of its programs shall there be differences in the treatment of persons because of race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences, or any other classification that deprives the person of consideration as an individual, and that equal opportunity and access to facilities shall be available to all. These principles are expected to be observed in the internal policies and practices of the University; specifically in the admission, housing, and education of students; in policies governing programs of extracurricular life and activities; and in the employment of faculty and staff personnel. Consistent with state and federal law, reasonable accommodations will be provided to persons with disabilities and to accommodate religious practices. The University shall work cooperatively with the community in furthering these principles.

3.2 Definition of Terms Used in This Policy

- a. Alleged victim: a person against whom discrimination has allegedly occurred.
- b. Complainant: the person who brings a complaint of violation of this policy, who could be an alleged victim or a third party.
- c. Graduate assistant: a graduate student employed by the University as a research assistant or teaching assistant.
- d. Instructor: a person engaged in teaching students or in evaluation or supervision, direct or indirect, of a student's academic work.

- e. Member of the University community: any University student, or faculty or staff member.
- f. Protected interests: University employment, education, on-campus living, or participation in a University activity.
- g. Respondent: a person or unit that has been accused of discriminating against one or more individuals.
- h. Specific and credible allegations: allegations that provide factual details such as, but not limited to, time, place, actions, participants, and witnesses. Allegations do not necessarily have to be based on firsthand observation of events to be "specific and credible," but direct observation normally results in greater specificity and credibility than indirect knowledge.
- i. Supervisor: a person who has authority either: 1) to undertake or recommend tangible employment decisions (those that significantly change an employee's employment status, such as, but not limited to, hiring, firing, promoting, demoting, reviewing performance, reassigning, and compensation decisions) affecting an employee, or 2) to direct the employee's daily work activities.
- j. Third-party complainant: a person who brings a complaint alleging an act of discrimination against someone else.

3.3 Bringing a Complaint

- a. Persons who believe they have been subjected to discrimination in violation of the policy are encouraged to report it, even if they are not certain whether a violation of this policy has occurred. A complaint that this policy has been violated may be brought to the Office of Equal Opportunity and Diversity (EOD), 202 Jessup Hall, through informal or formal channels by any member of the University community, including a third party, or by the University itself. A complaint must state specific and credible allegations of discrimination to warrant an investigation. There is no time limit for bringing a complaint; however, it may be difficult to substantiate the allegations if they are made after significant time has passed. Therefore, prompt reporting of complaints is strongly encouraged.

Anyone (victims or others) who wishes to consult with someone about a specific situation without making a complaint, or who wishes simply to learn more about enforcement of this Human Rights Policy may contact any of the following offices or organizations:

- (1) Office of the Ombudsperson (for faculty, staff, students, and persons not affiliated with the University), C108 Seashore Hall;
- (2) Employee Assistance Program (for faculty or staff), 121-50 University Services Building;
- (3) University Counseling Service (for students), 3223 Westlawn;
- (4) Women's Resource and Action Center (for faculty, staff, or students), Bowman House.

- b. Informal complaints. An informal complaint is a request that the Office of Equal Opportunity and Diversity seek to reach an informal resolution of the complainant's concerns. The procedures for such complaints are designed to be flexible so as to enable the Office of Equal Opportunity and Diversity to address an individual's situation in the most effective and expeditious manner possible. Resolutions of informal complaints are accomplished with the assistance of other offices or administrators on campus in the area relevant to the complaint.

In the case of an informal complaint, the accused party normally will not be informed of the complainant's action or identity without the consent of the complainant unless circumstances require. When allegations are addressed through an informal resolution process, no disciplinary action may be taken against the respondent, and there will be no record of the allegations in the respondent's personnel file or student disciplinary file, unless the person is notified of the allegations and given an opportunity to respond.

- c. Formal complaints. A formal complaint of discrimination involves an impartial investigation of the complainant's allegations by the Office of Equal Opportunity and Diversity. The investigation begins when the Office provides written notice to the respondent of the filing of the complaint, the identity of the complainant, and the general allegations of the complaint. The respondent is then interviewed regarding the specifics of the allegations and given an opportunity to respond fully to the allegations. The Office of Equal Opportunity and Diversity may also interview other persons believed to have factual knowledge relevant to the allegations. The purpose of the investigation is to establish whether the Office of Equal Opportunity and Diversity finds a reasonable basis to conclude, by the preponderance of the evidence, that the respondent violated the Policy on Human Rights.

The Office of Equal Opportunity and Diversity will issue written findings outlining the basis for its conclusions. The written finding normally will be issued within 60 days of when the complaint was filed. When it is not reasonably possible to issue the finding within that time, the Office of Equal Opportunity and Diversity will notify the alleged victim and the respondent that the finding will be delayed and indicate the reasons for the delay. This report is provided to the administrative officials responsible for the area in which the respondent is involved, the alleged victim, the respondent, and the chief administrative officer in the unit (e.g., the Provost in a complaint filed against a faculty member; the vice president or dean for the unit in the case of a staff member; or the Vice President for Student Life in the case of a student) or his or her designee. Third-party complainants will be notified only that the proceedings are concluded.

3.4 Process for Sanctions

- a. In the case of formal complaints, the following administrators will review the findings of the Office of Equal Opportunity and Diversity investigation:
- (1) the Office of the Provost, if the respondent is a faculty member or other instructional personnel (except graduate assistants);
 - (2) the office of the vice president or dean responsible for the unit employing the person charged, if the respondent is a staff member (including a graduate assistant, in which case the Dean of the Graduate College also must be notified in order to determine whether ramifications apply for the student's academic progress);
 - (3) the Dean of Students, if the respondent is a student (including a graduate student, in which case the Dean of the Graduate College also must be notified in order to determine whether ramifications apply for the student's academic progress).
 - (4) the appropriate administrator above, if the respondent is a unit.
- b. The administrator who receives the report shall:

(1) discuss it with EOD in order to determine, based on EOD's findings and input, appropriate corrective measures and/or sanctions. If the respondent is a staff member, the administrator will also consult with the Senior Human Resources Leadership Representative in the unit. If the respondent is a faculty member, graduate assistant, or unit, the administrator will also consult with the appropriate dean and departmental executive officer. When a respondent staff member, faculty member, or graduate assistant is also a student, the administrator and the Dean of Students will also consult with one another in determining what corrective measures or sanctions should be pursued.

(2) implement appropriate corrective measures and/or sanctions consistent with University procedures. The administrator must inform EOD in writing of the actions that are taken in response to EOD's findings.

(3) insure that the alleged victim is informed when action is taken.

c. Violations of the Human Rights Policy may lead to sanctions up to and including termination or separation from the University. If the respondent is a unit, sanctions may include changes to unit policies or processes, or other appropriate actions. Sanctions for violations of this policy should be commensurate with the nature of the violation and the respondent's disciplinary history. It is the responsibility of the appropriate administrator to follow-up with the parties at a reasonable interval(s) to assess their compliance with the sanctions imposed. More serious sanctions up to and including termination of employment or separation from the University may be imposed in the event that the individual fails to comply with the sanctions initially imposed.

3.5 Applicable Procedures

(Amended 7/1/17)

Formal sanctions imposed in response to alleged violations of this policy will be governed for:

- a. faculty members by III-29 Faculty Dispute Procedures and that portion of those procedures dealing with faculty ethics (III-29.7).
- b. staff members by applicable Regent Merit System Rules and University policies, including III-16 Ethics and Responsibility Statement for Staff, and the applicable grievance procedures, including III-28 Conflict Management Resources for University Staff;
- c. graduate assistants, when dismissal is sought, by the procedure for dismissal of graduate assistants (III-12.4). When sanctions other than dismissal are imposed by the dean of the employing college, a graduate assistant may appeal through those procedures established for graduate assistant employees;
- d. students by the Student Judicial Procedure.

3.6 Appeal Procedures

If the Office of Equal Opportunity and Diversity concludes that the complaint is unfounded, the complainant may appeal the finding on the grounds that the decision was arbitrary and capricious or that the investigating office did not follow procedures resulting in prejudice to the complainant. Appeals must be made electronically or in writing and submitted together with all supporting documentation to the Office of Equal Opportunity and Diversity within 10 University business days of the receipt of the finding. Generally within two University business days, the Office of Equal Opportunity and Diversity will transmit the notice of appeal and the case record to the appropriate appeal officer, as described on the EOD website. The appeal officer, or the appeal officer's designee, will issue a written

decision on the appeal to the complainant and the Office of Equal Opportunity and Diversity within 20 University business days of the receipt of the appeal, although this time frame may be extended due to the complexity of the case or the severity of the allegations.

In cases where the appeal is denied, such action constitutes final University action on the matter, subject to appeal to the Board of Regents. In cases where the appeal is successful, in whole or in part, the appeal officer/designee will advise the Office of Equal Opportunity and Diversity regarding appropriate measures to address the issues of concern raised in the appeal.

For complaints that conclude in a finding that there is a reasonable basis to believe that a policy violation has occurred and sanctions have been imposed, respondents may appeal such findings through the grievance procedures applicable to them. The respondent may challenge any sanctions imposed as a result of a finding through available grievance procedures.

3.7 Protection Against Retaliation

- a. Retaliation against alleged victims, complainants, and/or witnesses who provide information during an investigation pursuant to this policy is prohibited by II-11 Anti-Retaliation. Reasonable action will be taken to assure that alleged victims, complainants, and/or witnesses suffer no retaliation as a result of their activities with regard to the process.
- b. Any retaliation against alleged victims, complainants or witnesses should be reported pursuant to II-11 Anti-Retaliation. Retaliation may result in sanctions against the person committing the retaliatory act(s).

3.8 Protection of the Respondent

- a. This policy shall not be used to bring knowingly false or malicious allegations. Making such allegations may subject the complaining party to sanctions up to and including termination or separation from the University. Any such action will be initiated by the appropriate administrator overseeing the complainant(s).
- b. In the event the allegations are not substantiated, reasonable steps will be taken to restore the reputation of the respondent if it was damaged by the proceeding. The respondent may consult with the investigating office regarding reasonable steps to address such concerns.

3.9 Confidentiality

- a. In order to empower community members to voice concerns and bring complaints, the confidentiality of all parties will be protected to the greatest extent possible. However, confidentiality cannot be guaranteed.
- b. Alleged victims, third-party complainants, and respondents are expected to maintain confidentiality as well. They are not prohibited from discussing the situation outside of the work or educational environment. However, the matter should not be discussed with individuals who are members of their University work or educational environment.
- c. Dissemination of documents relating to complaints of Human Rights Policy violations and/or to the investigation of such complaints, other than as necessary to pursue an appeal, grievance, or other legal or administrative proceeding, is prohibited.
- d. Failure to maintain confidentiality by a respondent may be considered to be a form of retaliation in violation of II-3.7 of this policy. Failure to maintain confidentiality by any party (alleged victim, third-party complainant, or

EXHIBIT D

Constitution (Bylaws) of
The University of Iowa Feminist Majority Leadership Alliance

Preamble

We, the members of The University of Iowa Feminist Majority Leadership Alliance, establish this Constitution on April 12, 2001.

ARTICLE I. Name

1. The name of this organization will be The University of Iowa Feminist Majority Leadership Alliance, henceforth referred to as the local campus unit.
2. This organization will be a non-profit, non-sectarian, non-partisan, voluntary organization associated with the Feminist Majority Foundation.
3. The name Feminist Majority Leadership Alliance may be used only with the approval of the Feminist Majority Foundation. The Feminist Majority Foundation shall have the power to withdraw permission for use of the name Feminist Majority Leadership Alliance at any time that the local campus unit or its officers or members fail to conduct themselves within the purpose and principles of the Feminist Majority Foundation or fail to adhere to the standards set by the Feminist Majority Foundation for local campus units.

ARTICLE II. Purpose

The purposes of the Feminist Majority Leadership Alliance of The University of Iowa will be:

1. To establish a broad constituency to work in pursuit of feminist ideals00social, political, and economic equality for all.
2. To study and take action on national, campus, and local feminist issues and concerns.
3. To provide leadership and career building opportunities for feminist students.
4. To educate the college/university community about feminist issues.
5. To enhance feminist community on campus.

ARTICLE III. Principles

1. The Feminist majority Foundation promotes equality between women and men and boys and girls, and supports constitutional and statutory measures to gain full equality locally, statewide, nationally, and globally.
2. The Feminist Majority Foundation supports safe, legal and accessible abortion, contraception, and family planning, including Medicaid funding and access for minors.

3. The Feminist Majority Foundation is dedicated to achieving civil rights for all people, including affirmative action programs for women and people of color.
4. The Feminist Majority Foundation supports lesbian and gay rights.
5. The Feminist Majority Foundation does not permit discrimination on the basis of sex, race, sexual orientation, socioeconomic status, religion, ethnicity, age, marital status, national origin, or disability.
6. The Feminist Majority Foundation promotes non-violence and works to eliminate violence against women.
7. The Feminist Majority Foundation encourages programs directed at the preservation of the environment, clean air and water, the elimination of smog, toxic and hazardous wastes, chemical and nuclear weaponry.
8. The Feminist Majority Foundation supports the Feminist Agenda as enunciated in Unit 1 of the Study and Action Manual.

ARTICLE IV. Local Campus Unit Standards

1. Any student of The University of Iowa who agrees with the Feminist Majority Foundation's purposes and principles as stated above may apply for membership in the local campus unit. Criteria for admission to the unit include written agreement with the organization's principles, commitment to participate in unit activities, and leadership/activist experience or potential.
2. The local campus unit may not discriminate on the basis of sex, race, sexual orientation, national origin, age, religion, ethnicity, or disability, and affirmatively seeks to achieve diversity among participants.
3. Within two years of its formation, the campus unit shall maintain a membership of at least forty people.
4. The campus unit shall have a minimum of one and preferably multiple faculty and staff advisors.
5. The campus unit shall hold at least one meeting per week during the school year.
6. The campus shall interrelate with the Feminist Majority Foundation Community Council once the community council is established.

ARTICLE V. Members

1. In no aspect of its programs shall there be any difference in the treatment of persons on the basis of race, national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, gender identity, or associational preference, or any other classification which would deprive the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons.

ARTICLE VI. Executive Committee

1. The Executive Committee of the campus unit shall be comprised of the President/Campus Unit Coordinator, Vice President/Campus Campaign

Coordinator, Equality Chair, Community Outreach Chair, Public Relations Chair, Events Chair, Finance Chair, Communications Chair and Class Representatives..

2. Duties and responsibilities of Executive Committee:

President/Campus Unit Coordinator: The President presides over general campus unit meetings; acts as a spokesperson for the group; chairs the executive committee; acts as a liaison to faculty, administration, faculty advisor(s), student government, and the East and West Coast offices of the Feminist Majority Foundation; and is ultimately accountable for the recruitment of new membership.

Vice President/Campus Campaign Coordinator: The Vice President chairs the Campus Campaign; communicates with Feminist Majority Foundation Field Representatives and the East and West Coast offices of the Feminist Majority Foundation; is responsible for coordinating Field Representative campus visits; and works with the President as a trainee for the position the following year (optional). The Vice President is also responsible for keeping the minutes for each meeting and submitting them to the Field Representative; recruit faculty and staff for the Faculty/Staff Team.

Community Outreach Chair/Coordinator: The Community Outreach Chair acts as a liaison to the Leadership Alliance Community Council in the local community; oversees projects involving local clinics, i.e. Adopt a Clinic, and other community organizations.

Equality Chair: The Equality Chair is responsible for ensuring that the Feminist Majority Leadership Alliance is representative of the school's student body in terms of sex, race, sexual orientation, socioeconomic status, religion, ethnicity, age, marital status, national origin, disability and academic year. The Equality Chair coordinates programs that focus on issues of diversity and the elimination of discrimination on campus and the greater community. She or he is in charge of on-going coalition building with progressive groups of campus; organizing an alliance of all progressive groups on campus (if one does not exist on campus) and actively participating in the progressive alliance.

Public Relations Chair/Coordinator: The Public Relations Chair acts as a liaison to both campus and community press, garnering press coverage for the group whenever there is an opportunity. The PR chair coordinates the advertisement and publicity of events and is responsible for ensuring the development of visuals.

Events Chair/Coordinator: The Events Chair is responsible for planning social events, a leadership retreat, and providing short community building activities for each general meeting. The Events Chair is also working with the Recruitment Chair in planning events for the purpose of recruitment; maintain constant communication with Field Representative during all event planning.

Finance Chair/Coordinator: The Finance Chair is responsible for handling all accounting for the group and planning at least two fund-raisers a year, including one Rock-for-Choice Concert. The Finance Chair reports on the status of the accounts at each meeting.

Communications Chair/Coordinator: The Communications Chair submits quarterly reports to the Feminist Majority Foundation detailing the Leadership Alliance's activities; and submits information pictures for the quarterly Feminist Majority Report detailing events and projects the Leadership Alliance has undertaken. The Communications Chair is also responsible for submitting information to Feminist Majority Foundation On-line and working with the Feminist Majority Foundation's Cyberspace Representative; keeping the local campus unit membership informed via e-mail; and contacting the other campus unit Communications Chairs nationwide.

Recruitment Chair/Coordinator: The Recruitment Chair is a leadership position recommended for a sophomore/second year student. She/he is responsible for consistent recruitment; planning events to increase membership throughout the year; working with Faculty and Staff on strategies to improve recruitment. The Recruitment Chair plans events with the Equality Chair to ensure a diverse membership and sets on going recruitment goals.

Class Representatives/Officers: Each class will be represented on the Executive Committee by one or more Class Representatives. Each Representative is responsible for attending Executive Committee meetings and voicing concerns of their class. The Class Representatives will share responsibility for maintaining a Feminist Majority archives, including press clippings and photographs of the Leadership Alliance members and events. The Class Representatives will also share responsibility for updating the Leadership Alliance on global, national, and/or local feminist news at weekly meetings.

3. Officers and members must be currently registered students at The University of Iowa in good academic standing. Officers must be members for at least one term prior to election, except for the first year that the local campus unit is established.

ARTICLE VII. Meetings and Procedures

1. Member in Good Standing/Voting Eligibility
 - A. Members who attend at least 50 percent of the regularly scheduled meetings during the academic year and have been members for at least 30 days are considered members in good standing and are eligible to vote on organizational matters and in local campus unit elections.
 - B. Non-members and non-students are welcome to observe open campus unit meetings, but may not hold offices or vote on organizational issues or in elections

2. Election of Officers

- A. Officers shall be elected by a majority vote of the eligible voting members of the local campus unit. Elections will be held on an annual basis during the Spring term, at a meeting comprised of a quorum (40%) of the organization's members. Special elections may also be held as needed to fill executive committee vacancies.
- B. All voting shall be done by secret ballot.
- C. Officers shall serve for the academic year following their election.
- D. Results of all elections and officer contact information must be submitted to the Feminist Majority Foundation.
- E. Elections will be held annually during March, Women's History Month.

3. Removal of Officers

Any Officer of the local campus unit who violates the organization's purpose or Constitution, injures the organization, or fails grievously to fulfill duties as stated may be removed from office by the following process:

- A. Written notification to the officer of the request, asking the officer to be present at the next meeting prepared to speak in her/his own defense;
- B. Written notification to the membership; and
- C. Seventy-five percent of the voting membership must be in attendance to vote on the removal of an officer. A two-thirds majority vote of members present is necessary to remove the officer.
- D. Robert's rules of Order will govern the removal or dismissal of officers or members.

4. Replacement

Should an officer resign or be removed, a special election will be held one week after written notification of all voting members.

5. Meetings

Regular group meetings will occur on a weekly basis at a time to be selected at the beginning of each academic year.

ARTICLE VIII. Finances

- 1. There are no dues.
- 2. The Finances Coordinator is in charge of all actions required by the Student Organization Business Office
- 3. Upon dissolution, state money and mandatory student fees revert back to the granting organization. Group fees should be divided as stated in the Constitution and carried out by the dissolving group's members and officers. If the group has dissolved and group fees have not been divided as stated in Constitution by five years from last account activity, monies in the group's 00 account will revert to an account specified for this purpose within UISG/ECGPS. These funds will then be available for distribution through SABAC or GPAC guidelines in compliance with University of Iowa policy.

ARTICLE IX. Amendments

Amendments to the constitution must be approved first by a two-thirds majority of members voting and second by the Feminist Majority Foundation.

ARTICLE X. Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern the campus unit in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the campus unit may adopt.

EXHIBIT E

CONSTITUTION OF KOREAN AMERICAN STUDENT ASSOCIATION

Preamble: Korean American Student Association

Revised Date: March 2015

Article I

Purpose: the purpose of the Korea American Student Association (KASA) at the University of Iowa is to introduce and offer students an opportunity to see the different facets of the Korea American culture. Through educational, community and social activities, KASA will provide a place where students will learn about the Korean American heritage and form friendships through their interest in the Korean American culture.

Article II

Membership

- Section 1: In no aspect of its programs shall there be any difference in the treatment of persons on the basis of race national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, gender identity, or associational preference, or any other classification which would deprive the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons.
- Section 2: Members must exhibit an optimistic attitude towards Korean culture.
- Section 3: KASA is composed of members, executives, and University faculty/staff. Members in executive positions must be present at meetings, proactively engage in events and be responsible for their assigned duties. All members have the right to make suggestions or voice objections.
- Section 4: Membership is non-selective and open to all students that portray a positive interest in the Korean and Korean American culture. If any member possesses a negative attitude or represents the organization in a damaging manner, his/her membership will be revoked.

Article III

Officers and Duties

- a. President
 - b. Vice President
 - c. Secretary
 - d. Treasurer
 - e. Public Relation/Marketing Chair
- Section 1: President leads the organization and acts as the advocate for KASA as a whole
 - The duties of the President shall be to preside at all meetings, to call special meetings, to help out other executive board members when they need help, and to appoint any committees necessary to carry out the objectives of the organization.
 - Section 2: Vice President assists the president in decision-making and execution of events
 - The duties of the Vice-President shall be to perform all the duties of the President in his/her absence, to send executive board meeting minutes out within 48 hours after the meeting, to help treasurer with forms, letters, and requests, to contact Korean professor and inform Korean classes about KASA every beginning of the school year, and to help president overall and organize events as need.
 - Section 3: Secretary acts as the liaison for the organization and shall records meeting minutes for general meetings and sends to all KASA members.
 - The duties of the secretary shall be to keep and accurate, permanent record of the proceeding of the organization, to send general meeting minutes out within 48 hours after the general meeting, to remind members about events/meetings by emails, and to take care of social networking web pages.
 - Section 4: Treasurer allocated and designated funds to appropriate events and needs of the organization
 - The duties of the treasurer shall be to take care of monetary transactions, to file budget requests on OrgSync, to organize fundraising scheduling, request letters/emails, and funding forms, and to write letter for donations for all the Korean Professors on the campus

- Section 5: When the executive members need to make decisions, they have to get an agreement with the president first then discuss with other executive members.

Article IV

Voting

- Section 1: A member desiring to obtain an executive position is free to run for that position by making know to the organization during a meeting. Elections will be held towards the end of each academic year and all members present will vote. The candidate with the majority of votes will obtain that position. Each position will be separately voted upon
- Section 2: Only members who have been involved in KASA for more than half a year have rights to run for executive positions.
- Section 3: Only members who have been participated at least 3 meetings and 3 events per semester can run for the positions.
- Section 4: If an executive needs to be added, the KASA executive members will take a vote. Once majority rules of the person to be added, the rest of the executive members will equally share the responsibility of the executive added.
- Section 5: Any executive board member may be impeached by the executive board. Any executive board member facing impeachment may have the change to defend him/herself in front of the executive board. Any executive board member may be impeached if the majority of the executive board votes in favor of impeachment
- Section 6: Executive members meetings will be held weekly. Executive members are expected to attend these meetings unless given notice to the president two weeks in advance.
- Section 7: Any executive board member who wishes to resign from his or her position must notify the rest of the executive board and a written statement

Article V

Faculty Advisor

- There shall be one official Faculty Advisor
 - The duties of the Faculty Advisor shall be to sign off required approval forms and provide advising when needed

Article VI

Meetings

- Section 1: Meetings will be held bi-weekly. The president in office will arrange times and locations for the meetings.
- Section 2: Within the first week of the academic school year the executive board will come to a decision regarding the weekly meetings and the board is expected to attend these meetings.
- Section 3: Any three executive members must be present in order for a quorum to take place.
- Section 4: Any executive members have the authority to call meetings when it is needed.
- Section 5: Any executive members have the right to speak during the meetings and suggest the ideas.

Article VII

- Section 1: There will be no dues for members to join, but a small amount of money will be collected for special events. If so, executive members will mention about it before hands. Members are welcome to donate money.
- Section 2: The Treasurer will be in charge of financial affairs. The Treasurer will allocate and designate funds to appropriate events and needs of the organization. The president will oversee the authoritative responsibilities
- Section 3: Upon dissolution, state money and mandatory students fees revert back to the granting organization. Group fees should be divided as stated in the Constitution and carried out by the dissolving group's members and officers. If the group has dissolved and group fees have not been divided as stated in Constitution by five years from last account activity, monies in the group's 00 account will revert to an account specified for this purpose within UISG. These funds will then be available for distribution through SABAC guidelines in compliance with University of Iowa policy, Article VIII

Article VIII

Amendments

- Section 1: Members will be informed at the meetings, by phone/emails and it will be posted on the KASA website
- Section 2: At least 2/3 of the members present must agree with the amendment before it gets ratified
- Section 3: All amendments or change in the constitution will be submitted to the Student Recognition Board.

Article IX

Ratification

- Section 1: If the executive board is in agreement regarding the constitution it will be ratified

EXHIBIT F

Title: CONSTITUTION OF Students For Life

Preamble: Students For Life at the University of Iowa

Date: January 25, 2013

Article I

Purpose: Students For Life at the University of Iowa will strive to protect the sanctity of human life from conception until natural death. This organization aims to bring the importance of this right into the lives of our fellow students. The function of this organization is to provide representation for members of the student body who hold pro-life views and to be a voice for the voiceless.

Article II

Membership: In no aspect of its programs shall there be any difference in the treatment of persons on the basis of race, national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, gender identity, or associational preference, or any other classification which would deprive the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons.

- a) We ask that members of this organization hold pro-life beliefs.
- b) Anyone is welcome to be a member of this organization. General elections of the group's members will elect their leaders.
- c) In order to be a part of this organization, please attend a meeting. Anyone who instigates trouble and/or disrespectful debating will be asked to leave.

Article III

Officers and Duties

President: creator(s) of the organization.

Duties: lead meetings of the organization, plan any activities, schedule meeting space, handle any types of disrespect or disturbance, etc.

Vice-President: any member of the population of the organization that wishes to run for election

Duties: chief contact person for members, shall act as the president should the president be absent, etc.

Secretary: any member of the population of the organization that wishes to run for election

Duties: keep minutes for each meeting, collect contact information from all members and give to the VP, assist in the creation of all advertisements and signage, etc.

Treasurer: any member of the population of the organization that wishes to run for election

Duties: manage any and all funds received by the organization

A person may be considered for a position if they place their name for election. Any person seeking election must be voted in with a popular majority of member votes.

Should someone vacate their position before their term is up, a special election will be held.

Should someone need to be removed from office, all other members of the governing body must agree. The other members of the governing body will then ask the members at large to take a vote to remove said person from office.

Article IV

Meetings

- a) Meetings will be held every Tuesday from 3pm to 4pm.
- b) Members will be notified by email, at least 4 days in advance in the event of a special meeting.
- c) A quorum must consist of at least 5 members and at least two members of the governing body.
- d) The president and vice president have the authority to call meetings.

Article V

Elections

- a) Elections will take place once a year, at the beginning of each fall semester.
- b) Members will be notified by email at least four weeks before elections take place.
- c) In any case where all positions are not filled an impromptu election may be held at any meeting in order to vote an official member into said executive position. This will be passed only with 100% votes in agreement of the election.

Article VI

Finances

- a) Yes, dues will be collected. Five dollars from each member will be collected at the beginning of every semester.
- b) The treasurer will be responsible for the handling of all matters relating to money.
- c) Upon dissolution, state money and mandatory student fees revert back to the granting organization.

Group fees should be divided as stated in the Constitution and carried out by the dissolving group's members and officers.

If the group has dissolved and group fees have not been divided as stated in Constitution by five years from last account activity, monies in the group's 00 account will revert to an account specified for this purpose within UISG/ECGPS. These funds will then be available for distribution through SABAC or GPAC guidelines in compliance with University of Iowa policy.

In the event of the group's dissolution, the group fees will be divided at the final meeting. All remaining monies will be returned to the organization of individuals who have provided them.

Article VII

Amendments

An amendment is a formal alteration of any kind. This alteration may take many forms, not only the addition of material but also the removal of excess, invalid, or outdated text.

- a) Voters will be informed of any and all amendments by email.
- b) $\frac{3}{4}$ of the present members must vote in agreement of the amendment, otherwise it will not pass.
- c) All amendments or changes to your Constitution must be submitted to the Student Organization Coordinator for approval.

Article VIII

Ratification

Ratification of this constitution will take place on the first meeting date. Each member will be asked to sign a copy of the constitution and their approval will be kept on file.

EXHIBIT G

AAWD Constitution

**CONSTITUTION OF THE
AMERICAN ASSOCIATION OF WOMEN DENTISTS**

Preamble: Official name of the organization: American Association of Women Dentists (AAWD)

Date: Revised September, 2002

ARTICLE I

Purpose

The purpose of this Association shall be to promote good fellowship and cooperation among its members and to aid in the advancement and recognition of women in dentistry. It will allow the opportunity to further knowledge by providing programs of interest as well as providing a communication link with the faculty, staff, and administration of the College of Dentistry. It will serve as a local student branch of the American Association of Women Dentists.

ARTICLE II

Membership

Section I: In no aspect of its programs shall there be any difference in the treatment of persons because of race, national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, gender identity, or associational preference, or any other classification which would deprive the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons.

Section II: The membership of this organization shall consist of any dental student, faculty, or staff interested in supporting the above objectives.

Section III: Active membership is dependent upon payment of annual dues.

ARTICLE III

Officers, Elections and Duties

Section I: The officers of this organization shall consist of an executive council containing co-presidents, a secretary, a treasurer (the governing council), and one representative from each dental class: freshman, sophomore, junior, and senior. The senior representative will be a position shared by two people, one serving each semester. The co-presidents shall plan, schedule, and run the meetings, draft correspondence, and organize programs and activities. The secretary shall take minutes at the meetings, copy, post, and/or distribute information to the representatives, and type drafted correspondence. The treasurer shall collect dues, distribute funds, prepare, present, and monitor the budget. The representatives shall distribute and obtain information to and from their respective class.

AAWD Constitution

Section II: The governing council shall be elected by all current members. The governing council shall be elected by ballot in April for the following academic year. Each representative shall be elected by respective classmates who are members. All representatives shall be elected by ballot in the fall and serve for that academic year. Each officer of the executive council shall have one vote.

Section III: Any current member is qualified to hold office. Vacant offices may be filled by volunteering current members.

ARTICLE IV

Advisor

The advisor of this organization will be someone within the College of Dentistry that is willing to spend time as an advisor. Their role will be to advise the chapter on National issues. There is no compensation for this position.

ARTICLE V

Meetings

Meetings will be held at the discretion of the co-presidents, with a recommended minimum of once per month general meeting and twice per month executive council meeting. Meetings will be announced via posters and emails at least one week in advance. Quorum is determined as a simple majority of those persons in attendance at the meeting. Any member of the executive council may call meetings.

ARTICLE VI

Elections

Elections will occur during April of each school year for the following school year. Elections will be announced via posters and email at least one week in advance.

ARTICLE VII

Finances

Section I: Dues are determined by and may be paid directly to the National Organization.

Section II: The treasurer is in charge of financial affairs including, but not limited to, the following: collection of dues, disbursement of funds, and authoritative responsibilities.

Section III: Upon dissolution state money and mandatory students fees revert back to the granting organization.

Group fees should be divided as stated in the constitution and carried out by the dissolving group's members and officers.

AAWD Constitution

If group has dissolved and group fees have not been divided as stated in constitution by 5 years from last account activity monies in group's 00 account will revert to an account specified for this purpose within UISG. These funds will then be available for distribution through SABAC guidelines in compliance with University of Iowa policy.

ARTICLE VIII
Amendments

This constitution may be amended at any meeting by a two-thirds vote of current membership. Eligible members will be notified through their class representatives.

ARTICLE IX
Ratification

Ratification of this Constitution must occur if changes to the Constitution are to be made.

EXHIBIT H

CONSTITUTION
of
Imam Mahdi Organization
Iowa City, IOWA

February 10, 2015

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THE CONSTITUTION OF IMAM MAHDI ORGANIZATION

University of Iowa, Iowa City, IA.

BISMILLAH-IR-RAHMAN-IR-RAHIM

IN THE NAME OF ALLAH, THE BENEFICENT, THE MERCIFUL

ARTICLE 1. NAME

1.1 The name of the organization is the "Imam Mahdi organization ", hereinafter known as "the organization".

ARTICLE 2. NATURE

2.1 In no aspect of its programs shall there be any difference in the treatment of persons on the basis of race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences, or any other classification which would deprive the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons. Eighty percent (80%) of this organization's membership must be composed of UI students.

2.2 The source of guidance for the organization is and shall remain the religion of Islam, as described in the Holy Quran and the *Sunnah*^{*} of Prophet Muhammad (peace and blessings of God be upon Him and his Family), as explained by the 12 Imams of the family of the Holy Prophet (*AhlulBayt*) and as interpreted by the accepted *Maraja-e-Taqlaed* of the Ja'fari Ithna'ashari school of thought, hereinafter referred to as "The Faith".

2.3 The organization is and shall remain a non-profit religious organization, in addition, it shall not at any time, at any place, or in any manner, facilitate, provide, perform, indulge in, promote, support or encourage any activity, service or function which is in conflict or inconsistent with The Faith.

2.5 Officials of the organization shall be student Members and shall refrain from major sins (*kaba'ir*) and endeavor to avoid minor sins (*saga'ir*).

^{*} All words in italics are defined in the Glossary.

2.6 This organization is an inclusive organization, and shall endeavor to invite and encourage the participation of people from different religious backgrounds who are willing to respect The Faith.

2.7 Activities of the organization shall be performed in an atmosphere of respect and tolerance towards the religious sensitivities of all participants, with special attention to those of fellow Muslims.

ARTICLE 3. PURPOSE

3.1 The organization shall encourage, promote and propagate The Faith and provide facilities for the Members and their families to observe the same.

3.2 The organization shall perform functions such as, but not limited to, the following:

3.2.1 Facilitate religious education.

3.2.2 Disseminate religious knowledge through various means such as: Newsletters, Quranic Studies, Seminars, Discourses and rulings by the accepted Maraja-e-Taqleed.

3.2.3 Facilitate the observation of religious activities such as: Daily Congregational (Jama'at) Prayers, Eid Prayers, Eid Reunions, Celebrations, Commemorations and Recommended Prayers.

3.3 The organization shall work to strengthen fraternal relations among Muslims, work for universal brotherhood, social justice and peace and cooperate with other organizations having similar aims and objectives.

3.4 The organization shall endeavor to perform functions such as, but not limited to, the following:

3.4.1 Perform charitable and benevolent community services.

3.4.2 Provide Islamic information to individuals, groups or other organizations.

3.4.3 Provide an appropriate venue for family activities.

ARTICLE 4. MEMBERSHIP

The organization will guarantee that equal opportunity and equal access to membership, programing facilities, and benefits shall be open to all persons. Membership will be granted in one of two categories: Full Membership or General Membership.

4.1 Qualifications

4.1.1 For Full Membership

Any individual, aged 18 years or above, who believes in and endeavors to practice The Faith, shall qualify to become a Full Member of the organization by fulfilling the following conditions:

4.1.1.1 Be Muslim, Shiea and obtain the recommendation of two Members. The reason behind the recommendation is to be sure that the person who desires to join this organization as a full membership is Muslim, Shiea, who respects the religion rules, and willing to practice the faith.

4.1.1.2 After such a recommendation, attend no fewer than six (6) official meetings (as designated by the Executive Committee, pursuant to Section 6.1.1) over a period of no less than six (6) months.

4.1.2 For General membership

All University of Iowa students are entitled to general membership in the organization, as well as, all faculty, staff, and interested community members.

4.2 Rights of Members

4.2.1 Only Full memberships have the right of vote in official elections (as defined herein) to choose the organization representatives, and recommend others for Full Membership.

4.2.2 Only Full memberships have the right of making ceremonies, hold elected office, create any activity, or contacting any other organizations, university's departments, or any other agencies by using the name of the organization.

4.2.3 All members have the right to serve on official committees and have equal access to the services, activities, and facilities of the organization.

4.3 Duties and Responsibilities of Members

4.3.1 Full membership should stay well acquainted with the organization and not work or act contrary to the tenets, or objectives of the organization, and display good moral character.

4.3.2 Full membership should participate in the organization activities.

4.3.3 All members should support and cooperate in efforts towards the improvement and stability of the organization.

4.4 Membership in the organization may be revoked. Revocation shall be based only on:

4.4.1 Any matter that constitutes a violation of the Nature (Article 2) of the organization by the Member.

4.4.2 Such other matter that constitutes a serious violation of the Purpose (Article 3) of the organization by the Member.

4.4.3 Declaration of the desire to be removed from the membership list.

4.5 The procedure to revoke a Membership must be initiated by two Full Members filing a written report to the Membership Committee. Unless the Membership Committee decides that a hearing is justified, the report and the identity of the reporter shall remain undisclosed. Should the Membership Committee vote to revoke the Member, the Member shall have the right to appeal to the Executive Committee. The Executive Committee, by a majority vote, may vote to override the Membership Committee vote.

ARTICLE 5. ORGANIZATIONAL FRAMEWORK

5.1 Executive Committee

5.1.1 The Executive Committee which consist of five (5) Full Memberships of the organization elected by the Full Membership each year in September) is responsible for the administration of the organization

5.1.2 The President shall be elected directly by the Full Memberships.

5.1.3 A candidate running for the position of Executive Committee Member shall:

5.1.3.1 Be at least 21 years of age.

5.1.3.2 Be a Member of the organization for at least 1 semester, except for the first election.

5.1.3.3 Take oath of office as prescribed in Article 9.

5.1.4 Powers and responsibilities of the Executive Committee.

5.1.4.1 Appoint a Treasurer and a Secretary.

5.1.4.2 Establish and implement policies and guidelines for the efficient operation of the organization.

5.1.4.3 Develop, disseminate, coordinate and implement short-range and long-range plans.

5.1.4.4 Decide and announce timings of official meetings and General Body meetings.

5.1.4.5 Appoint the Religious Committee, Membership Committee and any other committees as needed.

5.1.5 Imam Mahdi organization is required to deposit all receipts in and make disbursements through the Student Organization Business Office, Fraternity Business Services, or Recreational Services. Upon dissolution, state money and mandatory student fees revert back to the granting organization. Inactive organizations will be considered dissolved after five years of no account activity. Revenue generated dollars or “00 funds” must be divided as stated in this Constitution and carried out by our leadership. Our organization’s remaining revenue generated dollars or “00 funds” will be divided or disbursed to (AhluBayt Islamic Center which is a nonprofit organization in Iowa City, IA). If this organization has dissolved and revenue generated dollars or “00 funds” have not been divided as stated in this Constitution by five years from last account activity, funds in our “00 account” will revert to an account specified for this purpose within student government(s). These funds will then be available for distribution through student government(s) guidelines in accordance with University of Iowa policy.

5.2 Removal or Suspension of an Executive Committee Member

5.2.1 Any Member of the Executive Committee will be removed if:

5.2.1.1 They fail to retain Membership.

5.2.1.2 Loses a recall election called to determine their status on the

Committee. The recall election can be called by a majority vote of the Executive Committee.

5.3 Replacement of Executive Committee Member

5.3.1 Vacancies in the Executive Committee can exist because of any one or more of the following:

5.3.1.1 Insufficient number of Executive Committee Members are elected in the organization's election.

5.3.1.2 Removal of an Executive Committee Member as explained in Section 5.2 of this Article.

5.3.1.3 Loss of one or more Executive Committee Members due to death or resignation.

5.3.2 The remaining Executive Committee Members shall be empowered to select the next runner-up of the organization to fill the vacancy only for the remaining term.

5.3.3 In the event that a runner-up is not available, the vacancy will be filled by an election at a General body meeting to be held within two (2) months of the vacancy.

5.4 President

5.4.1 The President shall be the executive and administrative officer of the organization.

They shall be responsible for the efficient conduct of the affairs of the organization and represent the organization in matters related to its activities.

Without restricting the generality of the aforesaid, the President shall specifically be responsible for:

5.4.1.1 Presiding all meetings of Members of the organization and of the Executive Committee when present

5.4.1.2 The general management and supervision of the affairs and operations of the organization.

5.5 General Body

5.5.1 The General Body shall consist of the Membership.

ARTICLE 6. MEETINGS

6.1 Official Meetings

6.1.1 An Official meeting shall be held at least once a month for the purpose of fulfilling membership requirement, but prefer each week (Saturday)

6.2 General Body Meetings

6.2.1 General Body meetings shall be held at least twice a year. The purpose of these meetings will be to:

6.2.1.1 Review past performances including, but not limited to, Membership records and books of accounts.

6.2.1.2 Discuss current issues and future plans.

6.2.1.3 Transact such other business as may properly be brought before the Executive Committee

6.2.1.4 Hold elections as necessary.

6.2.2 General announcements through a newsletter, telephone recording, or bulletin board, shall be considered sufficient notice for the General Body meeting.

6.3 Executive Committee Meetings

6.3.1 There shall be a regular monthly Executive Committee meeting on the day designated in the Bylaws, with the agenda provided to the Members in advance. Members of the organization are welcome to attend as observers. Minutes of the meeting will be kept and made available to the Members upon request. Any change to the schedule shall be communicated sufficiently in advance to all Members.

6.4 Special Meetings

6.4.1 Special meetings of the Executive Committee with any other committee maybe requested by the Committee at any time.

6.4.2 Special meetings of the organization may be called by the Executive Committee or by two thirds (2/3) of the organization's Members upon at least three (3) and not more than thirty (30) days' notice along with the stated agenda. However, a special meeting called for the purpose of elections, shall require at least two (2) weeks written notice.

6.4.3 Special Executive Committee meetings may be called at any time by any Executive Committee Member upon three (3) days' notice by stating the purpose of the meeting to the other Members of the Executive Committee.

6.5 Quorum

6.5.1 At all the General Body meetings, forty percent (40%) of the Members shall form a quorum. If a quorum is not complete, the meeting shall stand adjourned and postponed to another day at which only twenty-five percent (25%) of the Members shall form a quorum. A simple majority of the Members in attendance (provided a quorum is achieved) shall rule on all matters, unless otherwise stated herein.

6.5.2 At all Executive Committee meetings, the presence of at least four (4) Committee Members shall constitute a quorum. A simple majority shall rule on all matters as described in the Bylaws, unless otherwise stated herein.

ARTICLE 7. AMENDMENT OR REPEAL OF THE CONSTITUTION

7.1 Amendments shall be proposed, in writing to the Executive Committee by one or more Members of the organization. Approval of the amendments shall be authorized by the Executive Committee before ratification by the General Body.

7.2 A quorum of 60% of the total Membership be required for this vote. An 85% vote of the Members present shall constitute ratification to the amendments as described in the Bylaws, except for Article 2 and Article 7 which cannot be changed.

ARTICLE 8. DISSOLUTION

8.1 If the Executive Committee unanimously conclude that the continuation of the organization has become impossible or undesirable due to financial, political, religious or any other reason, the organization shall be dissolved in the following manner:

8.1.1 The situation shall be announced to the General Body.

8.1.2 There shall be no refunds of any contributions or donations whatsoever.

8.1.3 Thirty (30) days after the announcement, if in the opinion of the Executive Committee, there are no promising efforts by the Members of the community to save the organization from dissolution, then the Executive Committee shall start proceedings for dissolving the organization.

8.1.4 The proceedings for dissolving the organization shall consist of:

8.1.4.1 Closing all normal activities.

8.1.4.2 Fulfilling all financial obligations of the organization.

8.1.4.3 Filing all necessary papers with all concerned agencies of the university

ARTICLE 9. DECLARATION UPON OATH (AFFIDAVIT) FOR EXECUTIVE COMMITTEE MEMBERS OF THE ORGANIZATION

9.1 I, _____ son/daughter of,

_____ While accepting Membership of the Executive Committee of the organization do swear (as in Section 9.2 of this Article) in the name of Allah, that I, during my term of office,

9.1.1 Shall fulfill all my duties and responsibilities to the best of my abilities.

9.1.2 Shall consider it my duty to do the utmost to achieve the mission and successfully fulfill the activities of the organization.

9.1.3 Shall abide by the Constitution, any other Rules, Bylaws, Regulations and Policies of the organization, and shall help implement the same.

9.1.4 Shall not be absent from any of the Executive Committee meetings and the organization's programs without reasonable excuse.

9.1.5 Shall frankly present my sincere and correct opinion at the meetings relating to the organization's activities without any fear, hindrance, or prejudice (i.e. without affinity, connection, love, enmity, grudge, approach, plot, competition, rivalry, or ill-will).

9.1.6 Shall guard the organization's rules, regulations, policies and activities; and if any error or deficiency is noted, I shall try to correct it or get it corrected.

9.1.7 Shall endeavor to lead an Islamic way of life, according to the Marja-e-Taqlid.

9.2 Oh Allah! grant me the Divine Guidance, ability and capacity in the name of Mohammed (S.A.W) and Ale- Mohammed (A.S) to faithfully satisfy this oath only to please You; and include me among those who lay their foundation on the fear of Allah and His good pleasure.

9.3 "Ouq se mu Billa-hill Adheem, Wa be Haaz-ul-Quran-el-Kareem, An Akuna Multazeemen be Qullei Ma-fi-Haaz-ul-Dustoor wa un Uma-resa-hoo be Qullei Amanah Le Khidma-til Islam wal Muslimeen, Qurbatan Illallah Ta'ala.

Translation:

I swear by the name of the Almighty Allah and the Holy Quran to abide by all what is in the Constitution during my term of office and to sincerely practice them to serve Islam, only for the sake of the Almighty Allah.

9.4 Signature of the Executive Committee Member:

Full Name and Designation: _____

Address: _____

ARTICLE 10. ADOPTION OF THE CONSTITUTION

This Constitution, adopted at the Association's General Body meeting on _____ 199_, will be put into effect immediately and will supersede any previous Constitutions of the Association. Agreements within the limit and provisions of the previous constitution will be binding and shall be honored by the organization.

Members of the Constitution Committee:

First & Last Name

GLOSSARY

All terminology defined herein is as understood and interpreted by the Shia Ithna'shahi school of thought.

AhlulBayt: Members of the household of the Holy Prophet Muhammed (Peace be upon him and his family)", namely the Holy Prophet, Fatima Al-Zahra, Imam Ali ibn Abi Talib, Imam Hasan ibn Ali, Imam Husein ibn Ali, Imam Ali ibn Husein, Imam Muhammad ibn Ali, Imam Jaffer ibn Muhammed, Imam Musa ibn Jaffer, Imam Ali ibn Musa, Imam Muhammad ibn Ali, Imam Ali ibn Muhammad, Imam Hasan ibn Ali, Imam Mehdi ibn Hasan.

Furu-e-Deen: "Branches of The Faith", namely: Salat (Prayers), Sawm (Fasting), Hajj (Pilgrimage), Zakat (Poor rate), Khums (Tax on savings), Jihad (Holy War), Amr-bil-Marooif (Enjoining the good), Nahi-anil-munkar (Forbidding the Evil), Tawalla (Loving the Friends of the AhlulBayt), Tabarra (Hating the enemies of the AhlulBayt).

Kaba'ir: Major Sins

Marja-e-Taqlid: A Mujtahid who is A'lam (the most learned)

Mujtahid: A learned person who is male, Shia Ithna'ashari, adult, sane, of legitimate birth, living and just.

Saga'ir: Minor Sins

Sunnah: The actions and sayings of the AhlulBayt.

Usul-e-Deen: "Roots of The Faith", namely: Tawheed (Oneness of Allah), Adl (Justice of Allah), Nubuwaat (Prophethood), Imamat (Vicegerency of the Prophet), Qiyamat (Judgment Day)

AMENDMENTS

EXHIBIT I

**CONSTITUTION FOR
CHRISTIAN LEGAL SOCIETY STUDENT CHAPTER AT**

The University of Iowa College of Law

PREAMBLE The Mission and Vision of the Christian Legal Society

Mission. The Christian Legal Society ("CLS") is an Illinois non-profit corporation with its principal offices in Springfield, Virginia, that exists to inspire, encourage, and equip lawyers and law students, both individually and in community, to proclaim, love and serve Jesus Christ through the study and practice of law, the defense of religious freedom, and the provision of legal assistance to the poor.

Vision. CLS is dedicated to seeking justice with the love of God by following His principles: Helping members faithfully serve Jesus in their professions, relationships, communities, and churches; influencing the legal profession and the law in accordance with His teachings; and serving others as He would serve them.

ARTICLE I. CHAPTER FORMATION

1.1 *Name.* As chartered by the Executive Director of the Christian Legal Society, the name of this organization is the Christian Legal Society Student Chapter at Iowa (the "Chapter").

1.2 *Location.* This Chapter is chartered and established at The University of Iowa College of Law and shall remain chartered at this law school unless lawful action to the contrary is taken by the Executive Director of the Christian Legal Society.

1.3. *Definitions.* When used herein, the terms "CLS" or the "Christian Legal Society" refers to the national membership organization based in Springfield, Virginia, and the term "Chapter" refers to the specific Student Chapter of the Christian Legal Society identified in article 1.1 by name.

ARTICLE II. PURPOSE

The purpose of this Chapter is to develop and maintain a vibrant Christian law student presence on campus, enabling its members, individually and as a group, to love the Lord with their whole beings--hearts, souls, and minds--and to love their neighbors as themselves (Matthew 22:37-40). To that end, the Chapter will:

- Cultivate spiritual growth among its members through communal prayer, fellowship, and worship; learning to share one's faith; and devotional study of the Bible and classic Christian works.
- Show the love of Christ to the campus community and the community at large by proclaiming the gospel in word and in deed, such as through a life of integrity and charitable good works; as Martin Luther put it, "to be as Christ to our neighbor."
- Address the question, "What does it mean to be a Christian in law?" that is, learning to submit every aspect of one's calling in the legal profession to the Lordship of Jesus Christ.

ARTICLE III. STATEMENT OF FAITH

3.1. *Statement of Faith.* All officers of this Chapter must subscribe to the Christian Legal Society Statement of Faith:

Trusting in Jesus Christ as my Savior, I believe in:

- *One God, eternally existent in three persons, Father, Son and Holy Spirit.*
- *God the Father Almighty, Maker of heaven and earth.*
- *The Deity of our Lord, Jesus Christ, God's only Son conceived of the Holy Spirit, born of the virgin Mary; His vicarious death for our sins through which we receive eternal life; His bodily resurrection and personal return.*
- *The presence and power of the Holy Spirit in the work of regeneration.*
- *The Bible as the inspired Word of God.*

All officers must also affirm the CLS Community Life Statement and agree to operate the Chapter under its principles.

ARTICLE IV. MEMBERSHIP

4.1 *Chapter Activities.* All meetings and activities are open to anyone who is part of the law school or university community, including faculty, staff, and students.

4.2 *Chapter Membership.* Any full- or part-time student at The University of Iowa College of Law may be a member of the Chapter if he or she attends at least 50% of the Chapter's regular meetings or activities. Membership in the Chapter does not confer or imply membership in CLS.

4.3 *Eligibility to Vote.* Chapter members are the only persons eligible to vote for Chapter business that is put to a membership vote.

4.4 *Termination.* Any Chapter member who, for any reason, ceases to be a student at the School shall immediately cease to be a member of the Chapter.

4.5 *Membership Requirements.* In no aspect of its programs shall there be any difference in the treatment of persons on the basis of race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences, or any other classification which would deprive the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons. Eighty percent (80%) of this organization's membership must be composed of UI students.

ARTICLE V. OFFICERS

5.1 *General.* A Chapter must consist of at least three officers who are members of CLS and enrolled as students at the School. All Chapter officers shall be members of CLS in good standing. Any Chapter officer who, for any reason, ceases to be a student at the School or whose CLS

membership expires shall immediately cease to be an officer of the Chapter.

5.2 Officer Duties. The following offices and duties are stated for the use of those holding office. The offices of Secretary and Treasurer may be held by the same person.

President. The President shall preside over Chapter business meetings and meetings of the Officers. The President shall operate as the Chapter's representative and primary spokesperson to the law school community, university community, and public-at-large in all matters for which a formal representative is required or appropriate. The President shall also serve as the Chapter's primary contact person with CLS and shall immediately advise the CLS national office of any significant operational or policy conflicts or other problems within the Chapter or between the Chapter and another entity.

The President shall be responsible to select and notify the officer(s) who are to lead the Bible study, prayer, and worship. The President shall also be responsible for inviting any guest speakers. With the consent of the other officers, the President may delegate either or both of these two responsibilities to another officer.

Vice President. The Vice President shall assist the President in the discharge of his or her duties, as the President may direct, and shall perform such other duties as from time to time may be assigned to him or her by the President. In the absence of the President, or in the event of the President's inability or refusal to act, the Vice President shall perform the duties of the President, and when so acting, shall have all of the powers of, and be subject to all of the restrictions upon, the President.

Secretary. The Secretary shall maintain all non-financial records of the Chapter. The Secretary shall be responsible for (a) preparing minutes of all meetings and (b) assisting the President in filing the annual reporting form with CLS.

Treasurer. The Treasurer shall be responsible for maintaining all financial records of the Chapter, including, but not limited to, all records of the payment of funds, deposits and disbursements from the Chapter's funds pursuant to the procedures described in Article VIII.

Other Officers. Any other Chapter Officers appointed pursuant to this Article shall have such duties as are assigned to them by the President.

Each officer is expected to lead Bible studies, prayer, and worship at Chapter meetings as tasked by the President. Although the President is the primary spokesperson for the Chapter, each officer also serves as a spokesperson for the Chapter.

5.3 Bearing Witness of Christ. The Chapter is expected to bear witness of Christ.

5.4 Transition of Authority. To insure the continual wellbeing of the Chapter, outgoing officers shall facilitate the orderly transition of authority by taking adequate time in the winter and spring to train new Chapter leaders. The Chapter shall implement a procedure for the naming of at least three new officers by April 30 of each year. No later than May 1, the outgoing President or Secretary shall inform the CLS office of the names and contact information of the incoming officers.

5.5 Election of Officers. Election of Officers. Officers shall be elected by a majority vote of the Members at the Chapter meeting called for that purpose in the spring semester each year. Any

vacancies shall be filled by a majority vote of the remaining officers.

5.6. *CLS Membership of Newly-Elected Officers.* In order for a Chapter to retain its affiliation with CLS, each officer, upon election, must join CLS if he or she is not already a member.

5.7 *Forcible Removal of an Officer.* The removal of a current officer prior to the end of term requires a majority vote of officers or action by the CLS. Such action may be initiated by Chapter members or officers or CLS.

ARTICLE VI. MEETINGS

Chapter meetings shall be held with enough frequency to accomplish the mission and purposes of the Chapter. At least four general meetings shall be held during each school year. The officers, in consultation with the chapter members and any advisor, shall determine the frequency, time and place, and agenda of each meeting and shall insure that adequate notice is given of each meeting.

The President shall be responsible to select and notify before each meeting the officers who are to lead the Bible study, prayer, and worship as well as for inviting any guest speakers.

All students, staff, and faculty are welcome to attend CLS meetings and events, regardless of race, age, disability, color, national origin, religion, race, sex, veteran status or sexual attraction/sexual practices.

ARTICLE VII. FINANCES

The Chapter shall never charge local dues. The Chapter may raise revenues through contributions, fundraising activities, or by applying for funds otherwise available to student groups. If the Chapter chooses to raise revenues, it shall insure that the highest standards of Christian morality and financial integrity are met.

The Christian Legal Society at Iowa is required to deposit all receipts in and make disbursements through the Student Organization Business Office, Fraternity Business Services, or Recreational Services. Upon dissolution, state money and mandatory student fees revert back to the granting organization. Inactive organizations will be considered dissolved after five years of no account activity. Revenue generated dollars or "00 funds" must be divided as stated in this Constitution and carried out by our leadership. Our organization's remaining revenue generated dollars or "00 funds" will be divided or disbursed to **the national organization of The Christian Legal Society**. If this organization has dissolved and revenue generated dollars or "00 funds" have not been divided as stated in this Constitution by five years from last account activity, funds in our "00 account" will revert to an account specified for this purpose within student government(s). These funds will then be available for distribution through student government(s) guidelines in accordance with University of Iowa policy.

At a minimum, the Chapter shall: require the signatures of two officers to use funds; and maintain accurate financial records showing all receipts and expenditures and all assets and liabilities of the Chapter. Upon request, the Chapter's financial records shall be made available to CLS.

ARTICLE VIII. RESTRICTIONS ON ACTIVITIES

The Chapter shall not carry on any activities prohibited by CLS under its bylaws or by Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code. Without the prior written consent of the CLS

Executive Director, the Chapter shall not: be a voluntary party in any litigation; seek legal counsel from an attorney not on CLS staff; lobby (including the publishing or distribution of statements) or otherwise attempt to influence legislation; or participate or intervene in any political or judicial campaign on behalf of any candidate for office. No part of the net income of the Chapter shall inure to the benefit of its officers or other private persons, except that the Chapter shall be authorized to pay reasonable compensation for services actually rendered and to make payments and distributions in furtherance of its purposes.

ARTICLE IX. AMENDMENTS AND INTERPRETATION

9.1 *Amendments.* The Chapter may amend this Constitution by a 75% member vote, or unanimous vote of the officers; provided, however, that no amendment shall have any force or effect unless it has been approved in writing by the CLS Executive Director. Request for approval of any amendment must be submitted in writing to [REDACTED]

9.2 *Interpretation.* Any conflict or disagreement among Chapter officers or members as to the meaning or interpretation of this Constitution shall be submitted in writing to the Christian Legal Society, through the Executive Director or Director of Law Student Ministries. The decision of the CLS Executive Director resolving the conflict or disagreement shall be final. In the event of any conflict or inconsistency between this Constitution and the CLS bylaws, the terms and provisions of the CLS Bylaws shall control. The Chapter, on behalf of its officers and members, agrees to submit any conflict with CLS to mediation or arbitration using the services of Peacemaker Ministries.

ARTICLE X. FORCE AND EFFECT OF CONSTITUTION

This Constitution shall take effect when the CLS Executive Director executes an affiliation agreement, accepting this Constitution, and shall remain in effect until terminated in writing by either party or until the Executor Director of CLS determines that the Chapter ceases to meet the qualifications of a CLS student chapter as enumerated in this Constitution and Art. XIII of the CLS Bylaws. If the Chapter Constitution is terminated, the Chapter ceases to exist.

CONSTITUTION ADOPTED ON: Thursday, April 16, 2015

SIGNED:

Chapter Officer and CLS Student Member

Print Name: [REDACTED], President

Chapter Officer and CLS Student Member

Print Name: [REDACTED], Vice President

Chapter Officer and CLS Student Member

Print Name: [REDACTED], Secretary/Treasurer

AFFILIATION PROCESS

To form a student chapter of CLS, at least three officers who are members in good standing of the Christian Legal Society must sign this Constitution, complete the Application for Recognition as a Student Chapter of the Christian Legal Society ("Affiliation Agreement"), and submit the originals of the Constitution and Affiliation Agreement to



The Law Student Ministries Director shall forward copies of the Constitution and Affiliation Agreement to the CLS Executive Director. If the Executive Director accepts the application, he or she shall send a signed acceptance document ("Acceptance") to the Law Student Ministries Director, who shall place the original Acceptance in the Chapter file and promptly forward a copy to the Chapter.

**APPLICATION FOR RECOGNITION AS
A STUDENT CHAPTER OF THE CHRISTIAN LEGAL SOCIETY**

AFFILIATION AGREEMENT

In consideration of the right to be recognized as an affiliated student chapter of the Christian Legal Society ("CLS") and to enjoy all the benefits and privileges arising from that status, applicant, the CLS Student Chapter of The University of Iowa College of Law agrees:

1. To abide by the chapter Constitution and to maintain it without alteration, unless written approval for amendment is obtained from the CLS Executive Director.
2. To accept as binding the decision of the CLS Executive Director in response to any inquiry concerning the meaning or interpretation of the local Constitution.
3. To permit and facilitate the inspection of applicant's records and operations at any time by the Christian Legal Society.
4. To recognize ownership by CLS of the trademarks and service marks CHRISTIAN LEGAL SOCIETY, CLS and a symbol consisting of a cross and scales of justice, and the exclusive right of CLS to control the quality of services offered and materials produced by applicant under these marks. Upon request, to provide CLS with copies of any or all materials carrying the CLS marks.
5. To cease immediately to hold itself out as a CLS student chapter upon demand by CLS or upon termination of this agreement and thereupon to discontinue promptly the use of the CLS marks.
6. To advise CLS of any significant operational or policy conflicts or other problems within the Chapter or between the Chapter and the School.
7. To ensure, early in the school year, that the chapter advisor and student chapter officers read the Student Chapter Manual and familiarize themselves with the contents of the Resource Packet.
8. To make every effort to insure that one or more student chapter officers or members attend the CLS National Conference each year and to assist CLS by raising funds at the local level for this purpose.
9. To respond promptly to all CLS inquiries and, by May 1 of each year, to inform the LSM office of who the incoming officers will be.
10. This agreement shall continue in effect until terminated by either party or until applicant ceases to exist, whichever occurs first. Either party may terminate this agreement at any time by written notice to the other party.

DATE: Thursday, April 16, 2015.

CLS STUDENT CHAPTER of The University of Iowa College of Law

BY:

Chapter Officer and CLS Student Member
Print Name: [REDACTED]

Chapter Officer and CLS Student Member
Print Name: [REDACTED]

Chapter Officer and CLS Student Member
Print Name: [REDACTED]

**ACCEPTANCE OF
CLS STUDENT CHAPTER CONSTITUTION AND AFFILIATION AGREEMENT**

The CLS Student Chapter Constitution and the Application for Recognition as a Student Chapter of CLS (Affiliation Agreement), submitted by the Christian Law Fellowship of The University of Iowa College of Law are hereby accepted. Henceforth, the fellowship is recognized as an official student chapter of the Christian Legal Society, subject to the terms and conditions set forth in the above Constitution and Affiliation Agreement.

FOR THE CHRISTIAN LEGAL SOCIETY:

[REDACTED]
Executive Director, CLS

DATE: _____, 20____

EXHIBIT J

Title: The Constitution of Love Works

Preamble: Love Works

Date: INSERT

Article I

Name: The name of our organization is "Love Works." It is an affiliated student group of Sanctuary Community Church, located at [REDACTED]

Purpose:

Love Works purpose is to foster a safe, inclusive environment for all that is conducive to people experiencing God in real ways. Love Works will be anchored in the Gospel, and will meet every other week on a regular basis for Bible studies, as well as twice a month to volunteer and serve our community. Using Jesus as our model, we seek to advocate for justice in all aspects of society, including but not limited to racial, LGBT, and socioeconomic issues.

Article II

Membership:

Section 1) *In no aspect of its programs shall there be any difference in the treatment of persons on the basis of race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences, or any other classification which would deprive the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons. Eighty percent (80%) of this organization's membership must be composed of UI students.*

Section 2) There will be no limitations as far as the minimum or maximum number of participants within the student organization.

Section 3) Membership of Love Works is open to all students at the University of Iowa.

Article III

Officers and Duties:

There will be 4 executive officer positions within Love Works. In order to be an executive, they must sign and agree to the Mission and Statement of Core Beliefs of Love Works as outlined in article IV. The 4 executive officer positions are as follows:

1) President: The role of the President of Love Works will be to schedule, organize, and lead executive and large group meetings weekly. It is also their responsibility to manage all administrative issues, such as: amending the constitution, overseeing the work of the other executives, making any final decisions regarding the well-being of the student organization, and reaching out to form meaningful relationships with members of the organization. To fulfill their responsibility, they must work closely with the College Pastor, emailing them updates on a

weekly basis, as well as working closely with the other executives of the organization. It is the President's duty to work with the other officers to make sure all administrative work is successfully completed. In order to become President, a candidate should possess strong leadership skills (prior leadership experience is preferred), strong communication skills, and strong ethic to be able to complete all of the required duties as President.

2) Vice President: The primary role of the Vice President will be to organize, plan, and promote two volunteer/ service projects a month. The Vice President must work closely with the rest of the executive board to ensure consensus as to where Love Works is volunteering. The Vice President should be comfortable reaching out to leaders in the community to learn about the different opportunities Love Works has to serve.

3) Secretary: The primary role of the Secretary is to manage our 00 account, as well as work closely with the college Pastor to ensure all finances are going well. The treasurer is also responsible for applying for grants, or funding from the UISG whenever Love Works needs funding. The Secretary is also responsible for keeping track of attendance, and managing the excel spreadsheet of its members.

4) Public Relations Director: The main role of the secretary would be to market Love Works. They should send out emails to members reminding them of upcoming events, post on the Facebook page, and tweet about what is going on within Love Works. Also, during meetings, the public relations director should record minutes. Lastly, the public relations director is responsible for spearheading the student org fairs and promoting the group. Candidates considering the position of secretary should be organized and good communicators.

Article IV

Mission & Statement of Core Beliefs

Mission

To provide a space where people of all backgrounds can come to experience God in real ways and to share the good news of Jesus with not only everyone at the University of Iowa, but also those in our local communities.

Core Beliefs

1. **Jesus-Centered:** Jesus will be at the center of everything we do. His life and teachings provide a model worthy of imitation, and we believe through the life, death, and resurrection of Jesus, we can experience great joy and freedom.
2. **Inclusivity:** We believe that Jesus was the ultimate example of someone who reaches out to the marginalized. We stand in full support of those who are victims of

systemic oppression. We welcome full participation in our organization, regardless of race, gender, sexual orientation, gender identity, or ability, and affirm those in the LGBTQ+ community who have been pushed aside from many other faith communities.

3. Service: Jesus came to serve rather than be served. Thus, we place a high emphasis on volunteering. We will seek to share Christ's love with those in our community in tangible ways.
4. Life together: We believe God instilled in us the desire to be in community with others. We want to do life together, and foster an environment where sharing our fears, our successes and our struggles honestly is normalized and encouraged.

Article V

Meetings

Section 1) Meetings will be held every other week. Meetings will not be held during finals week or on University breaks and holidays.

Section 2) Volunteer opportunities will be throughout the semester, as outlined in the Vice President description under Article III.

Article VI

Elections

Section 1) Elections for the Executive Board will be held once a year during the Spring Semester to elect for the following school year.

Section 2) Eligible voters are those who have attended at least 50% of meetings. This will be documented and verified by Secretary.

Section 3) The winner of the elections shall be the candidate who receives a plurality of votes. Should there be a tie, there shall be a re-vote, considering only those who are tied. Should that not solve things, the executive board shall interview the candidates and come to a consensus of who shall be granted the position.

Section 4) Members will be notified in meeting and by email at least two weeks in advance of any upcoming election.

Article VII

Finances

8.1 General. Love Works may raise revenues through contributions, fundraising activities, or by applying for school funds available to student groups. At a minimum, Love Works shall: maintain its funds in an “00 account” set up and maintained for Love Works by obligations only when there is sufficient funding to honor the obligations; pay all debts in a prompt manner; and maintain accurate financial records showing all receipts and expenditures and all assets and liabilities of Love Works.

8.2 Distribution of Money Upon Love Works Dissolution. Upon Dissolution of Love Works, all state money and mandatory student fees revert back to the granting organization.

8.3 Distribution of All Funds Other Than State Money and Mandatory Student Fees Upon Love Works Dissolution. Upon dissolution of Love Works, all funds other than state money and mandatory student fees should be divided as stated in paragraph 8.4 and carried out by all Love Works’ officers. If Love Works has dissolved and group fees have not been divided as stated in Paragraph 8.4 by 5 years from last account activity, monies in Love Works’ 00 account will revert to an account specified for this purpose within UISG. These funds will then be available for distribution from SABAC guidelines in compliance with University of Iowa policy.

8.4 Methods for Distribution of All Funds Other Than State Money and Mandatory Student Fees Upon Love Works Dissolution. Upon dissolution of Love Works, all funds other than state money and mandatory student fees shall as far as practicable be returned to the granting organization, institution, or individual. Any funds that cannot be returned to their source shall be given to a charity selected by 75% of Love Works members. The University of Iowa or UISG is not responsible for the division of student fees outlined above. Love Works shall submit a copy of minutes which has record that Love Works agrees this is what is to be done with the money, along with filling out the appropriate approval forms, vouchers, and tax information in the Student Organization Business Office.

Article VIII

Amendments

Section 1) In order to amend this document, both a $\frac{3}{4}$ vote from officers and a $\frac{2}{3}$ vote by current members at the desired meeting is required to overturn or create changes to amendments.

Section 2) If an officer or a member wishes to amend this constitution, officers and members should be notified at least a week in advance by reading the proposed change(s) at one meeting to all members, as well as via email.

Article IX

Removal/ Appeals

Section 1) The removal of an executive board member will happen only if an egregious behavior transpires, as determined by the other executive board members. Should the executive board members be in disagreement, it shall be handled by the College Pastor.

Section 2) Should an executive board member feel wrongfully removed, he/she/they have the opportunity to appeal. That person must appeal within a week of being removed, and an appeal

will occur at the next general meeting. Those who are eligible to vote (as outlined in Article VI, section 2) will vote to either confirm the executive board's decision, or reverse the decision. Should there be a tie, the College Pastor will make the final decision.

Article X

Section 1) This Constitution shall take immediate effect upon a majority vote of all officers of the organization. The organization shall have all authority necessary to implement this constitution.

EXHIBIT K

The Constitution of Cru at The University of Iowa

ARTICLE I—NAME

The name of this student group is Cru.

This student group is a student chapter (hereafter Chapter) recognized by Cru, a California nonprofit corporation with its principal offices in Orlando, Florida.

This student group has applied for and been granted Chartered status as a Chapter of Cru. As long as the student group fulfills the mission set for in the Charter, and otherwise remains in compliance with its obligations under the Charter, the student group has the right to use the name and materials of Cru that are designated for the use of Chapters within the Campus Ministry.

ARTICLE II—PURPOSE

The purpose of the Chapter is to build movements of people who are transformed by Jesus Christ. The student-led movement seeks to introduce students to Christ, help them to grow in faith, encourage them to passionately live life in a manner consistent with belief in the God of the Bible, and inspire commitment to advancing the purposes of God in the world.

ARTICLE III—STATEMENT OF BELIEF

The Statement of Belief for this organization can be found at http://www.ccci.org/statement_of_faith.html.

ARTICLE IV—MEMBERSHIP

Section 1.

Membership in this Chapter is open to anyone officially connected to The University of Iowa as students, faculty or staff as well as those from the community, such as alumni and staff members of Cru, as long as 2/3 of active members are currently enrolled undergraduate or graduate students.

Section 2.

In no aspect of its programs shall there be any difference in the treatment of persons on the basis of race, national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, gender identity, or associational preference, or any other classification which would deprive the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons.

Section 3.

A member may be removed from membership and lose the privileges of membership, including the right to attend meetings and events sponsored by Cru, under the following circumstances:

1. If the individual is causing overall disruption to the group, causing an obvious negative effect on the group as a whole.
2. If the individual poses a danger to other students.
3. If the individual's conduct rises to the level of harassment of another member of the group.

Under such circumstances, two or more members of the leadership team will meet with the individual, share the concerns, and ask him or her to leave the group. The accused member may then request a hearing before the full leadership team. An Officer will then call a special leadership meeting; they will hear from the accused member as well as other witnesses, confer, and make a decision regarding the accused member's membership rights.

ARTICLE V – OFFICERS

Section 1.

The officers of this organization, forming part of the leadership team (described in Art. VI), will serve as liaisons with the University. All officers must exemplify the application of Scriptural life principles, in accordance with the national standards of Cru. The offices of this organization shall be the following:

- A. Primary Principal Rep
- B. Secondary Principal Rep
- C. Spokesperson

Section 2.

Officers are selected from the general membership and must be enrolled students at The University of Iowa. Officers serve as representatives of the Chapter and organization of Cru, and, as members of the leadership team, must subscribe to the Statement of Belief.

They must agree that an important part of such belief is taking action and making decisions that are consistent with and based upon those beliefs. They must acknowledge that being a leader requires one to set an example for others on how to live a holy and Biblically-based life. They must also be committed to advancing the purpose and mission of Cru.

Section 3.

Term of office: An officer shall serve for one year from the start of his term or until his/her successor is appointed.

Section 4.

Officers may be removed from their positions based upon general consensus of the core leadership. Any member of the group may make a complaint against an officer. The leadership team will meet, confer with the Cru staff members for advice and counsel, hear from the accused officer (sometimes in a private one-on-one setting), and make a decision.

Misrepresentation of initial agreement with or a change in an individual's ability to subscribe to the Statement of Belief and the Purpose Statement of this organization shall be grounds for immediate removal of the officer by the leadership team.

ARTICLE VI—LEADERSHIP

Section 1.

The leadership of the Chapter is made up of individuals selected, as set forth below, from the Membership.

Section 2.

All leadership team members and small group leaders must subscribe to the Statement of Belief. They must agree that an important part of such belief is taking action and making decisions that are consistent with and based upon those beliefs. They must acknowledge that being a leader requires one to set an example for others on how to live a holy and Biblically-based life.

They must also be committed to advancing the purpose and mission of Cru.

Section 3.

The leadership of the Chapter will consist of a leadership team, the size of which may vary from year to year based upon the size, needs and desires of the group. The leadership team may consist of both a small group of core student leaders and additional groups of leaders that provide direction for different aspects of the Chapter's purpose.

In addition, small group leaders will head discussion groups or Bible studies in a variety of locations and for various affinity groups on campus.

Organizational details of the leadership team are subject to change without amendment to this constitution. *The University of Iowa* students must constitute at least 2/3 of the leadership team.

Section 4.

The current leadership team selects new leadership each year, usually occurring in the Spring. Individual leaders may also be added to the leadership team throughout the year. All prospective leaders must subscribe to the Statement of Belief and Purpose Statement as stated in Articles II and III.

The staff members of Cru serve an advisory role in the selection process, working with the current leadership team to consider and evaluate recommendations for new leaders. The leadership team will then select individuals, inviting them to take the new leadership roles. The leadership team will be responsible to see that all prospective leaders subscribe to the Statement of Belief and Purpose Statement as stated in Articles II and III.

Section 5.

Leaders may be removed from their positions based upon general consensus of the core leadership. Any member of the group may make a complaint against any leader, including a member of the leadership team. The leadership team will meet, confer with the Cru staff members for advice and counsel, hear from the accused leader (sometimes in a private one-on-one setting), and make a decision.

Misrepresentation of initial agreement with or a change in an individual's ability to subscribe to the Statement of Belief and the Purpose Statement of this organization shall be grounds for immediate removal of the leader by the leadership team.

ARTICLE VII—MEETINGS

Meetings shall be held to further the purposes of the Chapter. The leadership team, in consultation with Cru staff, shall determine the frequency, time and place, and agenda of the various meetings.

Large group meetings typically occur weekly during the school year, breaking when instruction ends and during school vacation periods. Small group meetings (Bible Studies, Discussion Groups) also meet weekly within the same parameters. Other meetings necessary to advance the purposes of the Chapter will be held as occasion warrants.

ARTICLE VIII—ADVISOR

Each year, members of the Leadership team will select a member of the UI faculty to be the Chapter's faculty advisor. The advisor will fill out any forms as required by the University to assist the Chapter in meeting those requirements. The advisor is also welcome to be involved as much or as little as he/she would like, and the Chapter will periodically update him/her on how the Chapter is doing.

ARTICLE VIII—FINANCES

Section 1.

The Chapter may raise revenues through contributions, fundraising activities or by applying for school funds available to student groups. Dues shall not be charged to members for participation. Students, however, may be charged for such services as special social gatherings, retreats and conferences. The Chapter will hold to high standards of financial integrity. A member or several members of the leadership team will be responsible to carefully administer any school funds granted to the Chapter.

Section 2.

Should this Chapter dissolve, any funds raised by and for Cru will revert to the National organization of Cru. As this Chapter does not charge dues, no student fees will need to be returned to the students.

Section 3.

Upon dissolution, state money and mandatory student fees revert back to the granting organization. Group fees should be divided as stated in the Constitution and carried out by the dissolving group's members and officers.

If the group has dissolved and group fees have not been divided as stated in Constitution by five years from last account activity, monies in the group's 00 account will revert to an account

specified for this purpose within UISG/ECGPS. These funds will then be available for distribution through SABAC or GPAC guidelines in compliance with University of Iowa policy.

ARTICLE IX—CONSTITUTIONAL AMENDMENTS

Section 1.

This constitution may be amended by a general consensus of the leadership team.

Section 2.

Articles II and III may not be amended without express written permission of Cru.

Section 3.

All amendments, additions or deletions must be filed with the office of [Center for Student Involvement & Leadership](#) and will become valid at the time of filing.

Created: *03/30/2012*

Amended: *03/30/2012*

EXHIBIT L

CONSTITUTION OF CAMPUS BIBLE FELLOWSHIP

ARTICLE I... STATEMENT OF NEED:

Recognizing: (1) the genuine interest of students for answers and counseling in the realm of spiritual matters, (2) the desire among Christians on campus for fellowship, prayer, and Bible study (3) that many existing religious organizations on campus fail to provide the link with the local church commanded in the New Testament, this constitutes the need for an on-campus organization such as Campus Bible Fellowship.

ARTICLE II... PURPOSE:

This organization is a fellowship organized by students on various campuses and directed by Baptist leaders of Campus Bible Fellowship to encourage the understanding of the historic Christian faith through Bible, study, discussion, & and counseling. Examples, similar in nature, are the positions and practices of Armed Forces chaplains.

ARTICLE III... PREAMBLE

Believing in the first amendment of the United States Constitution which states: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof," Campus Bible Fellowship shall not discriminate on the basis of race, creed, color, national origin, religion, disability, age, gender any consideration based on affectional, sexual, or associational preference, or any other classification or sexual orientation in the selection of its members or in its programs unless federal or state laws allow for such exceptions.

ARTICLE IV... NAME

The name of this organization shall be Campus Bible Fellowship at the University of Iowa.

ARTICLE V... MEMBERSHIP

Section A: General Membership

"In no aspect of Campus Bible Fellowship's programs shall there be any difference in the treatment of persons because of race, creed, color, national origin, religion, sex, disability, age, veteran status, sexual orientation, gender identity or associational preference, or any other classification which would deprive the person of consideration as an individual." The organization will guarantee that equal opportunity & access to membership, programming, facilities, and benefits shall be open to all persons.

The membership of this organization shall be those who have been in attendance at six regular meetings.

Section B: Voting Membership

Voting membership of this organization is open to all qualified members under Section A, who bear clear testimony of conversion to Jesus Christ.

Section C: Revoking Membership

Members who have been absent from six consecutive meetings shall be dropped from the membership.

Section D: Quorum

A quorum for a committee or group business meeting shall be a majority of the existing qualified membership.

ARTICLE VI... COMMITTEES

Section A: EXECUTIVE COMMITTEE

This committee shall consist of a President, Vice-President, Secretary- Treasurer (or Secretary and Treasurer), and a Historian. The aforementioned students are required to be in sincere agreement with the Articles of Faith and shall serve as members of the Campus Bible Fellowship Area Liaison Committee.

1. President: The President shall be the official representative of the Campus Bible Fellowship student group on the campus. Duties include presiding over regular meetings and appointing special committees (after consultation with the executive committee).
2. Vice-President: The Vice-President shall act as President in his absence and shall also be in charge of organization activities and promotion.
3. Secretary-Treasurer (or Secretary and Treasurer): The Secretary-Treasurer shall keep a record of the minutes of all regular meetings, all executive meetings, and all special committee meetings. The officer (or officers) shall also be in charge of all organization funds and shall handle all organization correspondence.
4. Historian: The Historian shall be in charge of attendance and membership rolls, keeping a journal-scrapbook of organizational activities (articles, photographs, etc.).

Section B: NOMINATING COMMITTEE

This committee shall consist of the existing executive committee, a Campus Bible Fellowship staff member, and a member of the Campus Bible Fellowship Area Liaison Committee. This committee shall make a list of candidates qualified for election to the Executive Committee. A majority vote is required for election. The term of office shall be one semester. Elections will be held near the end of the preceding semester, at a meeting to be announced two weeks in advance.

Section C: SPECIAL COMMITTEES

Special committees may be appointed when needed, by the President, after consultation with the Executive committee.

Section D: AREA LIAISON COMMITTEE

This committee shall consist of a group of interested Christians designated by area independent Baptist churches who shall assist in the spiritual development of the group.

ARTICLE VII... MEETINGS

Section A: REGULAR MEETINGS

The regular meetings of Campus Bible Fellowship will be held weekly during the academic year at a time & place to be announced.

Meetings are open to all students, faculty, staff, and their spouses.

Section B: SPECIAL MEETINGS

Special meetings of the Executive Committee or the Campus Bible Fellowship student group may be scheduled as deemed necessary by the President, a member of the Campus Bible Fellowship staff, or the Campus Bible Fellowship Area Liaison Committee Chairman, providing the purpose of the meeting is well within the stated objectives indicated in the Purpose and Preamble.

ARTICLE VIII... FINANCES

Section A: Free will offerings will be taken for expenses & projects. (No funds are received from the University). (Per the "Constitutional Guidelines" of the U.I.), "Upon dissolution state money & mandatory student fees revert back to the granting organization. Group fees should be divided as stated in the constitution and carried out by the dissolving group's members and officers.

If a group has dissolved and group fees have not been divided as stated in the constitution by 5 years from the last account monies in group's 00 account will revert to an account specified for this purpose within UISG. These funds will then be available for distribution through SABAC guidelines in compliance with University of Iowa policy"

Section B: There will be no special assessments of dues in the group.

Section C: The ministry of Campus Bible Fellowship is maintained at no expense to the students of the University of Iowa.

ARTICLE IX... ADOPTION

This constitution shall be adopted upon receiving a two-thirds vote of the existing qualified membership.

ARTICLE X... AMENDMENTS

Amendments may be made to this constitution providing the amendments are approved by the Campus Bible Fellowship staff member and the Area Liaison Committee, and subsequently receive a two-thirds vote of the qualified membership. A notice of such vote shall be posted two weeks in advance. By-laws may be added by the same procedure.

ARTICLE XI... APPROVAL

Date Approved by: Sept. 2011

CBF Staff - _____

CBF National - _____

CBF Student Group - _____

U of I Office of Student Affairs - _____

EXHIBIT M

The Daily Iowan



> News

DI Editor -Mar 2, 2017

Finding a home in faith



By Naomi Hofferber

naomi-hofferber@uiowa.edu

For some Christian LGBTQ individuals on campus, finding a ministry that is fully accepting can be a long and painful process.

University of Iowa sophomore Marcus Miller has seen the effects that this conflict between ideology and identity can have.

“When I was a freshman here at Iowa last year — before I was fully accepting of myself and accepting of my identity — I was still very much involved with Christian organizations,” Miller said. “Those organizations were where all my friends were, where my support system was, and as I continued to try to figure things out on my own and figure out my identities, I think things got really tough

for me, because it came increasingly clear that if I were to be proud of my identity of being gay, that would not be OK.”

Miller applied for two different leadership positions with Business Leaders in Christ and 24/7 and was officially offered a position with the first group, and 24/7 had allegedly implied to Miller he would get a position. After revealing to them that he was gay, both offers were rescinded.

In response, Business Leaders in Christ declined to give a statement to *The Daily Iowan*, and 24/7 released the statement, “24/7 welcomes all members of the university community to its meetings and is confident that the complaint is without merit.”

“That really hurt,” Miller said about the withdrawn offers. “I felt rejected, I felt isolated and alone. What once used to be a home for me and a place where all my friends were, where I got all my support, quickly became the place I dreaded the most. It was so hard for me to be rejected by the people I thought would accept me. There was a lot of nights where I wouldn’t be able to sleep, there were a lot of nights where I contemplated suicide. I felt stuck between two different worlds.”

Miller said he felt conflicted between his traditional conservative Christian community and the LGBTQ community. He said he hadn’t fully accepted himself and he wasn’t sure he could be understood with his intersectionality of faith and sexuality.

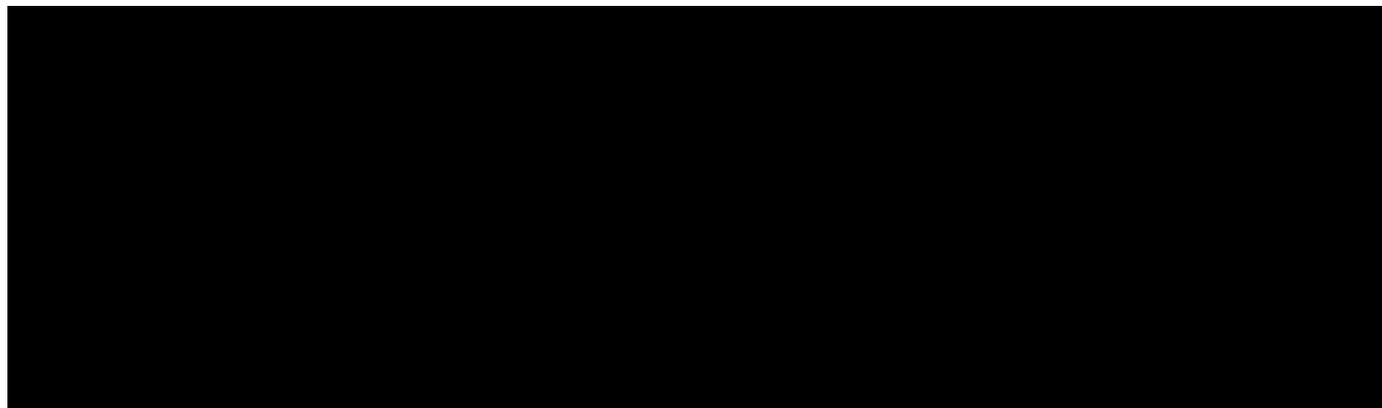
“It was definitely the hardest time period of my life,” Miller said. “Faith is a very sacred thing; a lot of people cling to it. My faith is still very important to me. I feel like for a lot people, that’s the case, and a lot of people are trying to hold on to their faith, but it makes it extremely difficult when the spaces that they’re in are not accepting and not inclusive.”

Miller said he has placed a formal discrimination complaint with the UI Office of Equal Opportunity and Diversity on Feb. 20. The Office of Equal Opportunity and Diversity told *The Daily Iowan* that it can neither confirm nor deny whether a complaint has been filed.

“The investigation begins when the Office provides written notice to the respondent of the filing of the complaint, the identity of the complainant, and the general allegations of the complaint,” Kyra Seay, the communications coordinator for the Chief Diversity Office said in a statement to *The Daily Iowan*. “The respondent is then interviewed regarding the specifics of the allegations and given an opportunity to respond fully to the allegations. The Office may also interview other persons believed to have factual knowledge relevant to the allegations.”

The written finding of the investigation will typically be issued within 60 days of the complaint being launched.

After being denied leadership roles with other organizations, Miller founded Love Works, an LGBTQ-inclusive campus ministry.





While there are numerous interpretations of Bible scripture, some Christian interpretations classify homosexuality as a sin. This can create challenges for LGBTQ individuals who seek involvement in Christian communities.

“From my understanding, it is God loves all human beings, and He created them in His image,” said Nana Owusu, the president for Campus Bible Fellowship. “But from our understanding, sin has marred that image, and the way that it’s been marred has manifested itself in various different ways. What the Bible clearly states in both the Old and the New Testament is that homosexuality is an abomination. So it is not what He intended that relationship to be like.”

Despite any ideology, LGBTQ individuals are welcome to attend meetings and be involved with Campus Bible Fellowship.

“But according to our stance, if people say that they have belief in Christ, there’s bound to be an understanding that there is sin there, because if they truly do believe this, then they do understand that there is sin, and they are fighting that sin in their life, just as I would have to fight urges of lust, just as I would have to fight anger or hatred,” Owusu said. “You can come to the meetings, we can have that conversation, and we can’t force you to live a life that exemplifies a Christian, but we would like to see that growth in each member.”

To be a leader, individuals must profess a belief in Christ and attend meetings regularly, he said. Leaders are approved by leaders in the affiliated church, Faith Baptist Church.

Campus Christian Fellowship, another Christian organization, holds a similar view on homosexuality.

John Johnson, a campus minister for Campus Christian Fellowship, said the organization’s interpretation of scripture is that homosexuality is a sin, which he said is plainly stated in the Bible.

“I do know that there are people who have different interpretations, but that’s how I read the Bible, so that’s something that we do preach, but we don’t tell people to go away, because it’s one of those things that we believe in preaching and talking about Jesus first, and Jesus is the most important thing,” he said. “So if we prevent people from coming, or make people feel as if they can’t come and be a part of it, how are they ever going to hear about Jesus?”

The ministry has had LGBTQ members in the past, and they are welcome to come to meetings, Johnson said. While choosing leaders for the organization, he said, the group has moral and ethical recommendations and wants leaders to be good role models.

“We ask for them, for their sexual activity, to follow what the Bible prescribes,” Johnson said. “I wouldn’t say that we would ever just outright [reject] any person who wanted to become a leader who was part of that community; we wouldn’t just say, ‘No, you can’t because you’re a part of that community.’ We would talk to them about what

does your life look like, and where are you with all these things, and what do you believe scripture says about these things. It's a lot of just seeing where they're coming from with what scripture says, because we do want to have a unified teaching we're presenting."

The issue becomes complicated, as ideology and religious freedoms could potentially conflict with an anti-discrimination clause that all UI student organizations are required to include in their constitutions, which states, "In no aspect of its programs shall there be any difference in the treatment of persons on the basis of ... sexual orientation, gender identity ... which would deprive the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons."

The 2010 Supreme Court case of *Christian Legal Society v. Martinez* dealt with a similar incident regarding campus ministries and the LGBTQ community.

Christian Legal Society required members and officers to sign a statement of faith, in which they agreed to live by certain principles, one of which was the belief that sex was between a man and a woman. It was because the organization restricted based on sexuality that Hastings Law School denied it registered student organization status, as it conflicted with their non-discrimination policy.

Within the case, the society contended that it doesn't exclude individuals based on sexual orientation, but rather on conduct and the belief that the conduct is not wrong; in this case, the group excludes LGBTQ individuals with partners.

The court denied to distinguish between status and conduct in the case, and referenced the 2003 case of *Lawrence v. Texas* in which Justice Anthony Kennedy stated in the opinion of the court, "When homosexual conduct is made criminal by the law of the State, that declaration in and of itself is an invitation to subject homosexual persons to discrimination in both the public and in the private spheres."

In the opinion of the Court in *Christian Legal Society v. Martinez*, Justice Ruth Bader Ginsburg said, "[Christian Legal Society] notes that its 'activities — its Bible studies, speakers, and dinners — are open to all students,' even if attendees are barred from membership and leadership. ... Welcoming all comers as guests or auditors, however, is hardly equivalent to accepting all comers as full-fledged participants."

The court ruled that while it isn't unconstitutional for a student organization to require leaders to hold particular religious beliefs, universities do not have to recognize those organizations.

In 2014, California State University revoked official club status of InterVarsity Christian Fellowship, in accordance with the Supreme Court decision.

Revoking the acknowledgement of an organization does not ban the organization from campus nor does it disband the organization, but organizations could lose university resources and support.

Currently UISG has allocated funds in fiscal 2017 for Business Leaders in Christ and 24/7.\

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EXHIBIT N



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Must be signed in to join

Feed Profile

Welcome to BLinC!

BLinC's primary mission is to create a community of followers of Christ within the Tippie College of business in order to share and gain wisdom on how to practice business that is both Biblical and founded on God's truth. We do this by reading scripture together through devotions, hosting Christian businessmen and women from the community, serving our community together, and spending time with one another. If this sparks your interest, we would love to see you at our next meeting!

As of the Fall 2017 semester, we will be meeting on Mondays from 2:30-3:20pm in C106 in the Pappajohn Business Building. Like us on Facebook for more frequent updates and request to join here as we will add you to our email list. If you have any questions, feel free to email Jake Estell at jacob-estell@uiowa.edu.

Thank you, we look forward to meeting you!

Portal Information

Description

As seekers of Christ, Business Leaders in Christ is a student organization within the Tippie College of Business meant to help students learn about how to continually keep Christ first in the fast-paced business world. Using the Bible as a guide, through fellowship, speakers, small group discussion, and serving our community, students will network within the College and with business leaders, who walk with Christ on a day-to-day basis.

Category

Spiritual & Religious

Website

<https://www.facebook.com/TippieBelievers>

When does your organization accept new members?

Anytime Throughout the Year

Does this organization have a selective membership process?

No

Membership Process

The organization accepts anyone at any time throughout the year and will not discriminate against anyone on the basis of race, gender, sexual orientation, religion, disability or any other factor. However, because it is geared towards business students, the target audience for this organization would be for students already admitted into the Tippie College of Business, pre-business students, or students considering business as a major/minor.

Meeting Day

Monday

Meeting Time

2:30-3:20 pm

Meeting Location

C106 Pappajohn Business Building

Organization Facebook Page:

<https://www.facebook.com/TippieBelievers>

Organization Twitter:

<https://twitter.com/TippieBelievers>

PR First Name

Jacob

PR Last Name

Estell

Primary Rep. Email

jacob-estell@uiowa.edu

SR First Name

Brett

SR Last Name

Eikenberry

Secondary Rep. Email

brett-eikenberry@uiowa.edu

Our organization holds officer (s)elections during:

The Spring Semester

UI Student Organization Constitution

[Constitution of Business Leaders in Christ.docx](#)

Primary Signer's First Name (Treasurer) - CANNOT BE THE SAME AS THE PRIMARY REPRESENTATIVE!

Liz

Primary Signer's Last Name (Treasurer) - CANNOT BE THE SAME AS THE PRIMARY REPRESENTATIVE!

Swanson

Primary Signer's email (Treasurer)

elizabeth-l-swanson@uiowa.edu

Secondary Signer's First Name

Brett

Secondary Signer's Last Name

Eikenberry

Secondary Signer's email

brett-eikenberry@uiowa.edu

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA**

BUSINESS LEADERS IN CHRIST, *et al.*,

Plaintiffs,

v.

THE UNIVERSITY OF IOWA, *et al.*,

Defendants.

Civ. Action No. 3:17-cv-00080-SMR-SBJ

**DECLARATION OF
KIMBERLEE W. COLBY**

I, Kimberlee W. Colby, declare as follows:

1. I am the Director of the Christian Legal Society's (CLS's) Center for Law and Religious Freedom.
2. I have worked at the Center since 1981 and have been its Director since 2014.
3. One of my responsibilities at the Center is overseeing the legal affairs of CLS student chapters at colleges and universities around the country.
4. The Christian Legal Society Student Chapter at the University of Iowa College of Law (the "Chapter") has been recognized as an official student organization by the University of Iowa since at least 1980.
5. In 2003, when the Chapter submitted a Recognition Form for the annual renewal of its recognition, the renewal was denied because of a perceived conflict between the University's Membership Clause regarding nondiscrimination and the Chapter's leadership selection and membership policies.

6. Attached as Exhibit 1 is a true and correct copy of a letter dated February 20, 2004, from Thomas Baker, the University's Associate Dean of Students, to Craig Nierman, a lawyer representing the Chapter in the matter.

7. Pursuant to the clarification of the University's policies provided by Associate Dean Baker, the matter was resolved in a manner suitable to both parties.

8. Since that time, the Chapter has continued to be recognized by the University without interruption.

9. There have been other times when University officials or representatives have initially indicated that the University would deny recognition or funding to the Chapter because of CLS's leadership and membership policies, including in 2008. But each time, the University has eventually recognized the chapter's right to maintain its policies without punishment.

10. From the beginning of its existence at the University and through the present time, the Chapter has maintained a policy of requiring its leadership to affirm and live by CLS's statement of faith.

11. As relevant here, the statement of faith prohibits sexual conduct outside of marriage between a man and a woman and upholds the orthodox Christian view that any sexual conduct outside that relationship, including but by no means limited to conduct between persons of the same sex, is sinful.

12. A person who may have engaged in sexual conduct outside of marriage between a man and a woman in the past but has repented of that conduct, or who experiences a desire to engage in such conduct but does not engage in or advocate in favor of such conduct, would not on those grounds be prevented from serving as an officer of a CLS chapter.

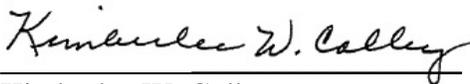
13. CLS holds the same standard for other forms of behavior that we understand the Bible teaches is sinful. CLS affirms the biblical teaching that everyone sins and everyone experiences sinful desires. Our faith does not require perfection from believers. But in order to receive God's forgiveness through Jesus Christ, we must accept God's standard of right and wrong, repent of our sins, and ask for Christ's forgiveness for our sins.

14. Only chapter leaders are required to affirm and live by CLS's statement of faith.

15. Anyone may be a member of the Chapter and participate in Chapter activities.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 10th day of December, 2017.



Kimberlee W. Colby

Exhibit 1



Office of the Vice President for Student Services and Dean of Students

February 20, 2004

RECEIVED
BY: _____

Mr. L. Craig Nierman

Dear Craig:

RE: CHRISTIAN LEGAL SOCIETY

This letter is in response to your January 30 letter regarding your clients, the student members of the Christian Legal Society (CLS). During the fall semester of 2003, CLS student leaders declined to include the University of Iowa Human Rights Policy in their proposed group constitution. Because the proposed constitution did not include the Human Rights Policy, the CLS application for recognition was rejected by the University of Iowa Student Government (UISG).

You object to the actions of UISG and asked that the First Amendment rights of the CLS students be protected. I have reviewed the First Amendment case law and the two law review articles cited in your letter. I have discussed the legal issues you raised in your January 30 letter with Vice President Phillip Jones.

Your letter states, in essence, that the CLS has a constitutional right to refuse to include in its constitution the Human Rights Policy in its entirety. As you know, the Human Rights Policy explicitly prohibits the University from engaging in race and sex discrimination as well as other forms of discrimination prohibited by the Policy. Under the Human Rights Policy, University officials may not treat persons differently based upon any classification "that deprives a person of consideration as an individual." Creed and sexual orientation are specifically listed as examples of categories that deprive a person from consideration as an individual. Religion and religious affiliation are not specifically identified in the Policy, although in some instances discrimination on the basis of religion would violate the Policy, such as a practice of not permitting Christians to join a student political group.

With respect to student organizations, the University applies the Human Rights Policy to prohibit certain forms of discrimination when organizational leaders decide to accept or exclude students interested in becoming members of the group. Federal law generally *requires* that the University of Iowa (and all post-secondary institutions which receive federal funds) prohibit recognized student organizations from discriminating on the basis of race and sex in the selection of new members. By requiring that groups observe the Human Rights Policy, University officials responsible for reviewing applications for group recognition ensure that Title VI and Title IX are observed. The Human Rights Policy was enacted in 1963, and ever since then it has been the University's practice to apply the Policy to student organization membership selection decisions.

249 Iowa Memorial Union
Iowa City, Iowa 52242-1317
319-335-3557 fax 319-335-3559
vp-student-services@uiowa.edu
www.uiowa/~vpss

Contrary to your letter, the Human Rights policy does not prohibit student groups from establishing membership criteria. A student religious group is entitled to require a statement of faith as a pre-condition for joining the group. *Asking prospective members to sign the CLS statement of faith would not violate the UI Human Rights Policy.* While student groups have a right to establish membership rules and require prospective members to adhere to group rules, that right does not extend to permit CLS or any other student group to reject prospective student members solely on the basis of race, gender, or sexual orientation.

You specifically cited sexual orientation as one category of discrimination prohibited by the Human Rights Policy that your clients find objectionable. Your letter did not, however, cite any judicial ruling on point that would nullify a viewpoint-neutral application of the Human Rights Policy to student religious groups with respect to membership discrimination on the basis of sexual orientation. The Supreme Court cases on student organizations mentioned in your letter address other issues beside membership rules, namely equal access to funding and meeting space, for instance. The case law you cited supports, in fact, the Vice President's position that viewpoint neutrality must be the guiding principle in the application of the Human Rights Policy. A decision to treat religious groups differently would invite a constitutional challenge by non-religious groups, who have the same right as religious groups to equal treatment.

Implicit in the Human Rights Policy is the distinction between class characteristics such as race and gender, on the one hand, and on the other hand the personal conduct of those who seek to join student organizations. The CLS would not be required, and will not be required, to condone the behavior of student members -- after they join your group -- that is contrary to the purpose of your organization and its statement of faith. Individuals who fail to observe the CLS statement of faith may be dismissed as members. Your group may not, however, refuse to accept as a member a homosexual law student who professes to be a Christian and is prepared to sign your organization's statement of faith and observe the CLS group rules for member behavior.

With regard to the distinction between class characteristics and personal conduct, it is apparent that we may be in agreement. You acknowledge in your letter that your group is not opposed to accepting into its membership law students who have homosexual inclinations or who have engaged in homosexual behavior. I respect the fact that the CLS welcomes all students, including homosexuals, to attend CLS meetings. This practice is entirely consistent with the spirit of the Human Rights Policy.

To my knowledge, religious students groups have operated for many years on the UI campus using statements of faith as a basis for membership. No threat has ever been directed to a student religious group by the student government, by the Dean of Students, or by the Office of Student Life regarding the use of statements of faith as a basis for membership. Moreover, no complaint from the community has ever been filed with the UI Committee on Human Rights against a religious student organization alleging a violation of the Human Rights Policy.

Your January 30 letter specifically asks that the Human Rights Policy be amended to exempt student religious groups "from the religion, creed, sexual orientation, and gender identity language of the University's required Membership Clause." Since the Human Rights Policy protects groups such as your CLS student clients from discrimination on the basis of creed, it is not necessary to formally exempt religious groups from the Human Rights Policy in order to ensure that the rights of CLS members are protected. Once recognized, the University is obliged to protect the right of CLS members to espouse the group's basic tenets.

The Supreme Court long ago in Healy v. James concluded that it is not inconsistent with the Constitution for tax-supported universities to deny or withdraw recognition to groups that refuse to follow reasonable rules. Observing the Human Rights Policy during new member selection is a reasonable requirement for group recognition. If the students you represent choose to re-submit a revised group constitution with an unmodified Human Rights Policy statement included, the CLS would then become eligible to use University resources, as would any other recognized student organization, once the CLS has been recognized by UISG.

In conclusion, it is apparent that the UISG did not violate the University Policy on Human Rights or the First Amendment of the U.S. Constitution. The UISG decided not to grant recognition to the Christian Legal Society because the UI Human Rights Policy was entirely left out of the proposed CLS constitution. UISG is prepared to grant recognition once the Human Rights Policy is included in the proposed CLS constitution. Every University of Iowa student organization is required to include in its group constitution the Human Rights Policy in its entirety in order to be eligible for University recognition, and your clients were treated the same as every other religious group has been treated.

I understand that you may feel compelled to pursue formal legal avenues in response to this letter. Please be informed that the standard appeal process for recognition disputes has not been exhausted. As stated in sub-section III.A.9 of "Recognition of Student Organizations," a group may appeal an adverse decision of the governing body to the president of the University or designated representative (refer to page 18 of "Policies and Regulations affecting Students, 2003-2004," a copy of which is enclosed). To my knowledge, no appeal has been filed with President Skorton. If the group of students you represent elects to exercise its appeal opportunity, please copy me on your letter to President Skorton.

Sincerely,



Thomas R. Baker, J.D., M.A.
Associate Dean of Students

Enclosure

cc: Phil Jones
Bill Hines
Linda McGuire
Bill Nelson
Mark Schantz
Charlotte Westerhaus

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
EASTERN DIVISION**

BUSINESS LEADERS IN CHRIST, an
unincorporated association,

Plaintiff,

v.

THE UNIVERSITY OF IOWA; LYN
REDINGTON, in her official capacity as
Dean of Students and in her individual
capacity; THOMAS R. BAKER, in his
official capacity as Assistant Dean of
Students and in his individual capacity; and
WILLIAM R. NELSON, in his official
capacity as Executive Director, Iowa
Memorial Union, and in his individual
capacity,

Defendants.

Civ. Action No. 3:17-cv-00080-SMR-SBJ

**DECLARATION OF
JACOB ESTELL**

I, Jacob D. Estell, declare as follows:

1. I am a senior at the Tippie College of Business at the University of Iowa. I am also the President of BLinC, or Business Leaders in Christ, which is a student group on campus for students who want to learn how to live their faith in the business world.
2. I became the President of BLinC in April 2017. The year before I served as its Vice-President.
3. The purpose of BLinC is “to create a community of followers of Christ . . . to share and gain wisdom on how to practice business that is both Biblical and founded on God’s truth.”

4. We want to help students learn how to live in the workplace in a way that reflects positively on the Gospel of Jesus Christ by being men and women who have integrity, a strong work ethic, a desire to serve their community, and to help their businesses succeed.

5. I first joined BLinC because I was growing in my faith and wanted to associate with other students who shared my beliefs and challenges of living them in the workplace.

6. As President of BLinC, my responsibilities include planning and leading the weekly meetings. Each week, I or another member of the executive board, leads our members in prayer and spiritual discussion.

7. I'm also responsible for finding Christian business leaders who are willing to come speak to us about how their faith helps them in the careers.

8. I also organize a couple of service activities each semester where we mentor kids in local programs for disadvantaged youth. We also have an activity on campus every year where we encourage students to express thanks and think about all of the things they have to be grateful for.

9. When I was elected, I knew that BLinC was being investigated by the University because a student complained that he was denied a leadership position for being gay. I further knew that that complaint was false, and that the student—who was a member at the time of his application for leadership—had been found ineligible for leadership because of his disagreement with and decision not to live by BLinC's religious beliefs.

10. On June 30, we got a letter saying that the investigator found that BLinC had discriminated against the student because of his sexual orientation. A copy of the letter is attached as **Exhibit A**.

11. On July 14, 2017, I sent a letter explaining that the student was denied a leadership position "only because he stated that he disagrees with, and would not try to live by, BLinC's Christian

principles, which means he could not effectively lead our group.” A copy of my letter is attached as **Exhibit B**.

12. A little later, I was invited to meet about the investigation with Dr. Bill Nelson, the University official who is responsible for registering the student groups on campus.

13. The meeting was on September 1, 2017. My Vice-President, Brett Eikenberry, went with me. Two of our lawyers were with us.

14. The Associate Dean of Students, Thomas Baker, was also at the meeting with Dr. Nelson.

15. Dean Baker did most of the talking at the meeting. He started by explaining the investigation’s finding that BLinC had denied a student a leadership position because he identified as being gay.

16. Dean Baker told us that this violated the University’s Human Rights policy. But he said that if BLinC understood the policy and was willing to comply with it, BLinC could remain a registered organization in good standing.

17. Dean Baker told us he had a similar situation with the Christian Legal Society in 2004 and that it was allowed to stay on campus after it clarified that its religious beliefs required them to abstain from sexual activity outside of marriage.

18. We explained that we likewise needed our leaders to actually share and live by our beliefs.

19. Dean Baker told us that was okay and gave an example that a student environmental group promoting awareness about global warming could choose leaders based on its beliefs and that BLinC could do the same thing based on its beliefs.

20. We talked quite a bit about the difference between discriminating on the basis of “status” and choosing leaders based on “beliefs” and “conduct.” We repeatedly emphasized that BLinC does not discriminate on status, but only seeks to choose leaders based on “belief” and “conduct.”

21. Dean Baker and Dr. Nelson explicitly said it was okay to choose leaders based on their beliefs and conduct as long as we did not discriminate on status alone. We confirmed that this was consistent with BLinC's position.

22. They told us that the University's finding would remain in BLinC's official file, but that we could write a letter for the file explaining why we thought the finding was wrong, since we said the student was turned down because he disagreed with our beliefs and not because he was gay.

23. Dr. Nelson asked if our beliefs were written down anywhere and said it would be better if students knew our beliefs before they joined so they wouldn't be offended later.

24. Brett and I agreed that we could make our beliefs more clear in BLinC's constitution.

25. Based on what they told us, I thought once we put our beliefs into BLinC's constitution, the University would leave us alone.

26. When the meeting ended and Dr. Nelson was leaving the room, he stopped and turned around and said something like that the University has a lot of great students but "some of the best" were "sitting right here."

27. We were surprised and happy that the meeting went so well.

28. A couple of weeks later, I got a letter from Dr. Nelson basically saying that we had to update our statement of faith by listing "qualifications for leaders" so that "non-heterosexuals are not categorically eliminated from consideration." A copy of that letter is attached as **Exhibit C**.

29. We updated our constitution and attached a new copy of our statement of faith with a more detailed explanation of our religious beliefs. Our lawyers sent it to Dr. Nelson on September 27, 2017. A copy of the updated constitution and statement of faith are attached as **Exhibit D**.

30. I got a response from Dr. Nelson on October 19. I was stunned that he said our updates were not good enough and that he was going to revoke our registration if we did not "make

additional revisions” to our statement of faith and “submit an acceptable plan” for picking our leaders. A copy of Dr. Nelson’s response is attached as **Exhibit E**.

31. Our beliefs are based on our understanding of the Bible, and we can’t just change them because the University doesn’t like them.

32. Our lawyers helped us file an appeal to the Dean of Students, Lyn Redington. A copy of our appeal is attached as **Exhibit F**.

33. On November 16, Dean Redington rejected our appeal and revoked BLinC’s registration. A copy of her letter is attached as **Exhibit G**.

34. Getting investigated and punished by the University has been really stressful and time-consuming for us. We’ve had to spend dozens of hours defending ourselves and our faith from University officials. It has distracted us from our studies and made us feel like outsiders at the University.

35. Being registered by the University is really important to us. We are a small group with fewer than ten members, but we met a lot of interested students at the last student fair. We want to grow, and that is where we have opportunity to reach out to students.

36. The next student fairs are January 24 and January 25 of next year. If we are not registered by the University, we can’t participate in the student fairs.

37. Another way that students find us is on OrgSync, which is the University’s website for all student organizations. If we’re not registered, we can’t be listed on OrgSync.

38. We also get to send a message to all students once every semester. But if we’re not registered we can’t do that.

39. We hold all of our meetings on campus, but if we are not registered by the University, we aren’t allowed to reserve rooms for free.

40. In the past we have been able to send some of our members to events related to BLinC's mission at other schools around the country, and the University has paid some of the costs out of the student activity fees that we all have to pay. But if BLinC isn't registered, we can't use any of that money.

41. Being officially derecognized also makes it much harder to grow our group because potential members are scared off because the University is treating us like there's something wrong with us, and are nervous that associating with us could harm their education or reputation at the University.

42. The worst part is that the University is discriminating against us because of our religious beliefs after it told us that we could choose leaders who shared our beliefs. I can't believe that they can basically kick us off campus because of our religious beliefs.

43. We let anyone join our group. We want to share our beliefs with them and we want to have an impact by helping students be successful in the business world.

44. We think it is important to have integrity in business. Dishonesty is one of the biggest problems in the business world and there is a lot of pressure on people to cheat or take unfair advantage of others. We want to learn how to apply our beliefs to help us be honest and fair and still be competitive.

45. It's crazy to see lately how much sexual harassment there is in the business world. We think that our religious beliefs about sexual morality can help us and others be more respectful in their business relationships and know how to stand up against harassment when they see it.

46. We know that not everyone agrees with our beliefs and that's okay. We know that you can disagree with our beliefs and still be honest and have integrity and be respectful in the workplace.

But we want the same right as everyone else to talk about our own beliefs and how they can help us be the kind of people we want to be in our careers.

47. We can't do that if we aren't allowed to choose leaders who share our beliefs.

48. I don't see how the University can punish us for our beliefs when there are all kinds of student groups that push all kinds of messages, but the University isn't telling them who has to be their leaders.

49. The University is basically saying that there's something wrong with our beliefs and that we don't belong on campus. Just because we agree with what Jesus and Paul taught about sexual morality doesn't mean that we hate people who disagree with us. We aren't trying to control how they live. But we also want to be free to live how we want and choose leaders who share our beliefs.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 11th day of December, 2017.

A handwritten signature in black ink that reads "Jacob D. Estell". The signature is written in a cursive, flowing style.

Jacob D. Estell

EXHIBIT A

MEMORANDUM

TO: Student A, Complainant
Business Leaders in Christ, Respondent

FROM: Constance Schriver Cervantes 
Compliance Coordinator
Office of Equal Opportunity and Diversity

DATE: June 30, 2017

SUBJECT: Finding on formal complaint of discrimination

I. SUMMARY

On February 20, 2017, Complainant filed a formal complaint with the Office of Equal Opportunity and Diversity against Respondent alleging that Respondent engaged in actions in violation of the University of Iowa's *Policy on Human Rights*.

This finding is issued in conjunction with the Office of Equal Opportunity and Diversity's investigation of Complainant's complaint.

II. FINDING

The evidence produced during the investigation does provide a reasonable basis to believe the *Policy on Human Rights* was violated.

III. BACKGROUND

Complainant is a student at the University of Iowa, and a former member of Business Leaders in Christ (BLinC)

Respondent is a registered student organization at the University of Iowa.

In addition to Complainant, the following witness was interviewed:

- Student B, President, BLinC

The following documents were reviewed:

- Copy of Facebook Messenger notes of meeting dates between Complainant and B
- May 17, 2016 e-mail from Complainant to Student B
- June 22, 2017 e-mail from Student B to Complainant
- Constitution of Business Leaders in Christ

- Center of Student Involvement & Leadership Registered Student Organization Constitutional Standards and Guidelines
- “Nature of Complaints,” notes from Complainant
- “Chronology,” prepared by Student B
- “Vision Meeting August 26, 2016,” notes from Student B

IV. SUMMARY OF REMEDY REQUESTED, ALLEGATIONS AND RESPONSES

Remedy Requested

Complainant requests that BLinC be required to comply with the university’s non-discrimination policy, or no longer be a recognized student organization, affiliated with the University of Iowa.

Allegations

Complainant states that he was denied a leadership position with BLinC because of his sexual orientation.

Complainant indicated that at the end of the 2016 spring semester, he expressed an interest in becoming the vice-president of BLinC for 2016-17 academic year. On April 7, 2016, Student B, the current President of BLinC, met with Complainant and offered him the position. She then asked if he had any questions. Complainant told Student B he was gay. He asked how that would affect his becoming vice-president. Student B indicated she would have to get back to him.

On April 27, 2016, Student B again met with Complainant and informed him she was withdrawing the offer to him for the position of vice-president. Student B stated that because Complainant was gay and might pursue a relationship as a gay person, he could not be a leader in BLinC.

Responses

Student B admits that because of Complainant’s “desire to pursue a homosexual lifestyle/relationship” he was denied a leadership position in BLinC.

Student B is a co-founder of BLinC. It was founded three years ago, and was recognized by the university as a student organization in 2014. Student B was the secretary for the organization in its first year and has been the president since.

Student B states that the officers share duties. There is no vice president for the 2016-17 academic year. Currently BLinC has approximately 10-12 members. No minutes of meetings are kept.

In a meeting in March 2016, Student B announced they were looking for officers for BLinC for the 2016-17 academic year. Complainant reached out to Student B to express his interest in a leadership position, that of vice-president.

On April 7, 2016, Student B met with Complainant to discuss the position of vice-president. At the end of that meeting Complainant informed Student B he was gay. Student B then advised Complainant she would have to get back to him with respect to the position.

Student B then met with other BLinC officers to discuss the question of allowing Complainant to become vice-president. Student B determined Complainant would have been eligible for the position of vice-president but for being gay. Student B met further with Complainant on April 27, 2016, and told Complainant that he would not be allowed to be vice-president. In her interview in this investigation, Student B stated Complainant would have become vice-president at the April 27, 2016, meeting if he had not told her he was gay.

On May 17, 2016, Complainant e-mailed Student B to express further concerns with respect to the decision that he not to be allowed to be on the executive board of BLinC. Student B replied by e-mail on June 22, 2016, indicating in part:

First and foremost, the reason why I made the decision that I could not allow you to be in a leadership position within BLinC is because of your desire to pursue a homosexual lifestyle/relationship.

Student B confirmed that this e-mail correctly states her, and the organization's position on homosexuality and leadership in the organization. Pursuing a relationship with the opposite sex is acceptable within the organization.

Complainant has not attended any meetings since his rejection as vice-president and is no longer a member of the organization. BLinC has no self-identified gay members. Student B states individuals who are gay are welcome to be student members of BLinC, but not leaders of the organization.

BLinC's Constitution, adopted April 1, 2014, provides in part:

Article II

Membership:

Section 1) In no aspect of its programs shall there be any difference in the treatment of persons on the basis of ...sexual orientation...or any other classification which would deprive the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities and benefits shall be open to all persons.¹

Article III

Officers and Duties:

There will be 4 executive officer positions within Business Leaders in Christ:

- 1) President...
- 2) Vice President...
- 3) Treasurer...
- 4) Secretary...

Article VI

Elections

Section 1) Elections for the Executive Board will be held once a year in March to elect for the following school year.²

V. APPLICABLE POLICIES

Policy on Human Rights:

The University is guided by the precepts that in no aspect of its programs shall there be differences in the treatment of persons because of ... sexual orientation ... These principles are expected to be observed in the internal policies and practices of the University; specifically... in policies governing programs of extracurricular life and activities...

<http://opsmanual.uiowa.edu/community-policies/human-rights>

¹ All university registered student organizations are required to follow the Registered Student Organization Constitutional Standards and Guidelines, <http://csil.uiowa.edu/manage/new-organization-constitutional-guidelines/>.

Under those guidelines, the university's Human Rights Clause must be included and must be written in a student organization's Constitution exactly as follows: *In no aspect of its programs shall there be any difference in the treatment of persons on the basis of race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences, or any other classification which would deprive the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons. Eighty percent (80%) of this organization's membership must be composed of UI students.*

The clause in BLinC's Constitution does not meet the present language requirements, which were updated in October 2014.

² For the 2016-17 election, BLinC had approximately 5-6 members. Officer positions were discussed but no formal vote was taken. The members agreed on the candidates according to Student B.

VI. ANALYSIS AND CONCLUSION

The purpose of a formal investigation is to determine, based on sufficient evidence, whether there is a reasonable basis to believe that a violation of the policy has occurred. The standard for evaluating evidence gathered in the investigation is by a preponderance of evidence which requires the investigator to determine whether it is more likely than not that a given fact is true, or a given event occurred.

For a violation of the *Policy on Human Rights* here, the evidence must show that an individual was treated differently than others were treated in a university program, and that the differential treatment was based on a protected class, including sexual orientation.

The preponderance of the evidence in this case establishes that Complainant was applied for and was interviewed for the position of vice-president of BLinC for the 2016-17 academic year. However, upon learning that Complainant was gay, Student B, the president of the organization, after consultation with other officers, denied Complainant a position of leadership within BLinC because of his sexual orientation.

The refusal by an officer of a recognized student organization to allow Complainant to be an officer of BLinC, and the decision to treat him differently than other members due to his sexual orientation violates the university's *Policy on Human Rights*.

The University of Iowa has a categorical non-discrimination policy. The *Policy on Human Rights* prohibits institutional discrimination in its programs based on protected classifications, including sexual orientation. There is no distinction within the *Policy on Human Rights* for membership as opposed to leadership positions. The policy provides: *in no aspect of its programs shall there be differences in the treatment of persons because of ... sexual orientation ... These principles are expected to be observed in the internal policies and practices of the University; specifically in the ... in policies governing programs of extracurricular life and activities...*

Here, the basis for BLinC's refusal to select Complainant for the position of vice-president was his sexual orientation.

Student organizations may state a set of beliefs with which their members or leaders must comply. BLinC has no such statement in its Constitution. However, an organization may not adopt a statement of beliefs that is inconsistent with the *Policy on Human Rights*, and base exclusion on a protected classification. BLinC's action with respect to this Complainant's application for the position of vice-president violates the *Policy on Human Rights* because of the statements made by the president.

VII. APPEAL PROCEDURES

If the Office of Equal Opportunity and Diversity concludes that the complaint is unfounded, the Complainant may appeal the finding on the grounds that the decision was arbitrary and capricious or that the investigating office did not follow procedures resulting in prejudice to the

Complainant. Appeals must be made electronically or in writing³ and submitted together with all supporting documentation to the Office of Equal Opportunity and Diversity within ten (10) university business days of the receipt of the finding. Generally within two (2) university business days, the Office of Equal Opportunity and Diversity will transmit the notice of appeal and the case record to the appropriate appeal officer, as described on the Office of Equal Opportunity and Diversity website: <http://diversity.uiowa.edu/policies/discrimination-complaint-procedures>.

The appeal officer, or the appeal officer's designee, will issue a written decision on the appeal to the Complainant and the Office of Equal Opportunity and Diversity within 20 university business days of the receipt of the appeal, although this time frame may be extended due to the complexity of the case or the severity of the allegations.

In cases where the appeal is denied, such action constitutes final university action on the matter, subject to appeal to the Iowa Board of Regents. In cases where the appeal is successful, in whole or in part, the appeal officer/designee will advise the Office of Equal Opportunity and Diversity regarding appropriate measures to address the issues of concern raised in the appeal.

For complaints that conclude in a finding that there is a reasonable basis to believe that a policy violation has occurred and sanctions have been imposed, Respondents may appeal such findings through the grievance procedures applicable to them. The Respondent may challenge any sanctions imposed as a result of a finding through available grievance procedures.

VIII. NOTE ON CONFIDENTIALITY AND RETALIATION

The Office of Equal Opportunity and Diversity considers all information received in connection with the filing, investigation, and resolution of complaints to be confidential. Disclosure of information in connection with this complaint is limited to those individuals necessary to its investigation and resolution, and it is expected that the parties will observe the same standard of confidentiality. The individuals copied on this finding are administrators who have authority and responsibility for the University of Iowa student organizations, or for the Respondent and would be critical to any sanction that might be imposed. This practice of maintaining confidentiality is in the best interests of all the parties to the complaint and failure to respect confidentiality may be regarded as retaliation. University policy prohibits retaliation against individuals who file complaints and against those who participate in complaint investigations as witnesses.

³ The address to submit such an appeal is: diversity@uiowa.edu or Office of Equal Opportunity and Diversity, 202 Jessup Hall, 5 West Jefferson St., Iowa City, IA, 52242-1316.

cc: Georgina Dodge, Chief Diversity Officer and Associate Vice President, Title IX
Coordinator
Jennifer Modestou, Director, Office of Equal Opportunity and Diversity, Deputy Title IX
Coordinator
Thomas Rocklin, Vice President for Student Life
Lyn Redington, Assistant Vice-President, Dean of Students
William Nelson, Executive Director, IMU
Anita Cory, Associate Director, Student Organization and Leadership Program, Center
for Student Involvement and Leadership
Susan Sager, Administrator, HR Services, Advisor, Business Leaders in Christ

EXHIBIT B

July 14, 2017

VIA EMAIL

Dean Lyn Redington
Assistant Vice President and Dean of Students
University of Iowa
Office of the Dean of Students
135 Iowa Memorial Union
Iowa City, IA 52242



Dear Dean Redington,

I am a University of Iowa student and the incoming president of the student group BLinC or Business Leaders in Christ. As you know, on June 30, Ms. Schriver Cervantes from the Office of Equal Opportunity and Diversity found that BLinC had violated the University's *Policy on Human Rights*. It is my understanding that the matter has now been sent to you for a decision whether BLinC should be sanctioned. It should not. In fact, sanctioning BLinC would violate both the University's own policies and state and federal law.

First, Ms. Schriver Cervantes' conclusion that BLinC violated the *Policy on Human Rights* is incorrect. The University's own policies respect the right of student groups to "exercise free choice of members" who "subscribe to the goals and beliefs of the organization." BLinC did not discriminate against the complaining student because of his sexual orientation. The student participated in BLinC before asking for a leadership position, and remains welcome to participate—even as a leader, regardless of his sexual orientation. The student was not eligible to be a leader of BLinC only because he stated that he disagrees with, and would not try to live by, BLinC's Christian principles, which means he could not effectively lead our group.

Second, your office has previously agreed that it would be a violation of the Iowa Human Rights Act to force a student group to accept leaders whose behavior is contrary to the group's purpose or its statement of faith. Such coercion would also violate federal law, including the First Amendment. BLinC is a Christian organization for students who share core Christian convictions. Its entire purpose is to encourage students to live according to its understanding of Christian principles. And its leaders play a religious role in leading the group. BLinC cannot fulfill its core mission if its leaders do not support its beliefs. The First Amendment protects BLinC's right to select leaders who share its mission.

The University itself also protects that right for a wide variety of other student groups who require both their leaders and their members to support their organizations' goals and purposes. BLinC's earlier letter to Ms. Schriver Cervantes, on which you were copied, identifies many of those organizations. Because your office has acknowledged that forcing a religious group to select leaders who oppose its mission would violate the Iowa Human Rights Act, and because you have taken no action against many other student groups with leadership standards, targeting BLinC because of its religious beliefs would be an intentional violation of both state and federal law, raising the potential for punitive damages against the University and its officers.

For all these reasons, it is our hope that you will reverse Ms. Schriver Cervantes' findings and take no further action against BLinC.

Sincerely,



Jacob D. Estell
President
Business Leaders in Christ

cc: Georgina Dodge [REDACTED]
Jennifer A. Modestou [REDACTED]
William Nelson [REDACTED]
Anita Cory [REDACTED]
Susan M. Sager [REDACTED]
Constance A. Schriver Cervantes [REDACTED]

EXHIBIT C



Iowa Memorial Union

145 Iowa Memorial Union
Iowa City, Iowa 52242-1317
319-335-3059
imu.uiowa.edu

SENT VIA ELECTRONIC MAIL

September 13, 2017

Jacob Estell, President
Business Leaders in Christ (BLinC)



Dear Jacob:

I am in receipt of the June 30, 2017, communication from Constance Schriver Cervantes regarding the case filed against your registered student organization, BLinC. Ms. Schriver investigated the complaint filed against BLinC on behalf of the Office of Equal Opportunity and Diversity.

This investigation was conducted under the Discipline of Registered Student Organization (DRSO) procedures found at <https://dos.uiowa.edu/policies/discipline-of-registered-student-organizations/>. We met on September 1, 2017, to discuss the case. I listened and considered your comments and questions. During our discussion, Tom Baker, Associate Dean of Students, stated your organization should be allowed to function as a registered student organization in good standing so long as the student leaders operate fully and consistently in accordance with the University of Iowa Human Rights Policy and make a sincere commitment to comply with the policy moving forward. After further discussion, you stated your organization intended to comply with the University of Iowa Human Rights Policy at all times in the future.

As explained in DRSO Section IV.D., I have the authority to impose sanctions if I conclude University rules were violated and sanctions are warranted. I find there is a preponderance of evidence that BLinC violated the University of Iowa Human Rights Policy.

After consideration of the Investigative Report and your remarks, I will permit your organization to function as a registered student organization in good standing with the University of Iowa provided you comply with the following:

1. Commit to ongoing compliance with the University of Iowa Human Rights Policy at all times in the future;
2. Submit a basic list of qualifications for leaders of your organization designed to prevent future disqualifications based on protected categories and to ensure that persons who identify as non-heterosexuals are not categorically eliminated from consideration; and

3. Submit an acceptable plan for ensuring that group officers who interview leaders will ask questions relevant to the vision statement that are not presumptive of candidates based upon their sexual orientation.

To reiterate, BLinC, as a registered student organization, will return to good standing with the University of Iowa following your compliance with the above. Please submit the required information to me directly at [REDACTED].

You have the opportunity to appeal this decision. As an organization representative, you have ten (10) business days after receipt of this decision to request an appeal to the Office of the Dean of Students. The deadline for filing an appeal is September 27, 2017. Permissible grounds for appeal are listed at DRSO Section VI. Appeals.

Information related to this incident will be filed in the Office of the Dean of Students. Please be aware Section V. Sanctions of the DRSO states that, "Student organizations that fail to comply with a sanction in a timely manner are subject to additional disciplinary action, which may include loss of registration until compliance is achieved."

If you have any questions, please contact me at [REDACTED] or [REDACTED].

Sincerely,



William Nelson, Ph.D.
Executive Director
Iowa Memorial Union

c: Tom Baker [REDACTED]
Eric Baxter [REDACTED]

EXHIBIT D

Title: THE CONSTITUTION OF BUSINESS LEADERS IN CHRIST (“BLINC”)

Date: September, 27, 2017

Article I

Purpose:

As seekers of Christ, Business Leaders in Christ is a student organization within the Tippie College of Business meant to help students learn about how to continually keep Christ first in the fast-paced business world. Using the Bible as a guide and through prayer, fellowship, group discussions, and service, students will network within the College and with business leaders who walk with Christ on a day-to-day basis.

Article II

Membership:

Section 1) **Membership in BLinC shall be open to all students without regard to race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences, or any other classification that deprives the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons.**

Section 2) There will be no limitations as far as the minimum or maximum number of participants within the student organization.

Section 3) Because BLinC is seeking certification within the Tippie College of Business to become a recognized student organization, its target audience includes students already admitted into the Tippie College of Business, pre-business students, and students strongly considering business as a major/minor. A Member’s role or affiliation will not be different based on their class within, or ties to, the Tippie College of Business.

Section 4) A student will be considered a Member after signing in and attending 2 or more meetings in a given academic year. However, the President and/or the Faculty Advisor has the right to withdraw membership at any time for misconduct or other extreme circumstances.

Article III

Officers and Duties:

1) All Officers are required to affirm that they accept and seek to live BLinC’s religious beliefs as set forth in its Statement of Faith attached as Exhibit A. They must be prepared

to provide spiritual leadership for the organization, including leading prayer and Bible study, explaining the content of BLinC's religious beliefs, and ministering to others. They should have knowledge of, and agreement with, BLinC's mission and an understanding of how to model the values of the organization for the rest of the membership. All Officers are expected to uphold BLinC's religious beliefs and help ensure that the organization remains true to its religious mission, as described in this paragraph.

2) There will be 4 Executive Officer positions within BLinC:

a) President: The role of the President is to schedule, organize, and lead executive and large group meetings weekly. It is also the President's responsibility to manage all administrative issues, such as amending the constitution, overseeing the work of the other executives, making any final decisions regarding the well-being of the student organization, and reaching out to form meaningful relationships with members of the organization. To fulfill these responsibilities, the President must work closely with the Faculty advisor, providing updates on a weekly basis, as well as working closely with the other executives of the organization. It is the President's duty to work with the other officers to make sure all administrative work is successfully completed. In order to become President, a candidate should possess strong leadership skills (prior leadership experience is preferred), strong communication skills, and a strong work ethic to be able to complete all of the required duties as President.

b) Vice President: The primary role of the Vice President is to schedule guest speakers to come in and present on how they use their faith on a day-to-day basis in the workforce. Ideally, they will start planning and scheduling guest speakers for the following fall semester, as soon as they are elected. Besides engaging in outreach for speakers, the Vice President will assist the President with administrative issues and will assume the role of President whenever the President cannot attend a meeting or fulfill his/her duties. In order to be a successful Vice President, a candidate should possess strong community outreach skills. They should feel comfortable reaching out to potential speakers and asking if they would like to come present to the organization. The Vice President should also have strong administrative and leadership skills as well because they will work hand in hand with the President completing various administrative tasks.

c) Treasurer: The primary role of the Treasurer is to manage the funds, money, and make a budget for the organization. They will work with the other executives and the faculty advisor to decide where to allocate all of the funds. Candidates should have a knowledge of managing money, and someone that is majoring in accounting or finance will be prioritized.

d) Secretary: The main role of the secretary is to market the student organization. They should send out emails to members reminding them of upcoming events, post on the Facebook page, and tweet about what is going on within BLinC. Also, during meetings, the secretary should record minutes. Candidates considering the position of secretary should be organized and good communicators.

Article IV

Staff/Faculty Advisor

The responsibility of the Staff/Faculty Advisor is to be a voice for the students with the University and to help the Executive Officers with whatever needs they may have. The advisor should be made aware of everything that is going on within the organization by the Executive Officers. The Advisor is invited to attend leadership and group meetings in order to again lend input for the well-being of the organization.

To select a Staff/Faculty Advisor, the Executive Officers will search first in the Tippie College of Business by sending out emails or scheduling meetings with faculty members to see if anyone would be interested. The Staff/Faculty advisor may serve only by unanimous vote of the Executive Officers. If there is no one interested within the Tippie College of Business, the search may expand outside of the college, but the same process of unanimous vote by the Executive Officers must be followed.

Article V

Meetings

Section 1) Meetings will be held once a week. Meetings will not be held during finals week or on University breaks and holidays.

Section 2) Members will be notified by email 48 hours in advance of special meetings.

Section 4) The President or Staff/Faculty Advisor has the authority to call and schedule a meeting.

Article VI

Election & Removal of Officers

Section 1) Elections for the Executive Officers will be held once a year in March to elect Officers for the following school year.

Section 2) BLinC Members who are regularly enrolled as students at the University of Iowa, in good standing with the organization, and have attended 75% or more of the group meetings may be nominated by themselves or others to run for an executive office. Nominations should be submitted by email or other writing to the Executive Officers before March 1 of each year.

Section 3) All nominees must be interviewed by the President or, at the President's discretion, by another Executive Officer. Nominees must affirm that they accept and seek

to live BLinC's religious beliefs as set forth in Article III, Paragraph 1 of this constitution. If elected, a nominee must sign a copy of BLinC's Statement of Faith.

Section 4) At minimum, members will be notified of the upcoming election and the opportunity to submit nominations in a meeting and by email at least two weeks before March 1 and again by email at least two weeks before the election if held after March 1.

Section 5) Executive Officers will be selected by a majority vote of the Members present at the duly noticed election meeting.

Section 6) The process for removal of any officer shall be commenced by a written request for removal signed by at least two Members and delivered to the Executive Officers. The challenged officer shall have one week to prepare a written response to the request and shall have the opportunity to meet with the remaining Executive Officers to speak with them about the request and response. Should the other Executive Officers find grounds for the challenged officer's removal, the matter will be referred to a vote by the Members. No officer shall be removed without the vote of the majority of the Members present at a duly noticed meeting.

Section 6) Notwithstanding the procedures outlined in the previous paragraph, any misrepresentation in an Executive Officer's leadership application or change in an Executive Officer's representations regarding the beliefs and mission of BLinC (and, hence, their ability to communicate the messages of the organization accurately) shall be grounds for the immediate review of the Executive Officer's position by the remaining Executive Officers. If, after review, the remaining Executive Officers decide that the Executive Officer in question can no longer effectively represent BLinC or further its mission, the remaining Executive Officers may remove the Officer by a majority vote of the remaining Executive Officers.

Article VII

Finances

Section 1) There will be no dues required for membership within BLinC.

Section 2) All financial decisions must be made by joint agreement between the President and the Treasurer. The President and Treasurer must seek consensus from the other Executive Officers for financial decisions involving more than \$200.

Section 3) All checks must be signed by both the President and the Treasurer. If the President is unavailable, the Vice-President may sign, but only with the President's permission.

Section 4) BLinC shall give back to the Tippie community at a minimum rate of 10 percent of any grants or gifts received by the organization.

Section 5) At the beginning of each fall semester a budget shall be made by the Treasurer to thoughtfully allocate all funds expected through the end of the spring semester. The budget shall be presented to the Executive Officers and be ratified by a $\frac{3}{4}$ vote.

Section 6) It is the duty of the Executive Officers, especially the Treasurer, to thoughtfully pray that whatever financing BLinC might receive would be used as God desires.

Section 7) BLinC is required to deposit all receipts in, and make disbursements through, the Student Organization Business Office, Fraternity Business Services, or Recreational Services. Upon dissolution, state money and mandatory student fees revert back to the granting organization. Inactive organizations will be considered dissolved after five years of no account activity. Revenue generated dollars or "00 funds" must be divided as stated in this Constitution and carried out by our leadership. Our organization's remaining revenue generated dollars or "00 funds" will be divided or disbursed to The University of Iowa Student Government. If this organization has dissolved and revenue generated dollars or "00 funds" have not been divided as stated in this Constitution by five (5) years from last account activity, funds in our "00 account" will revert to an account specified for this purpose within UISG/ECGPS. These funds will then be available for distribution through SABAC or GPAC guidelines in accordance with University of Iowa policy.

Article VIII

Amendments

Section 1) In order to amend this document, both a $\frac{3}{4}$ vote from the Executive Officers and a $\frac{2}{3}$ vote by current Members at a duly noticed meeting is required to overturn or create changes to amendments.

Section 2) If an Executive Officer or a Member wishes to amend this constitution, the Executive Officers and Members should be notified at least two weeks in advance by email and by reading the proposed change(s) at one meeting to all Members present.

Article IX

Section 1) This Constitution shall take immediate effect upon a majority vote of all Executive Officers of the organization. The organization shall have all authority necessary to implement this constitution.

EXHIBIT A1

BLINC STATEMENT OF FAITH

- **DOCTRINE OF SCRIPTURE:** The Bible is God's unique revelation to mankind, the inspired, infallible Word of God. As such, it is the supreme and final authority and without error in what it teaches and affirms. No other writings are vested with such divine authority.
- **DOCTRINE OF GOD:** There is only one true God. He exists eternally as three persons — Father, Son, and Holy Spirit — each fully God yet each personally distinct from the other. God is the creator of everything.
- **DOCTRINE OF SIN:** Everyone, regardless of race, gender, social class, or intellectual ability, is created in God's image and for communion with God. But because of sin, that communion was broken and all of humanity was separated from God, the source of all life. Because of the fall, everyone deserves God's judgment.
- **DOCTRINE OF SALVATION:** Jesus Christ is the Way, the Truth, and the Life, and God gives salvation and eternal life to those who trust in him. Salvation cannot be earned through personal goodness or human effort. It is a gift that is received by repentance, faith in Christ, his death on the cross, resurrection from the grave and testified through baptism.
- **DOCTRINE OF JUDGMENT:** At the final judgment, unbelievers will be separated from God into condemnation. Believers will be received into God's loving presence.
- **DOCTRINE OF CHRIST:** Jesus Christ, the second Person of the Trinity, was conceived by the Holy Spirit, born of the Virgin Mary — he was God in human flesh. He lived a sinless human life, yet willingly took upon himself our sins by dying in our place and on our behalf. He rose bodily, victorious over death. He ascended to Heaven and is at the right hand of the Father as the believer's advocate and mediator. Someday, he will return to consummate history and to fulfill the eternal plan of God.
- **DOCTRINE OF THE HOLY SPIRIT:** The Holy Spirit, the third Person of the Trinity, convicts the world of sin and gives new life to those who trust in Jesus. He indwells all believers and is available to empower them to lead Christ-like lives. The Spirit gives them spiritual gifts with which to serve fellow believers and reach out to a lost and needy world.
- **DOCTRINE OF THE CHURCH:** All believers are members of the body of Christ, the one true church universal. Spiritual unity is to be expressed among Christians by acceptance and love of one another across ethnic, cultural, socio-economic, national, generational, gender, and denominational lines. The local church is a group of believers who gather for worship, prayer, instruction, encouragement, mutual accountability, community with each other, and as a witness to the world.
- **DOCTRINE OF PERSONAL INTEGRITY:** All Christians are under obligation to seek to follow the example of Christ in their own lives and in human society. In the spirit of Christ, Christians should oppose racism, every form of greed, selfishness, and vice, and all forms of sexual immorality, including pornography. We believe God's intention for a sexual relationship is to be between a husband and a wife in the lifelong covenant of marriage. Every other sexual relationship beyond this is outside of God's design and is not in keeping with God's original plan for humanity. We believe that every person should embrace, not reject, their God-given sex. We should work to provide for the orphaned, the needy, the abused, the aged, the helpless, and the sick. We should speak on behalf of the unborn and contend for the sanctity of all human life from conception to natural death.

- **As I hold an Executive position with Business Leaders in Christ, I commit to live a life in which I turn from my sin and actively choose the biblical principles of Godly sanctification and righteousness. If and when I misstep, I will confess my struggle to God and to a member of the Business Leaders in Christ executive board acknowledging that I choose to receive grace and forgiveness from God and from others, and turn from my sin.**

Name

Executive Office

Date

EXHIBIT E



Iowa Memorial Union

145 Iowa Memorial Union
Iowa City, Iowa 52242-1317
319-335-3059
imu.uiowa.edu

SENT VIA ELECTRONIC MAIL

October 19, 2017

Jacob Estell
Business Leaders in Christ (BLinC)

[REDACTED]

Eric Baxter

[REDACTED]

Dear Jacob and Eric:

The revised Constitution and Statement of Faith you submitted in response to my September 13, 2017 letter does not satisfy the requirements I delineated in order for BLinC to remain as a registered student organization in good standing. The Statement of Faith, on its face, does not comply with the University's Human Rights policy since its affirmation, as required by the Constitution for leadership positions, would have the effect of disqualifying certain individuals from leadership positions based on sexual orientation or gender identity, both of which are protected classifications under Chapter 216 of the Iowa Code (the Iowa Civil Rights Act) and the University of Iowa Human Rights Policy.

You have the opportunity to make additional revisions to your Statement of Faith in order to submit a version that complies with the University of Iowa Human Rights Policy. Your submission must also include a response to the third requirement I set forth in my September 13, 2017 letter, which follows: "Submit an acceptable plan for ensuring that group officers who interview candidates for leadership positions will ask questions relevant to the Statement of Faith that are not presumptive of candidates based upon their sexual orientation or gender identity." You have ten (10) business days from the date of this letter to submit your revised response. The deadline for submission is November 2, 2017.

If you choose not to submit a revised response, I will find BLinC not to be in compliance with the University of Iowa Human Rights Policy and as a result, will revoke its registration. If BLinC elects not to submit a revised response, you have the opportunity to appeal this decision. As an organization representative, Jacob, you have ten (10) business days from the date of this letter to file an appeal with the Office of the Dean of Students. The deadline for filing an appeal is November 2, 2017. The permissible grounds for appeal are listed at DRSO Section VI. Appeals.

Information related to this incident will be filed in the Office of the Dean of Students. Please be aware Section V. Sanctions of the DRSO states that, "Student organizations that fail to comply with a sanction in a timely manner are subject to additional disciplinary action, which may include loss of registration until compliance is achieved."

If you have any questions, please contact me at [REDACTED] or [REDACTED].

Sincerely,

A handwritten signature in dark ink, appearing to read "William Nelson". The signature is fluid and cursive, with a large initial "W" and "N".

William Nelson, Ph.D.
Executive Director
Iowa Memorial Union

c: Tom Baker [REDACTED]

EXHIBIT F



November 2, 2017

VIA EMAIL

Dean Lyn Redington
Assistant Vice President and Dean of Students
University of Iowa
Office of the Dean of Students
135 Iowa Memorial Union
Iowa City, IA 52242
[REDACTED]

RE: Appeal of Adverse Decision

Dear Dean Redington,

I write on behalf of the student group Business Leaders in Christ, or “BLinC,” to appeal the decision by Dr. William Nelson, Executive Director of the Iowa Memorial Union, which forces BLinC to revise its Statement of Faith or be kicked off campus for requiring its student leaders to share and abide by its religious beliefs. That decision not only violates the civil rights of BLinC and its members but also abuses the principles of diversity and academic freedom that the University seeks to promote. Under the laws of the United States and the State of Iowa, and to preserve the integrity of the University of Iowa, you should reverse Dr. Nelson’s decision.

FACTUAL BACKGROUND

Business Leaders in Christ

BLinC was founded three years ago as a community where business students can learn to integrate their faith in the workplace. BLinC encourages students to follow the admonition of the Apostle Paul in his letter to the Colossians to see all their activities—including their careers—as part of their discipleship to Jesus Christ:

Whatever you do, work at it with all your heart, as working for the Lord, not for human masters, since you know that you will receive an inheritance from the Lord as a reward. It is the Lord Christ you are serving.

Colossians 3:23-24 (NIV).

In pursuing this mission, BLinC has adopted a Statement of Faith describing what it means to be a disciple of Christ. *See Exhibit A.* The Statement of Faith embraces traditional Christian doctrines, including those concerning the supremacy of the Bible, the Unity of the Trinity, and the availability of salvation through Jesus Christ. The Statement also includes an explanation of the doctrine of personal integrity and sets forth



basic examples of Christian conduct that BLinC seeks to promote among its members. This includes opposition to racism, greed, selfishness, vice, and all forms of sexual immorality. The Statement affirms God's intention for sexual relationships only in marriage between a man and a woman, and encourages members to embrace, not reject, their God-given sex. The Statement also encourages compassion in providing for the orphaned, the needy, the abused, the aged, the helpless, and the sick.

BLinC's mission is to encourage students to embrace and live these values as they enter the business world and advance in their professions. For BLinC, living and encouraging others to live these values as disciples of Christ is at least as important as attending worship services, praying, or sharing the Gospel of Jesus Christ with others.

Since its founding, BLinC has held regular meetings on campus to invite like-minded students to address challenges they may face in the business world and to share how to apply Christian values in overcoming these challenges. BLinC has hosted Iowa business leaders to speak about how they live their faith in the work place. And BLinC has organized service activities to practice Christian virtues, including by providing childcare at Faith Academy's Saturday School program and partnering with Strive for Success, a local non-profit's after-school mentoring program for at-risk youth.

BLinC's Statement of Faith is the heart of its mission. It cannot simply change the Statement based on government fiat. The Statement of Faith is a reflection of what BLinC's founders and leaders view as their calling as Christians. To remain in existence and to carry out its mission, BLinC must have leaders who can advocate for its beliefs.

The Complaint

In February 2016, BLinC member Marcus Miller approached Hannah Thompson, BLinC's president at the time, to inquire about serving in BLinC's executive leadership. In a later meeting and on his own initiative, Mr. Miller disclosed to Ms. Thompson that he thought he was gay and was struggling with how that related to his Christian faith. Ms. Thompson explained that she would need to discuss this with other members of the executive team and what it meant for having a leadership role.

When they next met, Mr. Miller confirmed that he intended to be sexually active in same-sex relationships. Ms. Thompson expressed to Mr. Miller that she wanted to continue to walk closely with him as a friend and fellow Christian, and would love for him to continue to be a member of BLinC. But he would not be eligible for a leadership position because his decision to engage in sexual activity outside of marriage between a man and a woman was inconsistent with BLinC's religious beliefs. Mr. Miller could not



meaningfully lead BLinC while openly rejecting its beliefs. In a subsequent email, Ms. Thompson emphasized that her decision was not because Mr. Miller was gay, but because he intended to be sexually active in same-sex relationships, contrary to BLinC's Christian beliefs.

On February 20, 2017, Mr. Miller filed a Complaint with the University of Iowa stating that "I was denied a leadership position (Vice President) due to my being openly gay." As relief, he asked the University to "force BLinC to . . . allow openly LGBT members to be leaders . . . or take away their status of being a student organization affiliated with the University of Iowa." *See* Exhibit B.

The Investigation

On June 30, 2017, after completing an investigation of the facts alleged by Mr. Miller in his Complaint, University Compliance Coordinator Constance Shriver Cervantes from the Office of Equal Opportunity and Diversity issued a report finding that that BLinC had violated the University's Policy on Human Rights. *See* Exhibit C. Ms. Shriver Cervantes acknowledged that BLinC welcomed all students as members, regardless of their sexual orientation, but noted that *leaders* were required to abide by BLinC's religious beliefs, which would include avoiding any sexual activity outside of marriage between a man and a woman. *See* Exhibit C at 3. Ms. Shriver Cervantes also recognized that "[s]tudent organizations may state a set of beliefs with which their members or leaders must comply," but claimed that a "statement of beliefs" could not be "inconsistent" with the University's policies. *Id.* at 5. With this background, Ms. Shriver Cervantes concluded that there was a "reasonable basis" to believe that BLinC had violated the University's Policy on Human Rights. *Id.* at 1.

In a letter dated July 14, 2017, BLinC reiterated that Mr. Miller had "participated in BLinC before asking for a leadership position, and remains welcome to participate—even as a leader, regardless of his sexual orientation," and that he was "not eligible to be a leader of BLinC only because he stated that he disagrees with, and would not try to live by, BLinC's Christian principles." *See* Exhibit D.

The Parties' Meeting

On September 1, 2017, BLinC met with the Dr. Nelson and Assistant Dean Thomas Baker to discuss Ms. Shriver Cervantes's findings. BLinC was represented by its President, Jacob Estell, its Vice-President, Brett Eikenberry, and its legal counsel, Daniel Blomberg and me.

Dr. Baker started the discussion by conceding that student groups, and particularly religious student groups, have the right to select leaders who share their mission and beliefs. He explained that the issue had arisen



previously at the University in 2004 with the Christian Legal Society (“CLS”), which also required its leaders to share its religious beliefs, including beliefs about sexual morality. The University allowed CLS to remain a registered student organization after it confirmed that its leadership policies were focused on student leaders’ *beliefs and conduct* (i.e., affirming religious beliefs on sexual ethics and refraining from sexual intimacy outside of marriage) and not their *status* (i.e., sexual orientation). Dr. Baker went on to analogize that a student environmental society established to promote awareness of global warming would be allowed to choose leaders based on that tenet, and that BLinC could expect the same of its leaders and its tenets.

Mr. Estell and I engaged with Dr. Baker at some length on this issue, and—in response to my direct question—Dr. Baker confirmed that BLinC could maintain a standard of religious belief and conduct for its leaders without violating the University’s Human Rights Policy, as long as it did not discriminate categorically on status. He explained that the initial finding that BLinC violated University policy was based on the understanding that the complaining student had been denied a leadership position solely because he identified as gay, and that BLinC had never asked if he shared BLinC’s faith and would live according to its beliefs. BLinC explained that this understanding was incorrect, was directly contradicted by the record, and—in any event—was not in accordance BLinC’s leadership policy. Under that policy, students who identify as homosexual can be members and leaders of BLinC, if they affirm its beliefs and agree to live by them. Dr. Baker confirmed that such a policy would be permissible.

Dr. Nelson added that BLinC’s beliefs should be more clearly stated in its constitution so that students would be aware before joining and not risk feeling offended in discovering later that they may not be eligible for a leadership position. Dr. Baker agreed that a written articulation of BLinC’s beliefs would also help avoid arbitrary application of BLinC’s standards.

Although I objected that BLinC should not be compelled to detail its beliefs in ways that other student groups were not, BLinC’s student leaders who were present at the meeting indicated they had no objection to clarifying their religious beliefs. They again confirmed that they do not discriminate based on status of members or leaders, and require leaders only to share their beliefs and standards. We thus all agreed that, once BLinC updated its constitution to more clearly reflect its religious beliefs, the University’s investigation would end. Dr. Thomas stated that, although Ms. Shriver Cervantes’s findings would remain in BLinC’s files, BLinC could submit a letter of objection to emphasize its position that Mr. Miller had been denied a leadership only because he rejected BLinC’s mission, and not because he is



gay. Dr. Nelson indicated that he would send a letter to BLinC confirming the outcome of the parties' meeting.

Dr. Nelson's Final Decision

On September 13, 2017, Dr. Nelson issued a letter upholding Ms. Shriver Cervantes's finding that BLinC had violated the University's Policy on Human Rights. *See* Exhibit E. Dr. Nelson also determined that BLinC could retain its status as a recognized student organization if it: (1) confirmed in writing that it complies with the University's policy; (2) submitted an updated list of qualifications in its statement of faith to avoid categorically excluding people based on their sexual orientation; and (3) submitted an "acceptable plan" for ensuring that candidates will be evaluated on BLinC's "vision statement" and not be "presumptive of candidates based upon their sexual orientation."

BLinC understood Dr. Nelson's letter in light of the September 1 discussion, where he and Dr. Baker had explained that the nondiscrimination provision mandated by the Policy referred only to status-based, not belief- or conduct-based, discrimination. Thus, on September 27, 2017, BLinC submitted a revised constitution that it believed complied with all of Dr. Nelson's requests. *See* Exhibit F. The revised constitution (1) confirmed that BLinC would continue to comply with the clarified understanding of the Human Rights Policy; (2) submitted a Statement of Faith to avoid categorically excluding people based on their sexual orientation; and (3) confirmed in Article III of its revised constitution that leaders would be asked to sign the statement of faith, thus avoiding being "presumptive of candidates based upon their sexual orientation."

In a complete about-face, on October 19, 2017, Dr. Nelson issued a final decision letter stating that BLinC's revised Constitution was not in compliance with the University's Human Rights Policy. *See* Exhibit G. The basis for his decision was that BLinC's Constitution asks BLinC's leaders to affirm that they agree with its Statement of Faith and will seek to live according to its principles. *See* Exhibit F, Article III, ¶ 1 ("All Officers are required to affirm that they accept and seek to live BLinC's religious beliefs as set forth in its Statement of Faith"). Dr. Nelson found that BLinC's "Statement of Faith, on its face, does not comply with the University's Human Rights policy since its affirmation, as required by the [BLinC] Constitution for leadership positions, would have the effect of disqualifying certain individuals from leadership positions based on sexual orientation or gender identity." *See* Exhibit G at 1.

Dr. Nelson accordingly determined that BLinC must "make additional revisions to [its] Statement of Faith" and must also submit an "acceptable plan" for interviewing officer candidates about its "Statement of Faith that



are not presumptive of candidates based upon their sexual orientation or gender identity.” *Id.* If BLinC does not submit the required revisions and the “acceptable plan” by November 2, 2017, Dr. Nelson “will find BLinC not to be in compliance with” University policy and “will revoke its registration.” *Id.* Alternatively, Dr. Nelson stated that BLinC could appeal his decision to you by November 2. *Id.*

ARGUMENT

You should reverse Dr. Nelson’s decision that BLinC must change the content of its Statement of Faith and submit an “acceptable” plan for selecting its leadership. Telling a religious organization how to define its faith and select its leaders violates University policy, is inconsistent with how the University treats other students groups, contradicts past University decisions on same issues, and violates clearly established state and federal law, including the First Amendment to the United States Constitution. Accordingly, the decision is “arbitrary, capricious, unreasonable, [and] constitutes an abuse of discretion.” *See* DRSO Section VI(2).

Dr. Nelson’s earlier finding that BLinC violated the University’s Policy on Human Rights must also be reversed, both for the reasons articulated above and because that decision was “unsupported by substantial evidence when viewed as a whole.” *Id.* at Section VI(1).

1. Dr. Nelson’s decision dictating the content of BLinC’s Statement of Faith and its manner of selecting leaders must be reversed.

The University cannot dictate the content of BLinC’s religious beliefs or prescribe an “acceptable” plan for evaluating the religious commitment of its religious leaders.

First, the University’s decision should be reversed because it violates University policy and is inconsistent with University practice. The University’s guidelines for student organizations recognize the right of students to organize according to common beliefs and values. For example, the University’s policy regarding “Registration of Student Organizations” states that it is “the policy of the University that all registered student organizations be able to exercise *free choice of members* on the basis of their merits as individuals without restriction in accordance with the University Policy on Human Rights.” Registration of Student Organizations at I.B.2.b (emphasis added). The policy further recognizes that students have the right to “organize and associate with like-minded students” and thus that “any individual *who subscribes to the goals and beliefs of a student organization* may participate in and become a member of the organization.” *Id.* (emphasis added).



This common-sense protection for student groups' individual missions—which is essential to any organization's existence—does not conflict with the University's non-discrimination policy. As BLinC's officers confirmed during their meetings with the University and as reflected in BLinC's constitution, *all* students are welcome to join BLinC. BLinC never discriminates against students because of who they are. All it asks is that its *leaders* support and uphold its “goals and beliefs.” BLinC is a Christian organization led by students who share core Christian convictions. It cannot fulfill its core mission if its leaders do not support its beliefs.

Student organizations at the University frequently ask even their members to share the missions of the organizations they seek to join. For example:

- The Feminist Union limits its *membership* to students who “agree[] with [its] purposes and principles,” including support for abortion, access to contraception for minors, and even certain positions on the environment.
- The fraternity Delta Sigma Pi prohibits its *members* from belonging to competing fraternities and requires them to be of “good moral character.”
- Students for Life requires its *members* to be “pro-life.”
- The Islamic organization Imam Mahdi reserves certain *membership* benefits to members who are Shia Muslims.
- The Korean American Student Association requires *members* to “exhibit an optimistic attitude towards Korean culture” and reserves the right to revoke the membership of any member who “possesses a negative attitude.”
- The Association of Women Dentists requires *members* to support the advancement and recognition of women in dentistry.
- Multiple Christian student groups condition *membership* on students signing a “statement of belief,” bearing “clear testimony of conversion to Jesus Christ,” setting “an example for others on how to live a holy and Biblically-based life,” or keeping religion-specific “standards.”

These requirements for members to support their organizations' missions make sense in light of the University's goal that student organizations bring “like-minded students” together. Thus, punishing BLinC because it creates space for students of like-minded religious beliefs would *violate*, not uphold, the University's policies. The University's Statement of Religious Diversity emphasizes that “[r]eligious history, religious diversity, and spiritual values



have formed a part of The University of Iowa's curricular and extracurricular programs since the founding of the University" and that "[a]s a public institution, the University neither promotes any particular form of religion nor discriminates against students, staff, or faculty on the basis of their religious viewpoints." The University's Human Rights Policy similarly forbids discrimination on the basis of "creed" or "religion," promising that "equal opportunity and access to facilities shall be available to all," including in "policies governing programs of extracurricular life and activities."

Nor can any of this come as a surprise to the University, since as Dr. Baker confirmed, your office previously agreed in 2004 that it would be a violation of the Iowa Human Rights Act to force CLS to accept leaders whose beliefs or behavior are contrary to the group's purpose or its statement of faith.

Second, Dr. Nelson's decision violates federal law. For instance, the United States Supreme Court has unanimously ruled that religious groups have a First Amendment right to select their leaders without government interference or coercion. See *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*, 565 U.S. 171 (2012). Here, BLinC is a Christian organization led by students who share core Christian convictions. Its entire purpose is to encourage students to live according to its understanding of Christian principles. And its leaders play a religious role in leading the group. BLinC cannot fulfill its core mission if its leaders do not support its beliefs. The First Amendment protects BLinC's right to select leaders who share its mission.

In a case directly on point, a federal appellate court explained that there is "no clearer example" of unconstitutional governmental "intrusion into the internal structure or affairs of an association" than controlling its leadership. That court thus applied the First Amendment to strike down a public university's policy that prevented a religious student group from asking its "voting members and officers . . . [to] subscribe to the statement of faith." *Christian Legal Society v. Walker*, 453 F.3d 853, 858, 861, 864 (7th Cir. 2006); see also *Conlon v. InterVarsity Christian Fellowship*, 777 F.3d 829, 835 (6th Cir. 2015) (applying this principle to employment decisions of a national student organization). These First Amendment protections are particularly applicable "in the community of American universities," where the First Amendment rejects "any strait jacket" that "'cast[s] a pall of orthodoxy' over the free exchange of ideas." *Dube v. State University of New York*, 900 F.2d 587, 597-98 (2d Cir. 1990) (finding that university officials could be personally liable for damages for censoring free speech).

Thus, Dr. Nelson's decision is arbitrary, capricious, unreasonable, and an abuse of his discretion because it violates University policy and is



inconsistent with how the University treats other student groups. Indeed, because your office has acknowledged that forcing a religious group to select leaders who oppose its mission would violate the Iowa Human Rights Act, and because you have taken no action against many other student groups with leadership (and even membership) standards that implicate the status protections in the Human Rights Policy, targeting BLinC because of its religious beliefs would be an intentional violation of federal law, raising the potential for punitive damages against the University and its officers.

2. Dr. Nelson’s decision to uphold the finding that BLinC previously violated the University’s Policy on Human Rights must also be reversed.

For the reasons articulated above, BLinC was within its rights to select leaders who share and live by its religious beliefs. Accordingly, Dr. Nelson’s contrary finding concerning Mr. Miller should be reversed as arbitrary, capricious, unreasonable, and an abuse of discretion.

The finding should also be vacated because it is not supported by substantial evidence. As Dr. Baker explained, the finding was based on the understanding that the complaining student had been denied leadership solely because he identified as gay, and that BLinC had never asked if he shared its faith and would live according to its beliefs. But in fact BLinC expressly and repeatedly stated that it could not accept Mr. Miller’s leadership application because he rejected important parts of its Christian beliefs, would not support them, and would openly oppose them in public. It was for this reason, and this reason only, that he was deemed ineligible to serve as an officer of BLinC. *See, e.g.*, Exhibit H at 2. Indeed, the University’s own findings specifically stated that it was *not* solely because of the complainant’s self-identification as gay that he was denied, but rather because of the complainant’s expressed intent “to pursue a homosexual . . . relationship”—*i.e.*, to engage in *conduct* that violated BLinC’s beliefs. *See* Exhibit C at 3. Moreover, BLinC has repeatedly made clear that students who identify as gay or lesbian are eligible to serve as leaders so long as they affirm and live by BLinC’s Christian religious beliefs. *See, e.g.*, Exhibit D at 1.

Accordingly, the factual basis for Dr. Nelson’s finding is expressly and directly contradicted by the record and, for that reason, should be vacated.

CONCLUSION

Since 2004, the University has been clear that religious groups like BLinC have a right to select student leaders who share their faith. Yet BLinC’s students have been subjected to an intensive, months-long investigation and adverse findings under a selectively enforced policy merely



for trying to exercise that right. Moreover, while BLinC was instructed to remain silent about the investigation, Mr. Miller immediately went to school media to attack BLinC and its beliefs. *See* Exhibit I. You should end this lopsided probe of BLinC, reverse Dr. Nelson's findings, and affirm the University's long-standing commitment and obligation to protect BLinC's rights.

Sincerely,

Eric S. Baxter
Senior Counsel
The Becket Fund for Religious Liberty

cc: Thomas R. Baker [REDACTED]
William Nelson [REDACTED]

EXHIBIT G

November 16, 2017

Business Leaders in Christ Non-Greek
Sent electronically

PERSONAL AND CONFIDENTIAL

Regarding Case Number: 2017143301

November 16, 2017

Jacob Estell
Business Leaders in Christ (BLinC)
[REDACTED]

Eric Baxter
[REDACTED]

Dear Jacob and Eric:

I have received and considered your appeal regarding the decision of Dr. William Nelson, Executive Director of the Iowa Memorial Union, that Business Leaders in Christ (BLinC) more likely than not violated the University of Iowa Human Rights Policy resulting in his decision to revoke BLinC's registration as a UI student organization. My review is based upon the written record.

Upon my review of the record, I affirm the decision of Dr. Nelson that BLinC violated the University's Human Rights Policy. Furthermore, the revised Constitution and Statement of Faith you submitted in response to Dr. Nelson's September 13, 2017 letter does not satisfy the requirements delineated in order for BLinC to remain as a registered student organization in good standing. The Statement of Faith, on its face, does not comply with the University's Human Rights policy since its affirmation, as required by the Constitution for leadership positions, would have the effect of disqualifying certain individuals from leadership positions based on sexual orientation or gender identity, both of which are protected classifications under Chapter 216 of the Iowa Code (the Iowa Civil Rights Act) and the University of Iowa Human Rights Policy. Therefore, I affirm the sanctioning decision of Dr. Nelson to revoke the registration of BLinC.

Your appeal document states that the university is forcing "... BLinC to revise its Statement of Faith or be kicked off campus." In fact, a student organization is a voluntary special interest group organized for educational, social, recreational, and service purposes and comprised of its members. Student organizations are separate legal entities from the University of Iowa and legally are not treated the same as University departments or units. *A student organization can exist on campus whether or not the University approves its registration pursuant to the Registration of Student Organizations policy.*

In addition, upon appeal, you now claim for the first time that the Complainant was not allowed to hold a leadership position because he "confirmed that he intended to be sexually active in same-sex relationships." This assertion by BLinC of the complainant's intentions specifically regarding sexual activity outside of marriage was not previously addressed by BLinC and the making of such a statement by the complainant was not validated through the investigation process and finding. In fact, BLinC's leadership told the investigator, as well as the Complainant in an email, that because of Complainant's "desire to pursue a homosexual lifestyle/relationship" he was denied a leadership position. BLinC's leadership also told the investigator that Complainant would have become vice-president had he not told

her he was gay. BLinC leadership also told the investigator that individuals who are gay are welcome to be student members of BLinC, but not leaders of the organization.

My decision is the final University of Iowa action on this matter. You have the right to appeal this decision to the Board of Regents, State of Iowa. If you choose to appeal, your notice of appeal must be delivered in hand copy or by fax (319)-335-0907 to the President's Office (11 Jessup Hall) within twenty days of this decision. The president is responsible for assembling your notice of appeal and other evidence and forwarding it to the Board Office. Details of the appeals process are available at:

<http://www.iowaregents.edu/plans-and-policies/boardpolicy-manual/17-appeals-to-the-board/>

Sincerely,

A handwritten signature in black ink that reads "Lyn Redington". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lyn Redington, Ph.D.
Assistant Vice President and Dean of Students

CC: Eric Baxter
Bill Nelson, Ph.D., Executive Director IMU
Anita Cory, Ph.D., Associate Director, Student Organizations and Leadership Program
Jennifer Modestou, Director, Office of Equal Opportunity and Diversity, Deputy Title IX Coordinator
Lena Hill, Interim Chief Diversity Officer and Associate Vice President
Melissa Shivers, Ph.D., Vice President for Student Life
Tom Baker, J.D., Associate Dean of Students, Director of Student Conduct

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
EASTERN DIVISION**

BUSINESS LEADERS IN CHRIST,
an unincorporated association,

Plaintiff,

v.

THE UNIVERSITY OF IOWA; LYN
REDINGTON, in her official capacity as
Dean of Students and in her individual
capacity; THOMAS BAKER, in his official
capacity as Assistant Dean of Students and in
his individual capacity; and WILLIAM
NELSON, in his official capacity as
Executive Director, Iowa Memorial Union,
and in his individual capacity,

Defendants.

Civ. Action No. 3:17-cv-00080-SMR-SBJ

**DECLARATION OF
HANNAH THOMPSON**

I, Hannah Thompson, declare as follows:

1. I am a graduate of the University of Iowa, Tippie College of Business.
2. While there, I helped found the student group Business Leaders in Christ, which is known by the acronym BLinC.
3. We started BLinC the spring semester of 2014, and it was officially registered by the University in the fall of that same year. A copy of BLinC's original constitution is attached as **Exhibit A**.
4. I served as BLinC's first Secretary and then became the President the following year.
5. I was President for the entire 2016-2017 school year.

6. Once BLinC was registered with the University, we could receive funding from the mandatory student activity fees, meet on campus, and participate in the student recruitment fairs.

7. These resources were critical to helping us succeed and grow as a student group on campus.

8. We were able to host meetings free of charge, and that continuity on campus was important for our members. The resources also allowed us to interact with a significant number of students, which was very important for recruitment. And access to student group funding allowed us to take a professional trip to a conference that wouldn't have been a possibility without funding. The conference was the Faith at Work Conference, hosted by Dallas Theological Seminary at Wheaton College.

9. BLinC was founded as a religious organization to help "seekers of Christ" learn "how to continually keep Christ first in the fast-paced business world." Our ministry was founded "[u]sing the Bible as a guide."

10. As the President of BLinC, I conducted our weekly meetings, including leading members in prayer, Bible discussion, and spiritual reflection.

11. These meetings were intended to help students be strengthened spiritually, find religious encouragement to get through the challenges of the week, and learn ways to better live their faith at school and at work.

12. As part of my role as President, I also helped identify and then invite local Christian businessmen and women to campus where they would speak about how they lived out their faith in their careers. We took care to invite individuals who we believed would teach in a manner consistent with our faith.

13. I also helped to plan and coordinate service projects to allow our members to serve the University and the broader community. For example, once each semester we volunteered on

Saturdays at a private school in Iowa City that is affiliated with a local church and serves underprivileged youth. Every April and December there is a day when parents are invited to come to the school to talk to teachers and see what their children are doing in the school. Almost all of the kids who attend come from difficult socio-economic circumstances and parents would have bring other siblings with them to the parent day. We would watch the siblings so the parents could focus on their kids who were students at the school.

14. I also helped start an event called “Tippie Gives Thanks.” The first time was in November 2016. We set up a table featuring cookies and butcher-block-paper cutouts of leaves, turkeys, and other Thanksgiving-themed images. We invited students to enjoy a cookie and to write something they were thankful for on the cutouts, which we displayed at the business school outside of administrative offices for a couple of weeks. The first year, we had around 120 students, faculty, and staff who filled something out. Some students were skeptical at first and wondered what the catch was for getting a cookie. Our goal was to cultivate a spirit of gratitude among students and faculty and bring to mind reasons to be thankful. Everyone who participated seemed to really enjoy it, and the event generated a lot of positivity and thankfulness. One of the Associate Deans of the business school thanked us for being there, as did many students and faculty.

15. In March 2016, I was approached by one of our members who expressed an interest in serving on BLinC’s executive board. We were a small organization and I had appreciated the student’s participation that year—he had first started coming on February 6, 2016—so I was excited that he wanted to continue being involved and possibly taking on a leadership role. A screen shot of our initial Facebook messages about his getting a leadership position is attached as **Exhibit B**.

16. I first met with the student about the possibility of his taking on a leadership role around April 7, 2016. Our meeting lasted about two hours. The purpose of the meeting was to find out if he was ready to provide spiritual leadership. I brought my Bible with me to the meeting. I asked him questions about where he was in his faith walk; I wanted to know about his relationship with Jesus. When we started talking about him taking on the role of vice president, he asked if he would have to sign anything. When I asked what he meant, he told me that he thought he was gay. We talked for a long time about that.

17. I opened up the Bible and we talked about our understanding of what the Bible says about sexual morality. We talked through a lot of things. He was very open and told me that the teachings of the Bible on this topic were something he had been struggling with, considering his desire to engage in same-sex relationships. This was the first time I understood that he was interested in pursuing romantic same-sex relationships. I told him that I appreciated his sharing his perspective with me, and we ended up praying for each other. Since BLinC was such a new organization, this was the first time this issue had come up, and I told the student that I would have to discuss it with the other members of the executive board.

18. BLinC is a Bible-based group that accepts the Bible as the unerring Word of God. As an executive board, we agreed that the most important qualities for BLinC's leaders were to believe in the Bible as our ultimate authority on how to live our lives to please God, and to accept Jesus Christ as our Savior. We did not expect or require that our leaders would be free from temptation or sin. Everyone experiences temptation and gives in to sin. But what matters is that we are willing to submit ourselves to God's will as revealed in the Bible, repent of our sin when we fall, accept Christ's sacrifice and forgiveness for our sins, and strive to live in agreement with God's word.

19. Based on my discussion with the student, we were concerned about the fact that he didn't share our view of the Bible's guiding authority for our lives or of its teaching on sexual conduct. We came to the consensus that the situation was actually indicative of the student's fundamental spiritual disagreement with BLinC's faith. That caused us to believe that he did not appear to be in a place where he shared our faith or could lead our group with sound doctrine and interpretation of Scripture.

20. My next conversation with the student took place on April 27, 2016. I explained to the student that I had been praying about this decision, reading the Bible, and consulting the executive members and some spiritual mentors.

21. This was a really difficult situation for me to have to make this decision and then to tell him to his face. It wasn't something I necessarily wanted to do, so I tried to be very clear to understand fully where he was at. I restated BLinC's view on the Bible's authority and what it taught about sexual morality. I asked him if he would be willing to turn away from sin and follow the Bible by not pursuing same-sex relationships. He told me something along the lines that "no, that's not an option really; that is something I want to do." He said that he wanted to actively engage in same-sex romantic relationships.

22. This made clear to me that, based on BLinC's faith and foundation in the Bible as our authority, he could not be in the executive leadership with BLinC because he explicitly planned to live in a way that was inconsistent with what the Bible says about sin. We talked for about an hour, prayed together, and read more scripture. I explained to him that we wanted to continue to walk closely with him and would love for him to continue to be a member of BLinC. We ended by again praying for one another.

23. The student later wrote me and the other executive officers an email explaining why he was disappointed in and theologically disagreed with our decision. A copy of the email is attached as **Exhibit C**.

24. I responded with an email on June 22, 2016. A copy of my response is included in Exhibit C.

25. On August 7, 2016, I exchanged texts with the student. He wished me a Happy Birthday. I said thank you and asked if he would like to meet when school resumes. He said he was busy but would let me know.

26. On August 20, 2016, at the start of the 2016 school year, we had a leadership planning “Vision Meeting” where I proposed a statement of belief for BLinC.

27. After my interactions with the student, I thought it would be a good idea to more clearly state our leadership standards. The focus of the statement was to affirm the Bible as the Word of God and the fundamental doctrine of turning from sin to receive the grace of Jesus Christ.

28. The statement was based on the Statement of Faith adopted by the Christian Business Fellowship, but I added the following language for affirmation by BLinC’s leaders:

As I hold an Executive position with Business Leaders in Christ, I commit to live a life in which I turn from my sin and actively choose the biblical principles of Godly sanctification and righteousness. If and when I misstep, I will confess my struggle to God and to a member of the Business Leaders in Christ executive board acknowledging that I choose to receive grace and forgiveness from God and from others, and turn from my sin.

To me, this was at the heart of the issue with the student. We all sin, but in order to receive God’s grace, we must agree with God that what we did was sinful, and then confess to other believers and turn from sin. This Biblical model is known as confession (admitting what we did, and agreeing that it was wrong) and repentance (affirming that we are choosing to fight sin in an effort not to do it again).

29. A copy of the full statement as presented at the Vision Meeting is attached as **Exhibit D**.

30. The student didn't accept BLinC's view of the Bible and so would not have been able to lead other BLinC members in striving to follow those beliefs.

31. In January 2017, I saw the student at the student recruitment fair and we engaged in some brief small talk. I said hello and asked him how he was doing. He said "fine." I told him I had been thinking about him for a while and had been meaning to reach out. When I asked if he would like to get together some time, he said he was busy.

32. On January 26, 2017, I texted him and apologized for not reaching out sooner. I told him that I was available if he ever needed anything and that I was still praying for him, hoping he is well.

33. He responded the next day, saying "Thanks, Hannah." An account of these texts is reflected in Exhibit H, *infra*.

34. On January 29, 2017, he responded to an email that was sent to all BLinC members and asked to be removed from the email list. I respond saying "yes, no problem." A copy of the email is attached as **Exhibit E**.

35. In February 20, 2017, the student filed a complaint with the University alleging that we denied him a leadership position because he was "openly gay." A copy of his complaint is attached as **Exhibit F**.

36. The University opened an investigation against BLinC because of its religious beliefs.

37. As part of the investigation, I was asked to meet with Ms. Constance Shriver Cervantes from the University's Office of Equal Opportunity and Diversity for an interview. Ms. Shriver Cervantes is a lawyer.

38. There was also one other University lawyer at the interview.

39. Ms. Shriver Cervantes had sent me a letter stating that I should not talk to anyone outside of BLinC about the complaint, because that could be considered retaliation against the student who complained. A copy of Ms. Shriver Cervantes's letter is attached as **Exhibit G**.

40. Because of the letter, it never occurred to me that I could bring a lawyer with me to the interview. In fact, I thought if I talked about the matter to a lawyer or anyone else, I might be disciplined by the University.

41. At the interview, I gave the University's lawyers a chronology of the relevant events. A copy is attached as **Exhibit H**.

42. For the entire interview, I felt like the University's lawyers were trying to bully me because of my religious beliefs. They would not accept my statements that the student was denied a position because he rejected BLinC's religious beliefs. They kept accusing me of discriminating against the student because of his sexual orientation.

43. In April 2017, shortly after our meeting, I wrote Ms. Cervantes a letter urging her to dismiss the investigation. A copy of the letter is attached as **Exhibit I**.

44. BLinC has always desired to cultivate a welcoming environment. Anyone is welcome to join as a member. Only our leaders are asked to embrace and strive to follow our religious beliefs.

45. I graduated from the University of Iowa in May of 2017. Around that time, Jacob Estell took over as the President of BLinC.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 12 day of December, 2017.

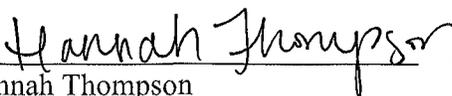

Hannah Thompson

EXHIBIT A

Title: The Constitution of Business Leaders in Christ

Preamble: Business Leaders in Christ (BLINC)

Date: April 1, 2014

Article I

Purpose:

As seekers of Christ, Business Leaders in Christ is a student organization within the Tippie College of Business meant to help students learn about how to continually keep Christ first in the fast-paced business world. Using the Bible as a guide, through fellowship and small group discussion, students will network within the College and with business leaders, who walk with Christ on a day-to-day basis.

Article II

Membership:

Section 1) **In no aspect of its programs shall there be any difference in the treatment of persons on the basis of race, national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, gender identity, or associational preference, or any other classification which would deprive the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons.**

Section 2) There will be no limitations as far as the minimum or maximum number of participants within the student organization.

Section 3) Because Business Leaders in Christ is seeking certification within the Tippie College of Business to become a recognized student organization, the target audience for this organization would be for students already admitted into the Tippie College of Business, pre-business students, or students strongly considering business as a major/minor. However, each member's role or affiliation will not be different based on their class or ties within the Tippie College of Business.

Section 4) A student will be considered a member after signing in and attending 2 or more meetings. However, the President and/or the Faculty Advisor has the right to withdraw membership at any time for extreme circumstances or misconduct.

Article III

Officers and Duties:

There will be 4 executive officer positions within Business Leaders in Christ:

1) President: The role of the President of Business Leaders in Christ will be to schedule, organize, and lead executive and large group meetings weekly. It is also their responsibility to manage all administrative issues, such as: amending the constitution, overseeing the work of the other executives, making any final decisions regarding the well-being of the student organization, and reaching out to form meaningful relationships with members of the

organization. To fulfill their responsibility, they must work closely with the Faculty advisor, emailing them updates on a weekly basis, as well as working closely with the other executives of the organization. It is the President's duty to work with the other officers to make sure all administrative work is successfully completed. In order to become President, a candidate should possess strong leadership skills (prior leadership experience is preferred), strong communication skills, and strong ethic to be able to complete all of the required duties as President.

2) Vice President: The primary role of the Vice President will be to schedule guest speakers to come in and present on how they use their faith on a day to day basis in the workforce. Ideally, they will start planning and scheduling guest speakers for the following fall semester, as soon as they are elected. Besides their outreach for speakers, they will assist the President with administrative issues and will assume the role of President whenever the President cannot attend a meeting or fulfill his/her duties. In order to be a successful Vice President, a candidate should possess strong community outreach skills. They should feel comfortable reaching out to potential speakers and asking if they would like to come present to the organization. The Vice President should also have strong administrative and leadership skills as well because they will work hand in hand with the President completing various administrative tasks.

3) Treasurer: The primary role of the Treasurer is to manage the funds, money, and make a budget for the organization. They will work with the other executives and the faculty advisor to decide where to allocate all of the funds. Candidates should have a knowledge of managing money, and someone that is majoring in accounting or finance will be prioritized.

4) Secretary: The main role of the secretary would be to market the student organization. They should send out emails to members reminding them of upcoming events, post on the Facebook page, and tweet about what is going on within Business Leaders in Christ. Also, during meetings, the secretary should record minutes. Candidates considering the position of secretary should be organized and good communicators.

Article IV

Advisor

The first advisor of Business Leaders in Christ will be Rachael Thompson, a student advisor in the Tippie College of Business (rachael-thompson@uiowa.edu). Her responsibility and the responsibility of future advisors is to be a faculty voice for the students and attempt to help the executives of Business Leaders in Christ with whatever problems they may have. The advisor should be made aware of everything that is going on within the organization by the executives, and it is recommended that they attend meetings in order to again lend their voice and input for the well-being of the organization.

In the case that Rachael Thompson will not be able to continue as an advisor in the future, a new advisor will be selected. To go through this process, the executives of that time will scour the Tippie College of Business first by sending out emails or scheduling meetings with faculty members to see if anyone would be interested. If there is more than one person interested, executives must vote for their favorite candidate; however, the vote must be unanimous. If there is no one interested within the College of Business, the search may expand outside of the college, but the same process must be followed if there is interest by more than one individual.

Article V

Meetings

Section 1) Meetings will be held once a week on Fridays from 3:30-4:30pm. Meetings will not be held during finals week or on University breaks and holidays.

Section 2) Members will be notified by email 48 hours in advance of special meetings.

Section 3) A quorum will be constituted by 1/2 of members present.

Section 4) The President or Faculty Advisor has the authority to call and schedule a meeting.

Article VI

Elections

Section 1) Elections for the Executive Board will be held once a year in March to elect for the following school year.

Section 2) Members will be notified in meeting and by email at least two weeks in advance of any upcoming election.

Article VII

Finances

Section 1) There will be no dues required for membership within Business Leaders in Christ.

Section 2) All financial decisions will be made by a joint decision between, at the very least, the Treasurer and the President. Some decisions may require an executive consensus.

Clause 1) All checks must be signed by both the treasurer and the president. If the president is not present, the vice-president may sign, but only with the president's permission.

Clause 2) However much money we receive in grants or gifts should be given back to the Tippie community at a minimum rate of 10 percent.

Clause 3) At the beginning of each fall semester a budget shall be made by the treasurer to thoughtfully allocate all funds expected throughout the end of the spring semester. The budget shall be brought forth to the executive committee and be ratified by a $\frac{3}{4}$ vote.

Clause 4) It is the duty of the executive committee, especially the treasurer, to thoughtfully pray that whatever financing we might receive would be used as God desires.

Section 3) Business Leaders in Christ is required to deposit all receipts in and make disbursements through the Student Organization Business Office, Fraternity Business Services, or Recreational Services. Upon dissolution, state money and mandatory student fees revert back to the granting organization. Inactive organizations will be considered dissolved after five years of no account activity. Revenue generated dollars or "00 funds" must be divided as stated in this Constitution and carried out by our leadership. Our organization's remaining revenue generated dollars or "00 funds" will be divided or disbursed to The University of Iowa Student Government. If this organization has dissolved and revenue generated dollars or "00 funds" have not been divided as stated in this Constitution by five (5) years from last account activity, funds in our "00 account" will revert to an account specified for this purpose within UISG/ECGPS. These funds will then be available for distribution through SABAC or GPAC guidelines in accordance with University of Iowa policy.

Article VIII

Amendments

Section 1) In order to amend this document, both a $\frac{3}{4}$ vote from officers and a $\frac{2}{3}$ vote by current members at the desired meeting is required to overturn or create changes to amendments.

Section 2) If an officer or a member wishes to amend this constitution, officers and members should be notified at least a week in advance by reading the proposed change(s) at one meeting to all members, as well as via email.

Article IX

Section 1) This Constitution shall take immediate effect upon a majority vote of all officers of the organization. The organization shall have all authority necessary to implement this constitution.

EXHIBIT B



Marcus Miller

Marcus Miller from your phone contacts is also on Messenger

03/29/2016 11:01PM

Hey Hannah! I have been praying about this and thought I would throw this out there! I wasn't sure if BLniC has a need for anyone to be on the executive board for next sure since I knew there are a few seniors in BLINC. If so, I would definitely be interested in considering how I can serve. I am not sure what my load will look like next year either, but I figured I would throw it out there and see where the Lord leads! Also, I plan on voting for you tomorrow haha!



Hey Marcus! Wow, this is SO sweet!! I have also been praying about it and have been so encouraged by you this semester. I have been meaning to meet with you for a while now because I would love to have you help with BLinC and/or take on an executive position! I was incredibly excited to hear about your RA job but was a little sad because I didn't want to lose you at BLinC. God is SO sweet! I would love to meet up with you sometime to talk more about BLinC's future and what your role could be if you would be willing to. 😊 Also, thank you so much! I'm honored and I definitely appreciate your support!

EXHIBIT C

From: Thompson, Hannah E
Sent: Thursday, March 2, 2017 5:18 PM
To: Cervantes, Constance A
Subject: Fw: Business Leaders in Christ

Email chain 3 of 4.

From: Thompson, Hannah E
Sent: Wednesday, June 22, 2016 9:48 AM
To: Miller, Marcus J
Subject: Re: Business Leaders in Christ

Dear Marcus,

I hope that you are enjoying your summer vacation and that you are well. You may notice that it has taken awhile for me to respond to you, and while I sincerely do apologize for the delay, I wanted to ensure that my response was not purely a reflection of my emotions, but rather a reflection of what God continues to speak to me. Once again, I have needed quite a while to pray and think about an appropriate and God-honoring response.

I believe that you should know that when I first read your email, I was quite hurt and taken aback. While I am so glad to hear that you have been blessed by BLinC (praise be to God!), I was caught off guard by your words as I did not sense that our conversation in April ended in such a negative manner.

I want to, most importantly, clarify what I desired to convey to you and I apologize if what follows was not clearly communicated when we initially met. First and foremost, the reason why I made the decision that I could not allow you to be in a leadership position within BLinC is because of your desire to *pursue* a homosexual lifestyle/relationship. I emphasize the word *pursue* because what this communicates to me is your intention of choosing to continue to sin rather than turning from your sin and pursuing the sanctified life that Jesus promises us once we have come to salvation in Him. To clarify this further, a sanctified life does *not* mean that we are perfect, nor does it mean that we will ever be perfect while on earth, but it does mean that while we continue to struggle, we are turning and repenting from our sin because walking with Christ is far better than anything this world may offer us and the only way to obtain life, as told within scripture.

Struggling with homosexuality, yet not acting upon it, is a different story. As I mentioned, we all struggle with a multitude of sin, however, the difference is a decision to deny our fleshly desires, and pursue righteousness. When we stumble, we are lavished with the grace and mercy of God, which I would be a hypocrite to withhold from anyone as I have been so freely given this grace just the same as any child of God. These are not my intentions (to withhold grace and mercy) and I do not want this to be confused with the importance of turning from sin which we are called to do once we become followers of Jesus (Romans 6:1-2).

As you may correctly imply, my position on homosexuality, regardless of whether it is within a loving marriage or not, is that it remains to be a sin. As the Bible does not provide any evidence that it is 1) pleasing to God, 2) produces fruit in the life of a Christian (Colossians 1:10), 3) good for the life of a Christian (1 Corinthians 10:23).

Ultimately, brother, I want you to know that it is **not** because you call yourself a homosexual that you cannot be on leadership, but your **pursuit** of this sin is how I came to such conclusions. That being said, you have my word that I will hold myself, and the other executives to this exact standard, regardless of the specific sin. Those in an executive position within BLinC are being held to the standard that, although we may struggle, we choose to turn from our sin and receive the grace of Jesus. My hope and prayer is that this brings clarity to our initial conversation.

Additionally, I would like to address your point about an assumed acceptance of woman being pastors in the church. This is not true, and I do not believe that woman being pastors is biblical for several reasons. I do not believe that being a in a position of leadership within BLinC reflects the intentions of this passage within scripture. BLinC is not a church and I am not a pastor, nor do I claim to be a pastor. However, I did not even think of this prior to your suggestion, thus, thank you for making me aware of the potential confusion and I will be more mindful of how I am being received by others.

Lastly, I could go on and on, however, I want to emphasize that my intentions were never to make you feel unloved, nor to make you feel unwelcome with myself or at BLinC. You should know that I am not at all interested in being correct, but I am solely concerned with you and your salvation. After praying about this for months now, you should know that I have continued to be affirmed in the truth of the word of God and not supplementary materials.

It grieves me to know that Satan is attacking you and causing you to feel things such as loneliness and confusion, as this is not what Jesus desires for you. As a sister in Christ, I want to do all that I can to help you, love you, and support you (although we may currently disagree) in your walk with Christ and, specifically, right now during this period of your life as the Lord has brought us together. I have been praying for you a lot and will continue to do so. If you need anything, please let me know, however, I do not wish to continue this conversation via email, purely because things can so easily get misconstrued. Please do not hesitate to call or Facetime, or I would even be happy to meet with you if you would like, please let me know. May Christ rule in our hearts the rest of the summer and be glorified through our speech and actions. To Him be all the glory.

Soli Deo Gloria,

Hannah

From: Miller, Marcus J
Sent: Tuesday, May 17, 2016 5:31:48 PM
To: Thompson, Hannah E
Subject: Business Leaders in Christ

Dear Hannah and Business Leaders in Christ,

I would like to first start off by encouraging you all. The work you are doing in advancing God's Kingdom is super cool. Through volunteering with Faith Academy to being a light for the Tippie College of Business, I know God is using you all in amazing ways that often times aren't recognized right away. So keep up what you are doing.

I am writing this to express some concerns with regards to the decision to not allow me to be on the executive board. It was made clear to me that the reason I am not allowed to be on the executive board is due to my sexual orientation, combined with potentially having a revisionist view on the subject of marriage. However, if I were straight, I was told this would not be an issue. The purpose of this email is not to change your opinions on what the correct theology/interpretation of God's Word is. Rather, I want to raise some concerns as to whether this was handled Biblically.

I am seeking to follow Jesus with all of my heart. I was told that if I end up having the revisionist interpretation and acting on that, I wouldn't be doing so, hence the reason I was not allowed to be on the executive board. However, God promises the Holy Spirit to those who confess that Jesus Christ is their Lord. I have been studying God's Word intensely, coupled with historical analysis, Greek and Hebrew root analysis, and a whole lot of prayer, asking that God reveals to me what His will is for my life. It seems wrong, and unbiblical to have another believer tell me that even though I am relying on the Holy Spirit to guide me, I am failing to follow Jesus fully. It is tantamount to saying to me, "The Holy Spirit actually isn't working in your life, so we are going to override what God is revealing to you." To me, when I was told that I am not following Jesus, it felt like it was both a mischaracterization, and a personal attack on my journey of finding God's will for my life. I felt invalidated, and Jesus spoke against this during His sermon on the Mount when he stated "Judge not, that you be not judged. For with the judgement you pronounce you will be judged, and with the measure you use it will be measured to you. Why do you see the speck that is in your brother's eye, but do not notice the log that is in your own eye? Or how can you say to your brother, 'Let me take the speck out of your eye,' when there is the log in your own eye? You hypocrite, first take the log out of your own eye, and then you will see clearly to take the speck out of your brother's." (Matthew 7:1-5).

Perhaps this will become less abstract and more concrete with an example. Some very conservative churches argue that women should not have leadership positions in the church, and that doing so is going against God's design. The Bible speaks to this issue, in 1 Corinthians 14:34 "Women should remain silent in the churches. They are not allowed to speak, but must be in submission, as the law says." However, BLinC has obviously interpreted that through the lens of a historical perspective, and realize that this was something that was meant for that culture back then (ie, women were not educated back then, and therefore would often times not be qualified or be a distraction). To be clear, I agree with BLinC, and definitely think women should be allowed leadership roles in the church. However, if someone were to tell you (Hannah) that you are not following Jesus fully because you are acting on your temptation to be a leader, then that would of course be false and rude. We know that you are following Jesus daily, and we know that God is using you in mighty ways. For someone to tell you this would be judgmental and unbiblical. This is exactly how I feel; the topic is just different.

I pray that God would soften all of our hearts as we seek truth, and what God's will actually is. I recognize the difficulty in this situation, and am in no way trying to discourage BLinC. I am simply raising

some potential concerns as we all seek to become more like Jesus every day. The reality is that we are all in need of abundant grace—and we all fall short. As brothers and sisters in Christ, I pray we can work through this and that God would be glorified through it all. The timing of this is good, and perhaps the summer will be a nice break as we all take some time to reflect on what God's will is for each of our own lives.

Have a great summer, BLinC!

Marcus Miller

Sent from [Mail](#) for Windows 10

EXHIBIT D

VISION MEETING AUGUST 20, 2016

- **DOCTRINE OF SCRIPTURE:** The Bible is God's unique revelation to mankind, the inspired, infallible Word of God. As such, it is the supreme and final authority and without error in what it teaches and affirms. No other writings are vested with such divine authority.
- **DOCTRINE OF GOD:** There is only one true God. He exists eternally as three persons — Father, Son, and Holy Spirit — each fully God yet each personally distinct from the other. God is the creator of everything.
- **DOCTRINE OF SIN:** Everyone, regardless of race, gender, social class, or intellectual ability, is created in God's image and for communion with God. But because of sin, that communion was broken and all of humanity was separated from God, the source of all life. Because of the fall, everyone deserves God's judgment.
- **DOCTRINE OF SALVATION:** Jesus Christ is the Way, the Truth, and the Life, and God gives salvation and eternal life to those who trust in him. Salvation cannot be earned through personal goodness or human effort. It is a gift that is received by repentance, faith in Christ, his death on the cross, resurrection from the grave and testified through baptism.
- **DOCTRINE OF JUDGEMENT:** At the final judgment, unbelievers will be separated from God into condemnation. Believers will be received into God's loving presence.
- **DOCTRINE OF CHRIST:** Jesus Christ, the second Person of the Trinity, was conceived by the Holy Spirit, born of the Virgin Mary — he was God in human flesh. He lived a sinless human life, yet willingly took upon himself our sins by dying in our place and on our behalf. He rose bodily, victorious over death. He ascended to Heaven and is at the right hand of the Father as the believer's advocate and mediator. Someday, he will return to consummate history and to fulfill the eternal plan of God.
- **DOCTRINE OF THE HOLY SPIRIT:** The Holy Spirit, the third Person of the Trinity, convicts the world of sin and gives new life to those who trust in Jesus. He indwells all believers and is available to empower them to lead Christ-like lives. The Spirit gives them spiritual gifts with which to serve fellow believers and reach out to a lost and needy world.
- **DOCTRINE OF THE CHURCH:** All believers are members of the body of Christ, the one true church universal. Spiritual unity is to be expressed among Christians by acceptance and love of one another across ethnic, cultural, socio-economic, national, generational, gender, and denominational lines. The local church is a group of believers who gather for worship, prayer, instruction, encouragement, mutual accountability, community with each other, and as a witness to the world.
- **As I hold an Executive position with Business Leaders in Christ, I commit to live a life in which I turn from my sin and actively choose the biblical principles of Godly sanctification and righteousness. If and when I misstep, I will confess my struggle to God and to a member of the Business Leaders in Christ executive board acknowledging that I choose to receive grace and forgiveness from God and from others, and turn from my sin.**

EXHIBIT E

From: Thompson, Hannah E
Sent: Sunday, January 29, 2017 3:06 PM
To: Miller, Marcus
Subject: Re: DINNER TONIGHT @ 5:30

Yep, you are no longer on the list to receive BLinC emails!

Have a good evening, Marcus!

Hannah

From: Miller, Marcus
Sent: Sunday, January 29, 2017 2:53:12 PM
To: Thompson, Hannah E
Subject: Re: DINNER TONIGHT @ 5:30

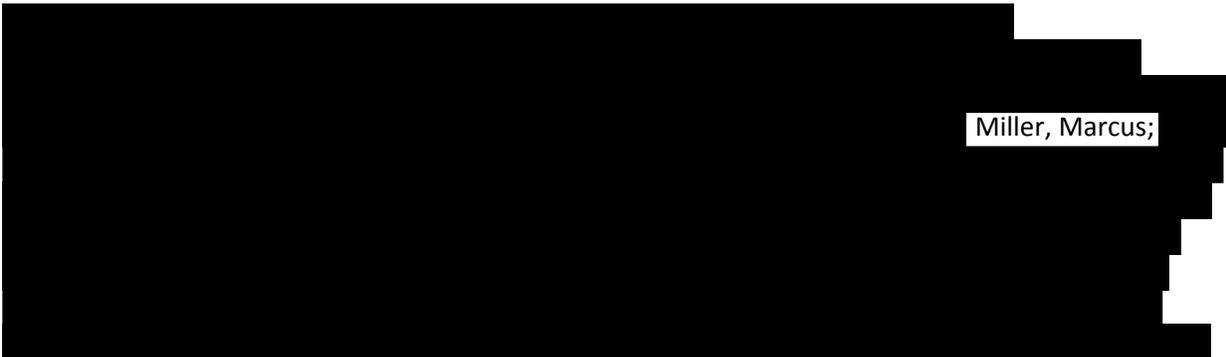
Hi Hannah,

Can you please remove me from this list?

Thanks,
Marcus

Marcus Miller
University of Iowa, Class of 2018
Resident Assistant, Daum Hall
Founder and President of Love Works

From: Thompson, Hannah E
Sent: Sunday, January 29, 2017 2:51:04 PM
To: [REDACTED]



Miller, Marcus;

Subject: DINNER TONIGHT @ 5:30

Happy Sunday, BLinC!

Thank you so much to everyone who came out to our kick off on Friday! It was so exciting to see some new faces and we look forward to getting to know you more over the course of the semester. :)

As a reminder, we are **meeting for dinner together tonight at the Old Capital Mall at 5:30pm!** If you are free and feeling Chipotle, Noodles, Erbert and Gerberts, Pho, Teaspoons, etc. come join us-- we would love to hang out with you. We are planning to meet in the middle of the mall at the tables outside of Pho. If you need help finding us, feel free to message our Facebook page.

SEE YOU SOON!

With joy,

Hannah Thompson
Business Leaders in Christ | President

EXHIBIT F

EXHIBIT G



OFFICE OF EQUAL OPPORTUNITY
AND DIVERSITY
202 Jessup Hall
Iowa City, Iowa 52242-1316
319-335-0705 (voice) Fax 319-353-2088
319-335-0697 (text)
diversity@uiowa.edu

February 20, 2017

Business Leaders in Christ
Hannah Thompson, President

Delivered electronically: [REDACTED]

Dear Ms. Thompson:

I am writing to notify you that Marcus Miller has filed a formal complaint against Business Leaders in Christ with the Office of Equal Opportunity and Diversity. The complaint alleges violation of the University of Iowa's *Policy on Human Rights*. Mr. Miller alleges that he has been treated unfairly and/or differently on the basis of sexual orientation. The *Policy on Human Rights* and the procedures for investigating complaints pursuant to that policy can be reviewed at: <https://opsmanual.uiowa.edu/community-policies/human-rights>.

I will investigate the complaint on behalf of the Office of Equal Opportunity and Diversity. I will need to meet with you to discuss the allegations of the complaint on a confidential basis. Please contact my office at [REDACTED] to schedule a meeting for that purpose.

Please be aware of several considerations relating to this situation. First, persons who file complaints pursuant to the *Policy on Human Rights* are protected by law and university policy from retaliation for the filing of such complaints. Individuals who provide information during investigations of such complaints are similarly protected from retaliation. Additionally, complaints are to be processed in a confidential manner; as a result, all information received in connection with the filing, investigation, and resolution of complaints is to be treated confidentially by all those involved in the process, including the parties. Failure to maintain confidentiality may be regarded as a form of retaliation in violation of university policy. To maintain the integrity of the investigation and to avoid possible allegations of retaliation, please do not discuss this complaint with Mr. Miller, non-officer members of the organization, or others who are members of the university community.

I look forward to hearing from you at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Constance A. Schriver Cervantes". The signature is fluid and cursive, with a large initial 'C'.

Constance A. Schriver Cervantes, JD
Compliance Coordinator

cc: Georgina Dodge, Chief Diversity Officer and Associate Vice President
Jennifer Modestou, Director, Office of Equal Opportunity and Diversity
Lyn Redington, Assistant Vice-President, Dean of Students
William Nelson, Executive Director, IMU
Anita Cory, Associate Director, Student Organization and Leadership Program, Center
for Student Involvement and Leadership
Susan Sager, Administrator, HR Services, Advisor, Business Leaders in Christ

EXHIBIT H

CHRONOLOGY

February 3, 2016: Receive an email from Marcus expressing interest in BLinC.

February 6, 2016: Meet Marcus for the first time at BLinC meeting.

March 25, 2016: Sarah Catherine is elected Secretary.

March 29, 2016: Marcus contacts me seeking information about BLinC executive leadership.

April 7, 2016: Meet for the first time regarding BLinC leadership. Marcus asks if he has to sign anything in order to be on the executive team. He then goes on to tell me that he thinks he is gay. We talk about what he has been thinking about and struggling with. Discuss scripture, pray together, and I tell him I would have to get back to him and I need to discuss this with the other executive members, as I am not sure what that means for leadership.

April 25, 2016: Marcus emails me to see if I have gotten a chance to “think any more about the executive position”. I ask him to meet with me.

April 27, 2016: Meet for the second time. Marcus tells me he is going to live actively as a gay man. I explain to Marcus that I have been praying about this decision, reading the Bible, consulting the executive members and other trusted acquaintances. Based on BLinC’s faith and foundation in the Bible and as our authority, he cannot be on executive leadership with BLinC because his lifestyle is inconsistent with what the Bible says about sin. We talk for about an hour, pray together, read more scripture. I explain to him that we want to continue to walk closely with him and would love for him to continue to be a member. Again, pray for one another.

May 17, 2016: Receive email from Marcus saying he thinks he was wrongly denied leadership based on his sexual orientation.

June 22, 2016: Respond to his email, clarifying our conversation.

August 7, 2016: Exchange texts with Marcus, he wished me a Happy Birthday. I say thank you and ask if he would like to meet when school resumes. He says he is busy but will let me know.

January 25, 2017: See Marcus at the fair. I say hello and ask him how he is doing. He says fine. I say I’ve been thinking about him for awhile and have been meaning to reach out, ask if he would like to get together sometime. He says is busy. I say I understand and will still text him if anything changes.

January 26, 2017: I text him, apologize for not reaching out sooner and for a lack of support. I say that I am available if he ever needs anything and that I am still praying for him, hoping he is well.

January 27, 2017: He responds with Thanks, Hannah.

January 29, 2017: Responds to a BLinC email and asks to be removed from the list. I respond saying yes, no problem.

EXHIBIT I

April 12, 2017

VIA EMAIL

Constance A. Schriver Cervantes, JD
Compliance Coordinator
Equal Opportunity and Diversity
Complaint Investigations Unit
University of Iowa
202 Jessup Hall
Iowa City, IA 52242
[REDACTED]

Dear Ms. Schriver Cervantes

I write as the President of Business Leaders in Christ (“BLinC”) to urge you to dismiss your investigation into Marcus Miller’s February 20, 2017 complaint and to take no further action against BLinC. Dismissal is warranted because BLinC has not violated the University’s non-discrimination policies and is entitled to be a recognized student organization at the University of Iowa.

As you know, I founded BLinC just a few years ago. As a woman coming to the University with the goal of learning to thrive in the competitive business world, I also wanted to create a community where I could learn how to integrate my faith in the workplace. And I wanted to lead and support other women and men who wanted to do the same. In the last few years, BLinC has grown and become an important part of the University community. We’ve held regular meetings on campus. We’ve hosted Iowa business leaders to speak to us about faith and work. We have volunteered our time within the business school through creating events such as Tippie Gives Thanks, in which we offered students and faculty a place to write down and reflect on things they are thankful for. Additionally, we have served a number of local efforts, such as providing childcare at Faith Academy’s Saturday School program and partnering with Strive for Success, a local non-profit’s after-school mentoring program for at-risk youth from different socio-economic backgrounds.

Our faith was the reason we started and it has been at the center of all our service to the University and the local community. There are several reasons why the University should not punish us for our faith now.

First, the University’s guidelines for student organizations recognize the right of students to organize according to common beliefs and values. For example, the University’s policy regarding “Registration of Student Organizations” states that it is “the policy of the University that all registered student organizations be able to exercise *free choice of members* on the basis of their merits as individuals without restriction in accordance with the University Policy on Human Rights.” The policy further recognizes that students have the right to “organize and associate with like-minded students” and thus that “any individual *who subscribes to the goals and beliefs of a student organization* may participate in and become a member of the organization.”

This common-sense protection for student groups' individual missions—which is essential to any organization's existence—does not conflict with the University's non-discrimination policy. As I confirmed during our meeting and as reflected in BLinC's constitution, all students are welcome to join our organization without regard to “race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences, or any other classification that deprives the person of consideration *as an individual*.” We never discriminate against students because of who they are. All we ask is that our leaders support and uphold our “goals and beliefs.”

BLinC is a Christian organization for students who share core Christian convictions. Mr. Miller expressly stated that he rejected important parts of our Christian beliefs, would not support them, and would openly oppose them in public. It was for this reason, and this reason only, that Mr. Miller was deemed ineligible to serve as our organization's vice-president. BLinC's entire purpose is to encourage students to live according to its understanding of Christian principles. It cannot fulfill its core mission if its leaders do not support its beliefs.

Student organizations on campus frequently impose similar standards. Members—and even more so, leaders—are required share the missions of the organizations they seek to join. For example, the Feminist Union limits its membership to students who “agree[] with [its] purposes and principles,” including support for abortion, access to contraception for minors, and even certain positions on the environment. The fraternity Delta Sigma Pi prohibits its members from belonging to competing fraternities and requires them to be of “good moral character.” Students for Life requires its members to be “pro-life.” The Islamic organization Imam Madhi reserves certain membership benefits to members who are Shia Muslims. The Korean American Student Association requires members to “exhibit an optimistic attitude towards Korean culture” and reserves the right to revoke the membership of any member who “possesses a negative attitude.” The Association of Women Dentists requires members to support the advancement and recognition of women in dentistry. Multiple Christian student groups condition full membership on students signing a “statement of belief,” bearing “clear testimony of conversion to Jesus Christ,” setting “an example for others on how to live a holy and Biblically-based life,” or keeping religion-specific “standards.” And many secular organizations broadly require all their members to “support the mission” of the organization.

These requirements for members to support their organizations' missions make sense in light of the University's goal that student organizations bring “like-minded students” together. Punishing BLinC because it creates space for students of like-minded religious beliefs would *violate*, not uphold, the University's policies. The University's Statement of Religious Diversity emphasizes that “[r]eligious history, religious diversity, and spiritual values have formed a part of The University of Iowa's curricular and extracurricular programs since the founding of the University” and that “[a]s a public institution, the University neither promotes any particular form of religion nor discriminates against students, staff, or faculty on the basis of their religious viewpoints.” The University's Human Rights Policy similarly forbids discrimination on the basis of “creed” or “religion,” promising that “equal opportunity and access to facilities shall be available to all,” including in “policies governing programs of extracurricular life and activities.”

Discriminating against BLinC because of its religious beliefs would not only violate University policy, it would also threaten the diversity and academic freedom that is at the

heart of the university experience. Students are tomorrow's leaders and should be prepared to work with people of diverse views and backgrounds. The University should seek to ensure that all student organizations are free to participate in campus life on equal terms, not to suppress views that it deems objectionable. In the words of President Barack Obama, free speech is "not free speech in the abstract":

"The purpose of . . . free speech is to make sure that we are forced to use argument and reason and words in making our democracy work. And you know, then you don't have to be fearful of somebody spouting bad ideas. Just out-argue 'em. Beat 'em. Make the case as to why they're wrong. Win over adherents. That's how things work in a democracy."

Pressuring organizations to select leaders who do not share their mission will only stifle diversity and academic rigor on campus. And that hurts everyone.

Finally, we think that our rights are also protected by the First Amendment. In its *Hosanna-Tabor* case in 2012, the U.S. Supreme Court ruled unanimously that religious groups have a First Amendment right to select their leaders without government interference or coercion. More recently, the Court emphasized that "[t]he First Amendment ensures that religious organizations and persons are given proper protection as they seek to teach the principles that are . . . central to their lives and faiths." Many other Supreme Court cases say that universities and their officers that discriminate against religious groups may be individually liable for violating the First Amendment. Allowing other groups to select their members and leaders based on shared convictions while punishing BLinC for asking its leaders to share its faith is discrimination that violates the First Amendment.

For all these reasons, I urge you to dismiss the complaint filed against BLinC as unfounded and to allow BLinC to continue operating on campus on equal terms with all other recognized student groups. Thank you.

Sincerely,



Hannah Thompson
President
Business Leaders in Christ

cc: Georgina Dodge [REDACTED]
Jennifer A. Modestou [REDACTED]
Lyn Redington [REDACTED]
William Nelson [REDACTED]
Anita Cory [REDACTED]
Susan M. Sager [REDACTED]