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

Make Up Your Own Mind, et al.,
Plaintiffs,
vs.
Kate R. Barrett, et al.,
Defendants.

Case No. 1:12-cv-00211-WO-JEP

**PLAINTIFFS' NOTICE
OF VOLUNTARY DISMISSAL**

Come now the Plaintiffs, by and through counsel, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) file this voluntary dismissal, stating as follows:

1. On February 29, 2012, Plaintiffs filed a Complaint in this Court challenging Defendants' denial of recognition to their student religious club, Make Up Your Own Mind (MUYOM).

2. MUYOM is a group of individuals who share the same core, orthodox Christian views as expressed in MUYOM's Statement of Faith, who agree with the Bible's teachings on the sanctity of human life and sexual purity, and who desire to join together to promote these Christian beliefs and views on the University of North Carolina Greensboro (UNCG) campus and in the larger Greensboro community.

3. As a condition to obtaining recognition and its significant benefits, Defendants require student organizations to comply with their nondiscrimination policy, which compels student organizations to open their membership and leadership to students without regard to, *inter alia*, religion.

4. However, Defendants' nondiscrimination policy also contains an exemption for student groups that select their members based on a shared set of beliefs, entitled Equal Opportunity Statement No. 2, which is stated as follows:

Student groups that select their members on the basis of commitment to a set of beliefs (e.g., religious or political beliefs) may limit membership and participation in the group to students who, upon individual inquiry, affirm that they support the group's goals and agree with its beliefs, so long as no student is excluded from membership or participation on the basis of his or her age, race, color, national origin, disability, religious status or historic religious affiliation, veteran status, sexual orientation, or, unless exempt under Title IX, gender."

5. Unfortunately, Defendants failed to grant MUYOM recognition pursuant to this belief-based exemption from the nondiscrimination policy, despite the group's clear religious purpose and mission and desire to require its members and leaders to adhere to its religious beliefs.

6. Defendants denied MUYOM recognition because it determined that the group did not have a religious purpose. *See* Compl. ¶ 107 (email from UNCG official to MUYOM student leader stating that “because the purpose of this group is not religion . . . , it must adopt a statement of nondiscrimination for all members”).

7. Shortly after Plaintiffs filed their complaint, Defendants issued a statement to the media stating, among other things, that they “are granting [MUYOM] recognition subject to receiving updated student and advisor information and a signed copy of their previously submitted constitution.” Jonnelle Davis, *Students Against Abortion to Get Okay*, News & Record, Mar. 14, 2012, at A4.

8. On April 4, 2012, Defendants sent MUYOM's president a letter confirming that the group had been granted official recognition.

9. The Defendants also agreed, as part of a settlement agreement resolving all outstanding issues in the case, to the following language regarding how Equal Opportunity Statement No. 2 is to be interpreted:

[T]he parties agree that Equal Opportunity Statement No. 2 – that is, the second numbered paragraph in UNCG's “Equal Opportunity Statement Regarding Student Groups” – is intended to preserve the lawful associational, free speech and free exercise rights of all students by allowing them to form “groups that select their members on the basis of commitment to a set of beliefs.” This includes, but is not limited to, groups

that select their members on the basis of their religious or political beliefs. If a group applying for University recognition under Equal Opportunity Statement No. 2 agrees to the non-discrimination criteria set forth therein, the group members, upon individual inquiry, have affirmed that they support the group's goals and that they agree with its beliefs, and all other lawful University requirements for student group recognition have been met, then recognition will be granted under Equal Opportunity Statement No. 2. The nature, depth or type of the group's beliefs (whether they are religious, political or other) will not be a factor in determining whether a group receives recognition under Equal Opportunity Statement No. 2.

10. Defendants also paid attorneys' fees to the Plaintiffs.

Based on the above actions of the Defendants, Plaintiffs hereby voluntarily dismiss this action with prejudice.

Respectfully submitted this the 21st day of May, 2012.

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CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2012, I electronically filed the foregoing paper with the Clerk of Court using the ECF system and I hereby certify that I have emailed and mailed by United States Postal Service the paper to the following non-ECF participants:

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