

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

**MARANATHA CHRISTIAN FELLOWSHIP, a registered
student organization at the University of Minnesota,**

Plaintiffs,

v.

**THE REGENTS OF THE BOARD OF REGENTS OF THE
UNIVERSITY OF MINNESOTA SYSTEM, MAUREEN K.
REED, DAVID METZEN, CLYDE ALLEN, JR., ANTHONY R.
BARAGA, PETER BELL, FRANK BERMAN, DALLAS
BOHNSACK, JOHN FROBENIUS, WILLIAM HOGAN,
RICHARD MCNAMARA, LAKEESHA RANSOM, PATRICIA
SIMMONS, and ROBERT BRUININKS, President of the
University of Minnesota System, in their official capacities,**

Defendants.

**U.S. District Court, District of Minnesota
Case No: 0 : 03CV5618JMR/FLN**

**VERIFIED COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEF AND DAMAGES**

Filed: October 24, 2003

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

<p>MARANATHA CHRISTIAN FELLOWSHIP, a registered student organization at the University of Minnesota,</p> <p>Plaintiffs,</p> <p>v.</p> <p>THE REGENTS OF THE BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA SYSTEM, MAUREEN K. REED, DAVID METZEN, CLYDE ALLEN, JR., ANTHONY R. BARAGA, PETER BELL, FRANK BERMAN, DALLAS BOHNSACK, JOHN FROBENIUS, WILLIAM HOGAN, RICHARD MCNAMARA, LAKEESHA RANSOM, PATRICIA SIMMONS, and ROBERT BRUININKS, President of the University of Minnesota System, in their official capacities,</p> <p>Defendants.</p>	<p>CASE NO. <u>03-5608</u> ^{JMR/RLN} ADM/AJB</p> <p>VERIFIED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF AND DAMAGES</p>
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Comes now the plaintiff, through its attorneys and pursuant to the Federal Rules of Civil Procedure, and for its causes of action against defendants avers the following:

INTRODUCTION

1.

This case is a federal civil rights action against the Regents of the University of Minnesota ("University") brought by Maranatha Christian Fellowship ("MCF"), a registered student organization. MCF objects on First Amendment grounds to signing the University's Equal Opportunity Statement as a condition to obtaining registered student organization status. By signing the statement, MCF must agree that it will not require its officers or members to be Christians and follow basic Christian teachings. If MCF refuses to sign the Statement, it faces

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loss of its registered student organization status and the corresponding University benefits such as the right to meet on campus and the right to apply for University funding. If MCF does sign, it faces loss of its First Amendment freedoms – an unconstitutional set of choices imposed by the University.

JURISDICTION

2.

This action arises under the United States Constitution, particularly the First and Fourteenth Amendments; and under federal law, particularly 42 U.S.C. §§ 1983 and 1988.

3.

This Court has original jurisdiction over these federal claims by operation of 28 U.S.C. §§ 1331 and 1343.

4.

This Court has authority to issue the requested declaratory relief under 28 U.S.C. § 2201.

5.

This Court has authority to issue the requested injunctive relief under 28 U.S.C. § 1343(a)(3).

6.

This Court is authorized to award the requested damages under 28 U.S.C. § 1343(a)(3).

7.

This Court is authorized to award attorneys fees under 42 U.S.C. § 1988.

VENUE

8.

Venue is proper in the United States District Court for the District of Minnesota under 28 U.S.C. § 1391(b) in that a substantial part of the events giving rise to the claim occurred within the District.

IDENTIFICATION OF THE PLAINTIFF

9.

Maranatha Christian Fellowship is an unincorporated registered student organization of the University of Minnesota, Twin Cities Campus. It is capable of suing in its own name.

IDENTIFICATION OF THE DEFENDANTS

10.

Maureen K. Reed is Member and Chair of the Board of Regents of the University of Minnesota System ("Board"). Her duties include, among others, the oversight of the University of Minnesota System ("University") and the adoption and publication of policies that govern the University.

11.

David Metzen is Member and Vice Chair of the Board. His duties include, among others, the oversight of the University and the adoption and publication of policies that govern the University.

12.

Clyde Allen Jr. is a Member of the Board. His duties include, among others, the oversight of the University and the adoption and publication of policies that govern the University.

13.

Anthony R. Baraga is a Member of the Board. His duties include, among others, the oversight of the University and the adoption and publication of policies that govern the University.

14.

Peter Bell is a Member of the Board. His duties include, among others, the oversight of the University and the adoption and publication of policies that govern the University.

15.

Frank Berman is a Member of the Board. His duties include, among others, the oversight of the University and the adoption and publication of policies that govern the University.

16.

Dallas Bohnsack is a Member of the Board. His duties include, among others, the oversight of the University and the adoption and publication of policies that govern the University.

17.

John Frobenius is a Member of the Board. His duties include, among others, the oversight of the University and the adoption and publication of policies that govern the University.

18.

William Hogan is a Member of the Board. His duties include, among others, the oversight of the University and the adoption and publication of policies that govern the University.

19.

Richard McNamara is a Member of the Board. His duties include, among others, the oversight of the University and the adoption and publication of policies that govern the University.

20.

Lakeesha Ransom is a Member of the Board. Her duties include, among others, the oversight of the University and the adoption and publication of policies that govern the University.

21.

Patricia Simmons is a Member of the Board. Her duties include, among others, the oversight of the University and the adoption and publication of policies that govern the University.

22.

Robert Bruininks is the President of the University. His duties include, among others, the oversight of the University and the enforcement of Board policies and University policies that govern the University.

23.

Each of these defendants is sued in his or her official capacity.

STATEMENTS OF FACT

The Maranatha Christian Fellowship

24.

MCF is a registered student organization ("RSO") at the University of Minnesota, Twin Cities Campus ("University").

25.

MCF was organized in 1981.

26.

MCF is an evangelical Christian organization whose members hold sincere religious beliefs.

27.

As a religious organization, MCF adheres to a statement of faith. See Ex. A, "Statement of Faith."

28.

MCF is governed by a constitution. See Ex. B, "Constitution of the Maranatha Christian Fellowship."

29.

MCF's meetings are open for all University students to attend. See Ex. B., art. II § 1.

30.

MCF welcomes the broadest possible spectrum of individuals to attend its meetings and other events. *Id.*

31.

To maintain its distinctly evangelical Christian identity, MCF believes it is necessary for its officers and members to "be Christians who have professed their faith in the Lord Jesus Christ as defined by the Statement of Faith and live according to the tenets of the Bible as explained by the Statement of Faith." *Id.* at art. II § 4 & art. III § 1.

32.

Officers and members who engage in “misconduct” – including, but not limited to “failure to perform duties, attendance, misuse of funds, historical Christian heresy, engaging in sexual activity outside of marriage, etc.” may be impeached and removed from their positions and/or the club itself. *Id.* at art. II § 5.

The University of Minnesota policies

33.

The University of Minnesota System is subdivided into multiple component institutions located on several campuses throughout the state.

34.

The largest component institution of the System is the University of Minnesota, Twin Cities.

35.

The University permits students to form and register “student organizations.”

36.

The University defines a “registered student organization” (“RSO”) as:

A voluntary association comprised primarily of students that has no direct relationship to the University; but upon completion of the established registration process is entitled to certain privileges including operating, meeting, advertising, and participating in activities on the University campus, as well as eligibility to receive services from the Student Activities Office.

See Ex. C, “Policy Manual for Registered Student Groups 2002-2003” at 5 (“Policy Manual”).

37.

Student groups must have RSO status to meet on the University campus or use University facilities.

38.

Student groups must have RSO status to obtain administrative grants from the University.

39.

Student groups must have RSO status to obtain student fee grants from the Student Services Fees Committee.

40.

Additional benefits of forming a registered student organization include, but are not limited to:

- a. Free email address and web site hosting from ADCS;
- b. Assistance with grant programs on campus;
- c. Access to SAO's Advising services;
- d. Free or discounted room reservations in Coffman Memorial Union* and the St. Paul Student Center (*reservable for March 2003 and beyond);
- e. Listing on the student group page of the SAO Web site;
- f. Event submission privileges to the University of Minnesota Events Calendar.

See "Benefits for Registered Student Organizations, <http://www.sao.umn.edu/StudentOrgs/benefits.php> (visited October 2, 2003).

41.

For a group to become a "registered student organization" at the University, it must meet several requirements found in the "Policy Manual for Registered Student Groups." Ex. C at 4.

42.

The minimum requirements include: at least three student members, annual registration, a constitution, and compliance with all University policies and procedures. *Id.* at 4-5.

43.

One of the University policies specifically delineated in the minimum requirements section of the Policy Manual is the “Board of Regents Policy on Diversity, Equal Employment Opportunity and Affirmative Action as [it relates] to group membership and access to programs. *Id.* at 5; see Ex. D, “The Board of Regents Policy on Diversity, Equal Employment Opportunity and Affirmative Action” (“Diversity Policy”).

44.

As an additional requirement for registration or annual re-registration, RSOs must submit a signed copy of the “University of Minnesota’s Equal Opportunity Statement” (attached as Ex. E).

45.

The University’s Student Activities Office website provides instructions for creating a RSO constitution. See Ex. F, “Constitution Instructions” (available at http://www.sao.umn.edu/StudentOrgs/constitution_requirements.doc).

46.

The Constitution Instructions require that each RSO constitution affirm the Diversity Policy by including a statement that membership is open to all students regardless of “race, religion, color, sex, national origin, disability, age, veteran status, creed, marital status, public assistance status, or sexual orientation.” *Id.* at 1.

47.

The Policy Manual states that violation of the policies governing registered student groups “shall constitute grounds for revocation of registration status and/or other sanctions”

Ex. C at 5.

48.

MCF exists as an organization to promote Christian beliefs.

49.

It would contradict MCF’s expressive and associational purpose to permit non-Christians to serve as officers or members.

50.

MCF promotes Christian beliefs such as all sexual relations must occur only within marriage.

51.

It would contradict MCF’s expressive and associational purpose to permit people engaging in sexual activity outside of marriage to serve as officers or members.

52.

MCF’s objections stem from its sincerely held religious beliefs and its Statement of Faith.

53.

MCF objects to the University policies that require MCF to open its membership and elected positions to all students regardless of religion, creed, marital status, or sexual orientation.

54.

MCF does not object to the University policies forbidding discrimination on race, color, sex, national origin, disability, age, veteran status, and public assistance status.

STATEMENTS OF LAW

55.

All alleged acts of the defendants, their officers, agents, servants, employees, or persons acting at their behest or direction, were done and are continuing to be done under the color of state law, including the statutes, regulations, customs, policies and usages of the State of Minnesota.

56.

MCF challenges defendants' policies forbidding RSOs to discriminate on the basis of religion, creed, marital status, and sexual orientation, facially and as-applied.

57.

Unless and until the enforcement of the Defendants' policies regarding the Equal Opportunity Statement are enjoined, MCF will suffer and continues to suffer irreparable harm to its federal and state rights.

FIRST CAUSE OF ACTION: FREEDOM OF ASSOCIATION

58.

Plaintiff realleges all matters set forth in the preceding paragraphs and incorporates them herein.

59.

By enacting and enforcing University policies forbidding RSOs to discriminate on the basis of religion, creed, marital status, and sexual orientation, defendants have unconstitutionally conditioned University benefits on MCF yielding its clearly established right to freedom of association for expressive purposes secured by the First and Fourteenth Amendments to the Constitution.

60.

By enacting and enforcing University policies forbidding RSOs to discriminate on the basis of religion, creed, marital status, and sexual orientation, defendants have deprived MCF and other RSOs of their clearly established right to freedom of association for expressive purposes secured by the First and Fourteenth Amendments to the Constitution.

WHEREFORE, Plaintiff respectfully prays that the Court grant the relief set forth hereinafter in the prayer for relief.

SECOND CAUSE OF ACTION: FREEDOM OF SPEECH

61.

Plaintiff realleges all matters set forth in the preceding paragraphs and incorporates them herein.

62.

Speech, including religious speech, is protected by the First and Fourteenth Amendments to the United States Constitution.

63.

A corollary of the right to speak is the right not to speak.

64.

By its policies, defendants are unconstitutionally conditioning forcing plaintiff to express approval of other religions, creeds, non-traditional and meretricious relationships, and homosexual behavior and other sexual activity outside of marriage.

65.

By enacting and enforcing University policies forbidding RSOs to discriminate on the basis of religion, creed, marital status, and sexual orientation, defendants have unconstitutionally conditioned University benefits on MCF and other RSOs yielding their clearly established right to freedom of speech secured by the First and Fourteenth Amendments to the Constitution.

66.

By enacting and enforcing University policies forbidding RSOs to discriminate on the basis of religion, creed, marital status, and sexual orientation, defendants have deprived MCF and other RSOs of their clearly established right to freedom of speech secured by the First Amendment and Fourteenth Amendments to the Constitution.

WHEREFORE, plaintiffs respectfully pray that the Court grant the relief set forth hereinafter in the prayer for relief.

THIRD CAUSE OF ACTION: FREE EXERCISE OF RELIGION

67.

The allegations contained in the preceding paragraphs are incorporated by reference in this cause of action.

68.

The wording of MCF's Statement of Faith and Constitution is motivated by its sincerely held religious beliefs.

69.

By enacting and enforcing University policies forbidding RSOs to discriminate on the basis of religion, creed, marital status, and sexual orientation, defendants have unconstitutionally

conditioned University benefits on MCF and other RSOs yielding their clearly established right to free exercise of their religion secured by the First and Fourteenth Amendments to the Constitution.

70.

By enacting and enforcing University policies forbidding RSOs to discriminate on the basis of religion, creed, marital status, and sexual orientation, defendants have deprived MCF and other RSOs of their clearly established right to free exercise of their religion secured by the First Amendment and Fourteenth Amendments to the Constitution.

71.

The defendants have no compelling reason that would justify the burden imposed upon religious RSOs.

WHEREFORE, plaintiffs respectfully pray that the Court grant the relief set forth hereinafter in the prayer for relief.

PRAAYER FOR RELIEF

WHEREFORE, plaintiff requests the following relief:

A.

That this Court preserve the relative position of the parties by preliminarily enjoining the defendant from revoking MCF's RSO status;

B.

That this Court preliminarily and permanently enjoin the defendant from enforcing its policies forbidding RSOs to discriminate on the basis of religion, creed, marital status, and sexual orientation;

C.

That this Court enter declaratory judgment stating that defendants' policies forbidding RSOs to discriminate on the basis of religion, creed, marital status, and sexual orientation are facially unconstitutional and violate the RSOs' rights as guaranteed under the First and Fourteenth Amendments to the United States Constitution;

D.

If any policy forbidding RSOs to discriminate on the basis of religion, creed, marital status, and sexual orientation is not declared facially unconstitutional, that this Court enter a declaratory judgment stating that the facially constitutional policy is unconstitutional as applied to MCF and violates MCF's rights guaranteed under the First and Fourteenth Amendments to the United States Constitution;

E.

That this Court award damages arising from the acts of the defendant set forth herein in an amount to be determined by the finder of fact in accordance with the proof, plus interest at the legal rate until paid;

F.

That this Court award plaintiffs costs and expenses of this action, including a reasonable attorney's fee award, in accordance with 42 U.S.C. § 1988 and other applicable law;

G.

That this Court grant such other and further relief as the Court deems equitable, just, and proper;

H.

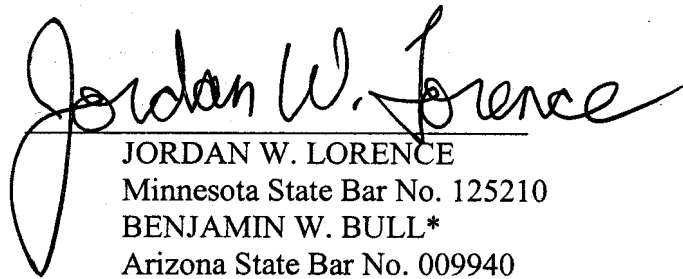
That this Court adjudge, decree and declare the rights and other legal relations of the parties to the subject matter here in controversy, in order that such declarations shall have the force and effect of final judgment; and

I.

That this Court retain jurisdiction of this matter as necessary to enforce the Court's orders.

Respectfully submitted on this, the 24th day of October 2003,

Attorneys for Plaintiffs,



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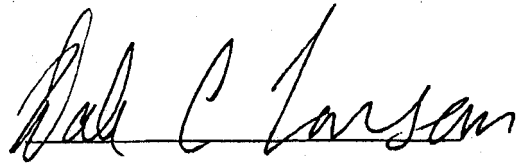
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* Applications pro hac vice to be submitted under separate cover.

VERIFICATION

I, Dale C Larson, a citizen of the United States and a resident of the State of Minnesota, am president of and agent for Marantha Christian Fellowship, a registered student organization at the University of Minnesota, Twin Cities. I have read the foregoing Verified Complaint for Declaratory and Injunctive Relief and Damages and declare under the penalty of perjury under the laws of the State of Minnesota that the foregoing is true and correct.

Dated this 6th day of October, 2003

A handwritten signature in black ink that reads "Dale C Larson". The signature is written in a cursive style and is positioned above a horizontal line.

Dale C Larson

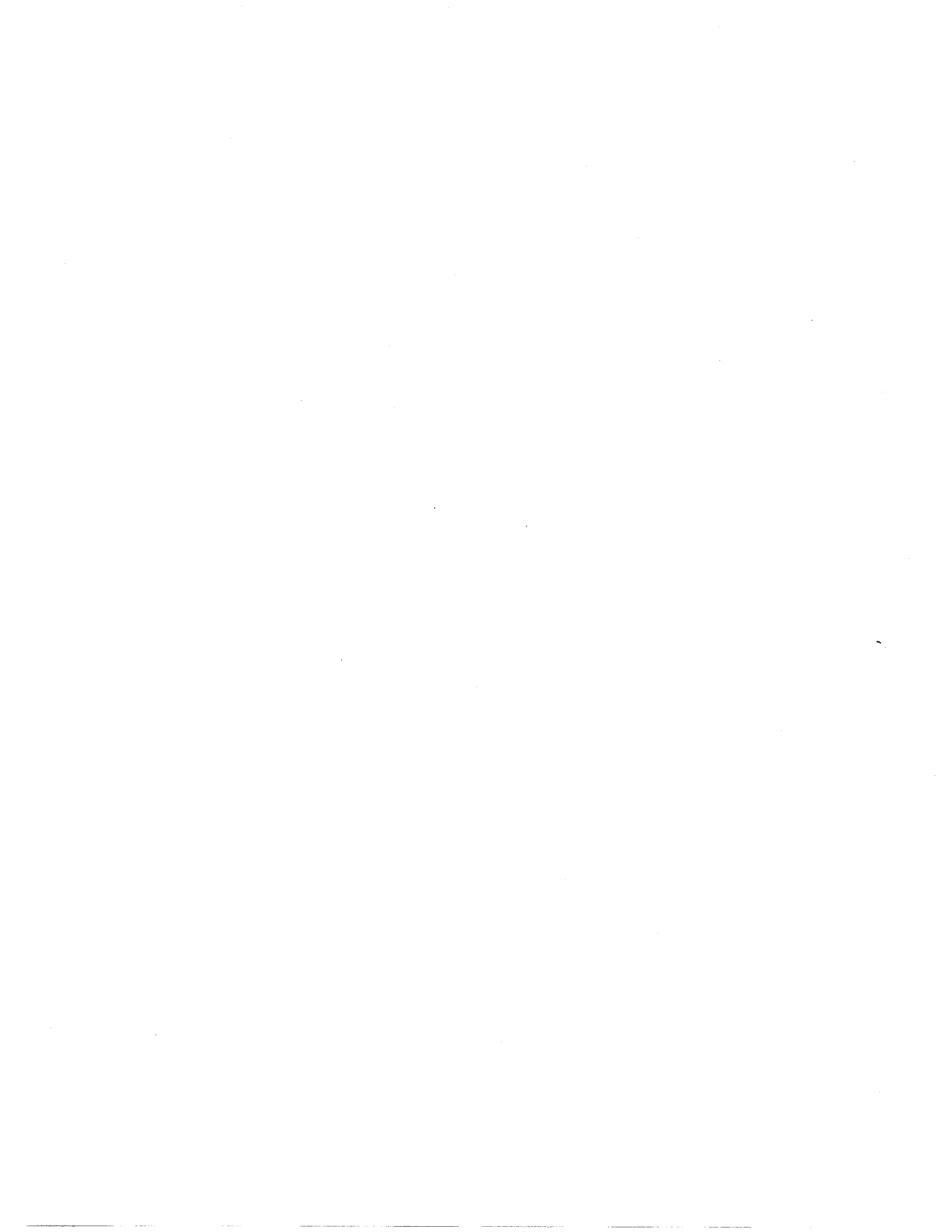


EXHIBIT A

Statement of Faith

Maranatha Christian Fellowship
(updated version as of 9/25/03)

- We believe in one God, revealed as Father, Son and Holy Spirit.
- We believe in the absolute inspiration of the Holy Scriptures, given by the Holy Spirit without error, as He moved upon the holy men of old. Furthermore, we believe that the church has no authority to establish doctrine or practice anything contrary to these same Scriptures.
- We believe in the deity of our Lord Jesus Christ, in His virgin birth, in His sinless life, in His miracles, in His vicarious and atoning death through His shed blood, in His bodily resurrection, in His ascension to the right hand of the Father and in His personal return in power and glory.
- We believe that man was made in the image of God and is the crown of creation. He is, prior to salvation by reason of the fall, spiritually depraved and alienated from his Creator.
- We believe that justification is by grace through faith in our Lord's sacrifice on Calvary and that no one is justified by the keeping of the Law.
- We believe that all of God's people are to be buried and resurrected with Christ through water baptism following conversion.
- We believe in the priesthood of the believer. That is to say, all people born of God have equal status before, and direct access to, their Lord.
- We believe that the baptism in the Holy Spirit is an endowment of power subsequent to conversion, given by God to anoint the believer for sanctification and evangelism. It is our understanding that the supernatural gifts of the Holy Spirit are active within the Body until the coming of the Lord. Furthermore, we believe the development of those gifts ought to be encouraged under the guidance of local church authorities.
- We believe the biblical teaching that the practice of sin has no place in the life of a Christian. Although anyone is capable of falling into sin, the regular practice of it should cease as the Holy Spirit leads and as the Bible prescribes.

EXHIBIT B

Constitution of the Maranatha Christian Fellowship
ARTICLE I – GENERAL

- Section 1: The official name of this organization shall be the Maranatha Christian Fellowship.
- Section 2: The fellowship shall operate as a non-profit organization.
- Section 3: The fellowship shall abide by the applicable rules and policies of the University of Minnesota pertaining to student organizations providing the rules and policies of the University do not conflict with historic Christianity.
- Section 4: This organization shall exist for the following purposes:
- a. To provide a forum for speakers to make presentations of timely interest to members on historic Christian lifestyle.
 - b. To provide a support group for students who desire to live the Pentecostal Christian life at the University of Minnesota.
 - c. To provide activities and events for the membership.

ARTICLE II – ATTENDEES, MEMBERS and IMPEACHMENT

- Section 1: **Attendees:** All persons may attend meetings of the Maranatha Christian Fellowship. We welcome all people to come and hear the glorious Gospel of our Lord Jesus Christ and to fellowship with us. However, Attendees have no power to select officers of the organization or to determine policy for the organization.
- Section 2: **Members:** Voting membership is open to all students, faculty and staff at the University of Minnesota without regard to race, color, sex, national origin, disability, age, veteran status, or public assistance status..
- Section 3: No more than 1/3 of the voting members shall consist of non-students.
- Section 4: To become a member, one must fill out the membership application form and return it to the secretary of the fellowship after attending two (2) previous meetings. Members and officers must sign and agree with the provisions of the attached Statement of Faith. All Members must be Christians who have professed their faith in the Lord Jesus Christ as defined by the Statement of Faith and live according to the tenets of the Bible as explained by the Statement of Faith. The Officers will formally notify each applicant whether he or she has been officially accepted as a member of the organization. Only Members of the organization can vote for Officers or vote on other matters submitted to the Members by the Officers.
- Section 5: Any Member/Officer may be impeached for misconduct (to be defined by the group [for example – failure to perform duties, attendance, misuse of funds, historical Christian heresy, engaging in sexual activity outside of

marriage, etc.]) The Member/Officer shall be given a seven (7) day notice and opportunity to defend him/herself. This impeachment vote shall require a 2/3 majority vote of the Members attending the impeachment hearing.

ARTICLE III – OFFICERS

- Section 1: **Officers:** Officers of the organization must be Members who have professed their faith in the Lord Jesus Christ as defined by the Statement of Faith and live according to the tenets of the Bible as explained by the Statement of Faith. The officers of this fellowship shall be elected by those members who are in good standing from the previous Spring semester.
- Section 2: The Officers of this fellowship shall consist of President, Vice President, and Secretary/Treasurer.
- Section 3: All Officers must be currently enrolled at the University of Minnesota and registered for at least six credits. Exceptions to the requirement are permitted for graduate students upon receipt of a letter from the Director of Graduate Studies of the student's department certifying that the student is actively pursuing a degree.
- Section 4: Officers shall be selected during the May meeting and shall serve for a period of one (1) year. Officers shall be elected by plurality of the voting members present providing a quorum is present.
- Section 5: The duties of the officers are as follows:
- a. President – Preside over all meetings of the club and serve as Chairperson of the Executive Committee. Act as official representative of the fellowship at other meetings and events.
 - b. Vice President – Preside at meetings of the fellowship and the Executive Committee in the absence of the president. Succeed the president if the president were unable to complete his/her term of office. Coordinator of committees.
 - c. Secretary/Treasurer – Record and produce minutes of all meetings. Handle the fellowship's correspondence. Handle all financial transactions of the fellowship. Maintain thorough and accurate records of all transactions. Produce financial reports as required by the fellowship.

ARTICLE IV – MEETING

- Section 1: A regular meeting shall be held at least once each semester during the academic year. A special meeting may be called by the Executive Committee or by a petition of ten percent (10%) of the voting

membership.

- Section 2: A quorum shall be present in order to conduct official business of the club. A quorum shall consist of fifty percent (50%) of the voting membership plus one (1).
- Section 3: Decisions of the club shall be enacted by a majority vote of the voting membership plus one (1).

ARTICLE V – FINANCIAL MATTERS

- Section 1: The fellowship shall not provide monetary gain, incidentally or otherwise to its directors or membership. This does not restrict the payment of wages, salaries or incentives by the fellowship for services rendered.
- Section 2: Unless otherwise specified by the membership at the time of dissolution of the organization, residual assets shall be distributed to the following not-for-profit organizations according to the proportions below:

Maranatha Christian Church 50%
Way of the Cross Church 50%

ARTICLE VI – BY-LAWS

- Section 1: By-laws may be proposed by the membership and may be adopted by a majority vote of those present at the meeting when a quorum is present.

ARTICLE VII – AMENDMENTS

- Section 1: Amendments to the constitution may be proposed by any member of the fellowship. Such proposals shall be submitted in writing to the Executive Committee for a first reading to the membership at the regular meeting prior to the meeting at which the proposed amendment is to be voted on.
- Section 2: Duty proposed amendments shall be submitted to a vote of the voting members providing a quorum is present. A 2/3 majority vote in favor shall be required for adoption of such amendments.

Constitution ratified: (month, day, year) *10/20/03*
 Witnessed: President *Dale Larson*
 Officer *Audra Harpel*
 Officer *Christopher P.A. Cook*

EXHIBIT C

University of Minnesota

Student Activities Office

**Policy Manual
for
Registered Student Groups
2002-2003**

Our Mission:

To provide opportunities for students to enrich and complement their academic experience through involvement with diverse student groups, activities and programs that enhance the social, educational and cultural environment of the University of Minnesota.

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Formal Grievance Statement	

DEFINITIONS

Student Group:

An umbrella term referring to all forms of student organizations, enterprises, and programs registered or seeking registration from the University, regardless of classification.

Registration:

The process through which student groups obtain privileges to conduct activities at the University is administered through the Student Activities Office. Registration is required annually and consists of submitting documentation and an orientation session.

Registered Officer:

An officer or other member of the group named on the group's registration materials as assuming personal responsibility for the operations of the student group.

Registered Student Organization (RSO):

A voluntary association comprised primarily of students that has no direct relationship to the University. Upon completion of the registration process, the RSO is entitled to certain privileges including operating, meeting, advertising, and participating in activities on the University campus, as well as eligibility to receive services from the Student Activities Office.

Student Business Enterprise (SBE):

A student group whose primary function is the operation and provision of business enterprises and services at the University. Classification as a SBE is contingent upon compliance with the Board of Regents Policy on Business Enterprises at the University and other University policies on business enterprises.

University Campus Life Student Program (UCLSP):

A University program similar to a student organization in purpose and composition whose activities, operations, and decision making processes are directly governed by University academic or administrative departments, and for which the University is ultimately responsible.

POLICY ON REGISTRATION AND CLASSIFICATION OF STUDENT GROUPS

All student groups, shall be registered and classified according to this policy consistent with the University of Minnesota's co-curricular educational philosophy and to better serve the needs of the various and diverse student groups, to reduce unnecessary administrative intrusion, and to clarify the relationship between the various types of student groups and the University.

I. Registration

Definition: The process through which student groups obtain privileges to conduct activities at the University is administered through the Student Activities Office. Registration is required annually and consists of submitting documentation and an orientation session.

- A. Student groups that have officially registered with the University of Minnesota shall have the privilege to conduct activities at the University in accordance with established University policies and procedures.
- B. To be registered with the University of Minnesota, student groups must fulfill annual registration requirements and follow established procedures administered through the Student Activities Office.
- C. Student groups shall be assigned to one of the following classifications upon registration;
 - 1. Registered Student Organization (RSO)
 - 2. Student Business Enterprise (SBE)
 - 3. University Campus Life Student Program (UCLSP)
- D. All student groups must comply with the following minimum requirements:
 - 1. **Membership:** Student groups must consist of at least three (3) University of Minnesota - Twin Cities students, each registered for a minimum of six (6) credits. Summer registration status shall be based on Spring semester registration. Exceptions to the credit requirement are permitted for graduate and professional students who are actively pursuing a degree. Non-students may be involved in student groups, but may not comprise more than one-third (1/3) of the group's voting membership.
 - 2. **Registration:** Student groups must register annually and maintain current registration information on file with the Student Activities Office, including current names and contact information for at least three (3) group officers or members assuming personal responsibility and accountability for the operations and actions of the group. Groups not registered for a period of three (3) years may be disestablished by the Student Activities Office.

3. **Constitutions:** Student groups must maintain a current constitution on file with the Student Activities Office. Constitutions must specify the name and mission of the group, standards for membership and voting, election and duties of officers, standards for meetings, financial standards, constitutional amendment procedure, and three officer signatures. Full requirements outlined on the Sample Constitution available from the Student Activities Office.
4. **Compliance:** Student groups must comply with all University policies and procedures, as well as local, state, and federal laws and regulations. This includes, but is not limited to, the Board of Regents Policy on Student Conduct; and the Board of Regents Policy on Diversity, Equal Employment Opportunity and Affirmative Action as they relate to group membership and access to programs.

Violation of these or other requirements shall constitute grounds for revocation of registration status and/or other sanctions, following established University procedures of due process to be administered by the Student Activities Office.

II. Classifications

A. Registered Student Organization (RSO)

Definition: A voluntary association comprised primarily of students that has no direct relationship to the University; but upon completion of the established registration process is entitled to certain privileges including operating, meeting, advertising, and participating in activities on the University of Minnesota - Twin Cities campus, as well as eligibility to receive services from the Student Activities Office.

D. Student Business Enterprise (SBE)

Definition: A student group whose primary function is the operation and provision of business enterprises and services at the University. Classification as a SBE is contingent upon the compliance with the Board of Regents Policy on Business Enterprises at the University and other University policies on business enterprises.

C. University Campus Life Student Program (UCLSP)

Definition: A University of Minnesota program similar to a student organization in purpose and composition whose activities, operations, and decision making processes are directly governed by University academic or administrative departments, and for which the University is ultimately responsible.

A UCLSP must be affiliated with a University of Minnesota academic or administrative department and have a designated University faculty or staff adviser. The UCLSP and its advisor must be approved annually by the head of the host department and comply with all

policies and procedures applicable to student groups, except as otherwise provided therein. All UCLSP operations and activities shall be subject to the oversight of the host department. Registration as a student group grants the UCLSP certain privileges and services not available to other University entities.

III. Relationship to the University

- A. With the exceptions of University Campus Life Student Program, student groups are independent and autonomous from the University and are responsible for managing their own affairs. Registered Student Organizations and Student Business Enterprises are not units or agents of the University, and shall not represent themselves as such.
- B. Events and activities conducted by Registered Student Organizations and Student Business Enterprises shall not be considered University-sponsored under this policy unless the Director of the Student Activities Office or his/her designee confirms University sponsorship in writing.
- C. Registered Student Organizations and Student Business Enterprises shall adhere to guidelines and practices appropriate to the relationship established in this policy, including, but not limited to:

- 1. Use of the University of Minnesota name and symbols

Student groups shall not use the name “University of Minnesota,” any abbreviations thereof, or the University wordmark in conjunction with the name of the organization, including use for promotional materials or clothing. Additionally, student groups shall not use “Gopher” as above. A universal exception is provided for all student groups to use the word “University” of the geographical designation “at the University of Minnesota.”

The following are examples of acceptable names for student groups: “The Gardening Club at the University of Minnesota,” “The Campus Gardening Club,” “The Minnesota Gardening Club,” “The Student Gardening Club,” and “The University Gardening Club.” “The University of Minnesota Gardening Club” is not acceptable.

- 2. University of Minnesota Letterhead and Stationery

Student groups shall not represent themselves as conducting or authorized to conduct official University business and shall not use University letterhead or stationery. Exceptions may be granted in writing by the Student Activities Office for student groups involved in University governance for correspondence regarding governance issues only. Under no circumstances shall student groups use University letterhead or stationery for correspondence with student group employees.

- 3. Other Images

Student groups shall be entitled to use images such as the block “M” and Goldy Gopher, in accordance with appropriate trademark guidelines as established by the Office of Patents and Technology Marketing. Use of these images does not express or imply University endorsement or approval of the student group or its programs and activities.

4. Employment

Employees of student groups are not employees of the University and are not eligible for benefits of any type, including compensation, from the University.

5. Liability Insurance

Student groups and members, officers, and employees of student groups are not covered by the University’s liability insurance.
See "Policy on Insurance Requirements for Student Groups."

6. Advisers

Student group advisers are not covered by the University’s liability insurance. University employees specifically compensated for their group advising duties as a component of their University job description and acknowledged by their departmental supervisor may be exempted from this provision upon written agreement between employee’s host academic or administrative department and the Student Activities Office.

7. Tax Status

Student groups do not have access to the University’s tax status and may not use the University tax identification number. Student groups seeking tax-exempt status must file on their own behalf. For more information, call 612-624-9977.

D. Non-application to University Campus Life Student Programs

These policies (1-7, immediately above) do not apply to the University Campus Life Student Programs (UCLSPs), which are University entities and subject to all responsibilities and entitled to all privileges thereof, including use of the University names and symbols, University liability insurance coverage, and the use of the University’s tax status and tax identification number. Employees of UCLSPs are employees under the host academic or administrative department.

IV. Responsibility and Accountability

A. Each student group shall be responsible and accountable for the individual and collective conduct of its members in the course of the group’s operations and activities.

1. Responsibility of Officers

The three (3) or more group officers or members identified on the group's current registration materials shall be personally responsible and accountable for the operations and actions of the group. This personal assumption of responsibility and accountability shall be stated explicitly on registration materials.

2. Internal Policies and Procedures

Student groups shall have the privilege and responsibility to develop and implement appropriate internal policies and procedures governing operations, activities, and the conduct of members. These groups shall also be responsible for informing members of such policies and procedures; including the potential consequences if violated.

The responsibility for development, implementation, administration, and enforcement of such policies and procedures shall be exercised on behalf of each student group by the group's officers, in accordance with the group's constitution.

3. Student Service Fee Funding

Student groups that receive funding from the Student Service Fee shall have additional responsibility and accountability to the University community through the Student Service Fee Committee for all aspects of operations and activities relating to and involving Student Service Fee funds.

This accountability is a required condition of the voluntary act of requesting and receiving Student Service Fee funds, and in no way alters the status of the student group in relationship to the University.

4. University Interests

University Campus Life Student Programs shall have an additional obligation to consider and act in accordance with best interests of the University in all aspects of operations and activities. The host academic or administrative department, through the designated staff or faculty adviser, shall assure compatibility between the group's operations and actions and University interests.

POLICY VIOLATIONS, GRIEVANCES, DISPUTE RESOLUTION
Effective February 9, 2001

This statement outlines the Student Activities Office's involvement in disputes and violations involving student groups registered with the Student Activities Office at the University of Minnesota. This statement addresses student groups only and does not apply to individual student conduct, which is governed by the Student Conduct Code. Resolution of a dispute involving a student group as an entity under this policy shall not preclude action against individual students under the Student Conduct Code or other applicable University policy, or local, state, or federal law.

The University provides a number of channels for the resolution of disputes. The appropriate channel to pursue will vary depending on the circumstances of each case, and the category of student group registration. Whenever possible, the first step of any resolution should be between the parties involved. If no informal resolution can be found between the parties, consultation may be sought through the Student Activities Office. If informal resolution is not successful, any individual or party may file a formal complaint.

PROCEDURES

A Formal Grievance Statement must be submitted in writing to the Student Activities Office. Grievance Forms are available at the Student Activities Office, 825 Washington Ave. S.E., Room 202, Minneapolis, MN 55414 and on the Web at <http://www.umn.edu/sao>. The complaint must identify the complainant, the respondent group, individuals involved, the incident or action at issue, and the policy, regulation, or established practice alleged to be violated; and a brief statement of the redress sought. It is acknowledged that the matter(s) may require immediate action (within 48 hours) by the Director of the Student Activities Office until the procedures outlined in this section can be implemented. Complaints against "University Campus Life Student Programs" will be directed to the affiliated department.

1. A Student Activities Office staff member, appointed by the Director, shall discuss the complaint and possibilities for informal resolution with the parties involved. After a written informal resolution statement is created, the statement is provided to the Director of the Student Activities Office. At this point, the Director of Student Activities, in consultation with the appointed staff member, may enforce applicable policies, procedures, and regulations as well as the student group(s) constitution(s).

At the conclusion of their review of the student group dispute, the Director of Student Activities, in consultation with the appointed staff member, may determine any of the following (but not limited to):

- a. Dismissal of the complaint
- b. Informal resolution
- c. Mediation
- d. Requested compliance (enforce applicable policies)
- e. Corrective measures/sanctions
- f. Referral of the matter to the next step in the process

2. If it is decided that the complaint will be referred to the next step in the grievance process, or the student group wishes to appeal the decision in step one (above), the Director of the Student Activities Office or his/her designee, may refer the matter to: (a) the appropriate University of Minnesota body, or (b) student group adjudicative body for resolution, and/or(c) issue a formal complaint. The decision of the Director of the Director of Student Activities to refer the matter and/or to issue a formal complaint is not appealable. The unit selected could include, but is not limited to:
- a. Student group judicial procedure
 - b. Student Activities Office Student Advisory Board
 - c. University Conduct Code Coordinator
 - d. Office of Equal Opportunity and Affirmative Action
 - e. University Grievance Officer

The determination of the selected unit will be final but may be appealed by the student group in accordance with applicable appeal mechanisms. When appropriate, the Student Activities Office may follow up on the outcomes of judicial bodies, including compliance/non-compliance with assigned sanctions.

Approved by the Campus Involvement Center Student Advisory Board, (4-0), on February 1, 2001.

Approved unanimously by the Senate Committee on Student Affairs, February 8, 2001.

POLICY ON FINANCES OF STUDENT GROUPS

In accordance with the University of Minnesota's co-curricular educational philosophy, the University of Minnesota has an educational interest in promoting the sound financial operations of student groups. For Registered Student Organizations and Student Business Enterprises, this interest does not provide supervision over or responsibility for these groups. The Student Activities Office, however, shall provide financial training, consultation, and other services supporting the operations of student groups. For student groups, compliance with certain basic financial policies and procedures designed to promote responsible financial management is a requirement for registration with the University.

I. Basic Financial Policies

- A. **Compliance:** The financial operations of student groups must be conducted in accordance with all applicable local, state, and federal laws and regulations; University of Minnesota policies, and the student groups' respective constitutions.
- B. **Responsibility:** Registered officers of the student group shall have personal responsibility and accountability for the finances and operations of the group, in accordance with the Policy on Registration and Classification of Student Groups, and as specified in the student group's constitution.
- C. **Banking:** Registered Student Organizations and Student Business Enterprises shall independently secure and maintain banking services through the service provider of their choice.
- D. **Taxes:** Student groups shall be responsible for all applicable taxes; including, but not limited to, collection and payment of sales taxes and filing and payment of income taxes.
- E. **Dissolution:** Upon dissolution of a student group, the group's officers shall be responsible for the distribution of remaining funds, in accordance with the group's constitution. If funds remain, the Student Activities Office may distribute funds in accordance with the student group's constitution.
- F. **Student Fee Receiving Organizations:** Student groups receiving Student Service Fee funds shall comply with auditing requirements and other financial and operational standards established by Student Services Fees Committee, in consultation with the Office of the Vice President for Student Affairs.

II. Use of Funds

- A. All use of student group funds shall be in accordance with the group's constitution.
- B. Student groups providing pecuniary gains, incidentally or otherwise, to their respective officers or members shall be subject to revocation of their registration status and/or other sanctions.
- C. Under this policy, there shall be no distribution of net profits or residual assets in the form of dividends or gifts to officers, members, or outside individuals or organizations; with the

exceptions of organizations that qualify as charitable, educational, social, or benevolent organizations; which shall include other student groups and the University.

- D. Student groups may pay salaries, wages, or other lawful incentives for services rendered.

III. Auditing

- A. Independent auditing is an important element of the ongoing financial solvency and accountability of student groups
- B. Student groups should work to establish a regular audit cycle. The Student Activities Office may require any student group to provide proof of audit from a qualified independent auditor.
- C. For Registered Student Organizations and Student Business Enterprises no University entity shall have access to the results of a required audit without the express consent of the student group, except as otherwise provided herein.
- D. As a condition of the voluntary act of requesting and receiving Student Service Fee funds, Student Fees receiving organizations, regardless of classification, shall provide results of an audit of the student group from a qualified independent auditor to the University upon request.

IV. Disbursement of Fees and Grants

- A. Student Service Fee funds shall be issued to Student Fees Receiving Organizations each academic term in a manner determined by the Office of the Vice President for Student Affairs.
- B. University grants may be issued to student groups through the Student Activities Office.
- C. All funds disbursed to student groups through the University of Minnesota shall require an officer of the group to present valid state or University photo identification and sign in receipt of the funds.

V. Recommended Additional Procedures

- A. Only registered officers should have authorization to sign checks on behalf of the student group.
- B. All checks written should be verified by maintaining documentation such as invoices, bills, or other legal evidence.
- C. All expenditures not usual to the pursuit of the group's normal operations should have prior approval from the group. These expenditures include, but are not limited to, loans, transfers of funds to other organizations, grants, special banquets, and social programs.
- D. Any check payable to the signer of the check should bear the signature of another registered officer.

VI. University Campus Life Student Programs (UCSLPs)

- A. University Campus Life Student Programs (UCLSPs) must comply with all University financial policies and procedures.
- B. All UCLSP funds shall be reflected on the University ledger system (i.e., CUFS) and all major equipment shall be registered on University inventory.
- C. UCLSPs shall not maintain financial accounts outside of the University and/or University of Minnesota Foundation.
- D. UCLSP funds and financial operations shall be subject to the oversight of the host academic or administrative department.
- E. Recommended Procedures
 - 1. Student group funds should remain separate from other departmental funds.
 - 2. All documents relating to the UCLSP should be signed by both a registered officer of the student group and the departmental financial officer.

POLICY ON INSURANCE REQUIREMENTS FOR STUDENT GROUPS

Registered Student Organizations and Student Business Enterprises officially registered with the University of Minnesota; by virtue of their status as independent and autonomous from the University, may be required to provide proof of insurance in order to hold activities using University facilities. These insurance requirements for student groups shall be consistent with the terms of the University of Minnesota's relationship with other third-party constituents.

I. Requirements

- A. Registered Student Organizations and Student Business Enterprises shall be required to provide proof of general liability insurance to hold certain activities, including meetings, using University facilities.
- B. Activities exempted from this insurance requirement are:
 - 1. Those held in Coffman Memorial Union, West Bank Student Union, or St. Paul Student Center; or
 - 2. Those involving less than 100 people; and excluding alcohol; and excluding sporting or athletic events.
- C. To conduct non-exempt activities using University facilities, student groups must provide the University of Minnesota with proof of general liability insurance coverage (i.e., a certificate of insurance) for the group, naming the University of Minnesota Board of Regents as "additional insured" with a limit of not less than \$1,000,000 combined single limit for bodily injury and property damage.

II. Compliance

- A. Student groups shall be responsible for independently securing necessary general liability insurance coverage to conduct non-exempt activities using University facilities, as required by this policy.
- B. Additionally, student groups are encouraged to pursue property, worker's compensation, directors and officers, and/or fidelity and crime insurance coverage; as appropriate.
- C. Student groups shall have the option to elect annual insurance coverage or per-event insurance coverage.
- D. Student groups electing per-event insurance coverage shall be responsible for securing and providing proof of insurance for each non-exempt activity conducted using University facilities.
- E. Student groups shall declare their respective insurance coverage option at the time of annual registration.

- F. The Student Activities Office shall provide educational support addressing risk management and insurance issues and shall provide current information regarding insurance coverage options in conjunction with annual registration.
- G. The Student Activities Office shall support efforts of independent student groups to collectively manage risk exposure (e.g., developing risk management guidelines, forming an independent risk purchasing group) but shall not enter into contract with or on behalf of independent student groups.

III. Sponsorship of Activities

- A. All parties involved in the joint sponsorship or co-sponsorship of a non-exempt activity using University facilities each shall be required individually to meet all insurance requirements.
- B. Co-sponsorship of a non-exempt activity using University facilities with a University Campus Life Student Program or other University entity shall not exempt student groups from insurance requirements for that activity.
- C. For purposes of determining insurance requirements, joint, co-sponsorship and sponsorship shall be defined as logistical involvement by the student group in the planning and coordination of the activity.

IV. Application to University Campus Life Student Programs

By virtue of their status as University of Minnesota entities, the University's liability insurance coverage shall satisfy the insurance requirements for all University Campus Life Student Programs.

POLICY ON STUDENT FUND RAISING

Student groups officially registered with the University of Minnesota and currently enrolled individual students may conduct fund-raising activities using University facilities in accordance with this policy.

I. Campus Fund-Raising

- A. All fund-raising activities must be conducted in accordance with all University policies and procedures as well as local, state, and federal laws and regulations.

Activities conducted by student groups using University facilities must not interfere with orderly University operation.

- B. Fund-raising shall only be conducted by either a currently enrolled student or a student group officially registered with the University.
- C. Off-campus agencies and groups, profit or non-profit, shall not be permitted to solicit funds on campus unless they have a contract with the University of Minnesota or are sponsored by a student group as a fund-raising activity in following procedures outlined by the Student Activities Office and Twin Cities Student Unions.
- D. Vendors sponsored by student groups are restricted to designated areas in Coffman Memorial Union and the St. Paul Student Center and must abide by policies and procedures defined by those facilities and/or their responsible administrator(s).
- E. Fund-raising activities shall not be conducted in classrooms, campus offices, residential facilities, and/or other University buildings, except with the express consent of the instructor or appropriate administrator.
- F. Fund-raising activities involving food must comply with the Policy for Serving Food or Refreshments -on University Property in Association with Meetings, Social Gatherings, and Special Events; including filing all necessary permits with the Department of Environment Health and Safety. Food sales by individuals shall not be approved.
- G. The name of the sponsoring student or student group must appear prominently in all advertising and other communications connected with the fund-raising effort.

II. Off-Campus Fund-Raising

- A. University Campus Life Student Programs (UCLSPs) wishing to solicit donations or contributions from off-campus sources must obtain the approval of the Office of the Director of the University of Minnesota Foundation if all of the following conditions are true:
 - 1. The money solicited would be given to the student group for its use,
 - 2. The money would be channeled to the student group through the University and,

3. The amount of money sought is \$1,000 or more.

B. Off-campus sales and services rendered to raise funds need not be cleared by the Development Office.

C. All contributions or donations received by UCLSPs from off-campus sources, with or without approval from the University of Minnesota Foundation, must be channeled through the University of Minnesota Foundation.

III. Taxes

Individuals and student groups shall be responsible for collecting taxes from purchasers and for payment of these and other taxes to appropriate government agencies. Individuals and student groups desiring to determine whether the collection and payment of the sales tax and/or income tax is necessary shall be responsible for consulting with appropriate government agencies.

IV. Raffles

A student group officially registered with the University of Minnesota wishing to conduct a raffle must do so in accordance with all State of Minnesota Gambling Control Board regulations, policies, and procedures. Raffles conducted on campus must be reviewed and approved by the Student Activities Office.

POLICY ON USE OF UNIVERSITY FACILITIES BY STUDENT GROUPS

Student groups officially registered with the University of Minnesota shall have the privilege of using University facilities in accordance with policies and procedures established by the respective individual facilities.

I. Guidelines

- A. Activities conducted by student groups using University facilities must not interfere with orderly University operation.
- B. Student groups have the responsibility to preserve conditions favorable to orderly and rational discussion. This includes, but is not limited to, the following:
 - 1. Students who participate in any activity (e.g. meetings, programs, seminars) sponsored by a student group shall:
 - a. conduct themselves in a manner that will not interfere with those activities, and
 - b. attempt to restore an atmosphere conducive to free expression and cooperate with other individuals who are making such attempts if disruption occurs.
 - 2. Student groups are urged to adopt a meeting format that allows time for questions and public discussion.
- C. While University facilities cannot be used for private commercial gain, student groups may use University facilities for profits that accrue to the group as a whole.

II. Procedures for Facilities Use

- A. Student groups desiring to use University facilities under the control of a University department must arrange for such use with that department. These include, but are not limited to: Coffman Memorial Union, West Bank Student Union, St. Paul Student Center, concert and lecture halls, and sports facilities.
- B. Outdoor space, other than that specifically under the control of another University department, must be reserved through the Student Activities Office.
- C. Student groups that use University facilities must abide by University safety regulations.
- D. The University shall have the authority to assess custodial, maintenance, and/or security fees for events conducted using University facilities.
- E. Student groups serving food on University facilities, including outdoor space, shall have food prepared in and/or provided by the University of Minnesota Food Service or a licensed

commercial food service, and have the approval of the University Environmental Hygiene Officer or designated person at least five (5) days before the event.

Any exception to the above shall be discussed with and approved by the University Environmental Hygiene Officer a minimum of ten (10) days before the event.

APPENDICES

These appendices are provided as a supplement to this policy manual and are included for the convenience of its users. The users of this manual are responsible for the compliance with all applicable University of Minnesota policies and procedures, and local, state, and federal laws and regulations. Users of this manual are responsible for obtaining current copies of the policies included in this appendix and any other relevant policies. University policies may be obtained via the University of Minnesota Policy Home Page on the World Wide Web at <<http://www.umn.edu>>.

Board of Regents policy on Alcoholic beverages on campus

Board of Regents policy on Business Enterprises at the University

Board of Regents policy on Diversity, Equal Employment Opportunity, and Affirmative Action

Board of Regents policy on Equal Opportunity

Board of Regents policy on Student Conduct

Campus publication distribution

Drug free campus and workplace compliance letter (December 1, 2000)

Formal Grievance Statement

EXHIBIT D



UNIVERSITY OF MINNESOTA
BOARD OF REGENTS POLICY

Page 1 of 2

Administrative
**DIVERSITY, EQUAL EMPLOYMENT
OPPORTUNITY, AND AFFIRMATIVE ACTION**
Adopted: September 7, 1995
Supersedes: (see end of policy)

**DIVERSITY, EQUAL EMPLOYMENT OPPORTUNITY, AND
AFFIRMATIVE ACTION**

Subd. 1. Commitment of Purpose. Consistent with its academic mission and standards, the University of Minnesota is committed to achieving excellence through diversity. As a community of faculty, staff, and students engaged in research, scholarship, artistic activity, teaching and learning, or activities which support them, the University fosters an environment that is diverse, humane, and hospitable. As an institution, the University is a global enterprise which serves the state, the nation, and the world through its outreach and public service, and in partnership with community groups.

Subd. 2. Goals. The University shall seek to:

(1) provide equal access and opportunity to its programs, facilities, and employment without regard to race, color, creed, religion, national origin, sex, age, marital status, disability, public assistance status, veteran status or sexual orientation;

(2) advocate and practice affirmative action including the use of recruiting and search processes to enhance participation of racial minorities, women, persons with a disability, and Vietnam era veterans;

(3) establish and nurture an environment that actively acknowledges and values diversity and is free from racism, sexism, and other forms of prejudice, intolerance or harassment, for men and women, faculty, staff, and students from varying racial, religious, and ethnic backgrounds, and of varying sexual orientations, as well as people with disabilities; and

(4) provide equal educational access to members of under-represented groups, and develop affirmative action admission programs where appropriate to achieve this goal.

Subd. 3. Promotion and Support. The University will promote and support diversity through its academic programs, its employment policies and practices, and the purchase of goods, materials, and services for its programs and facilities from businesses of the diverse communities it serves.

Subd. 4. Performance Goals. Administrative officers are directed to set performance goals consistent with this policy and the law, and energetically continue to implement the necessary programs and affirmative action administrative procedures for the achievement of these goals; to remedy any discriminatory practice which deviates from this policy; and to assess and reward the performance of individuals and units



UNIVERSITY OF MINNESOTA
BOARD OF REGENTS POLICY

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Administrative
**DIVERSITY, EQUAL EMPLOYMENT
OPPORTUNITY, AND AFFIRMATIVE ACTION**
Adopted: September 7, 1995
Supersedes: (see end of policy)

using the University's critical measures for the diversity performance goals as part of the University's planning and budgeting process.

SUPERSEDES: POLICY STATEMENT ON WOMEN ACADEMIC EMPLOYEES DATED JULY 13, 1990; EQUAL EDUCATIONAL ACCESS AND OPPORTUNITY DATED NOVEMBER 8, 1991; EQUAL OPPORTUNITY: FACILITIES DATED JULY 9, 1993; EQUAL OPPORTUNITY IN EMPLOYMENT DATED JULY 9, 1993; AND DIVERSITY DATED JULY 9, 1993.

EXHIBIT E

UNIVERSITY OF MINNESOTA
Office of Equal Opportunity and Affirmative Action

University Of Minnesota's Equal Opportunity Statement

The University of Minnesota is committed to the policy that all persons shall have equal access to its programs, facilities, and employment without regard to race, color, creed, religion, national origin, sex, age, marital status, disability, public assistance status, veteran status, or sexual orientation.

In adhering to this policy, the University abides by the Minnesota Human Rights Act, Minnesota Statue Ch. 363; by the Federal Civil Rights Act, 42 U.S.C. 2000e; by the requirements of Title IX of the Education Amendments of 1972; by Sections 503 and 504 of the Rehabilitation Act of 1973; by the Americans With Disabilities Act of 1990; by Executive Order 11246, as amended; by 38 U.S.C. 2012, the Vietnam Era Veterans Readjustment Assistance Act of 1972, as amended; and by other applicable statues and regulations relating to equality of opportunity.

Inquiries regarding compliance may be directed to the Director, Office of Equal Opportunity and Affirmative Action, University of Minnesota, 419 Morrill Hall, 100 Church Street S.E., Minneapolis, Minnesota 55455, (612) 624-9547, or to the Director of the Office of Civil Rights, Department of Education, Washington, D.C. 20202, or to the Director of the Office of Federal Contract Compliance Programs, Department of Labor, Washington, D.C. 20210.

.....
Please sign below indicating that your organization accepts principles of nondiscrimination as outlined above.

Official student group name: _____

Address: _____

Person submitting form: _____

Signature: _____

Title/office held: _____

Date signed: _____

Submitting this form supersedes any statement on your official student group constitution.

This form must be completed and returned to 300 Washington Avenue S.E., Room 126 in order to complete your registration.

EXHIBIT F

Constitution Instructions

A constitution is the basic law of a politically organized body. Your organization's constitution should be difficult to change, and should govern your organization. This is an aid to help you form your organization's constitution. It can be used with the sample constitution or by itself. This gives you specific instructions for each article and section of your constitution. You do not need to follow this exactly, but it is strongly encouraged. The underlined sections include what MUST be addressed in your constitution.

Article I

Section 1 - The name of the organization should be stated here. The constitution is official, therefore, what your constitution states as your name is what the official name is for your group. As stated in the policy manual on page 7, Register Student Organizations shall not use the name "University of Minnesota." A universal exception is provided for all these groups to use the word "University" of the geographical designation as in, "at the University of Minnesota."

Section 2 - You must include that your organization is non-profit.

Example - The club shall operate as a non-profit organization.

Section 3 - You must include that your organization will abide by University of Minnesota Policies.

Example - The club shall abide by the applicable rules and policies of the University of Minnesota.

Section 4 - Enter the purpose of your organization, include what your group does and why it exists.

Article II

Section 1 - This section needs to state who the voting membership is open to in your group. The voting membership can be open to anyone, including students, staff, faculty, or non-students. However, voting membership must include students.

Section 2 - The proportion of non-students that is included in the voting membership needs to be established. Student Activities Office policy states that the amount of voting non-students should never be more than 1/3 of the voting membership.

Section 3 - In this section, enter whom your membership is open to. Your organization must not be discriminatory.

Example - Membership is open to all students without regard to race, religion, color, sex, national origin, disability, age, veteran status, creed, marital status, public assistance status, or sexual orientation.

Section 4 - This section should state how a person becomes a member. It can be filling out a form or it could be just coming to the meetings. This should be a way for people can learn how to become members.

Section 5 - In this section an organization should state how a member/officer may be impeached and what the process is. Also include a way for the member/officer to defend themselves in the case of impeachment.

Article III

Section 1 - This section should state the titles of the officers of the organization. Each group must have at least three students as officers.

(Example - President, Vice-President, Treasurer, or Coordinators or Officers.)

Section 2 - Here it should be stated that all students are registered for six credits or more. Your organization should also include exceptions for graduate students.

(Example - All officers must be currently enrolled students at the University of Minnesota and registered for at least six credits. Exceptions to the requirement are permitted for graduate students upon receipt of a letter from the Director of Graduate Studies of the student's department certifying that the student is actively pursuing a degree.)

Section 3 - The organization needs to state how to become an officer and when they are selected.

Section 4 - This is not required, but suggested. This states what the officer's duties are. This helps to distinguish what each person will do for the group.

Article IV

Section 1 - This section states the standing committees of the club and their roles in the organization.

Section 2 - This leaves the organization the option to form special committees if something comes up.

Article V

Section 1 - Here the organization should state when regular meetings are held and how to hold special meetings.

Section 2 - The organization needs to state that a quorum must be present for official business to occur. Then it must be stated what a quorum is.

Example - A quorum shall be present in order to conduct official business of the club. A quorum shall consist of 50% of the voting membership plus one.

Section 3 - This should state how decisions are made in the group and what type of vote needs to happen in order for decisions to be made.

Example - Decisions of the club shall be enacted by a majority vote of the voting membership plus one.

Article VI

Section 1 - This section should address to policy that groups can NOT provide monetary gain. However, the club can pay salaries to officers, etc.

(Example - The club shall not provide monetary gain, incidentally or otherwise to its directors or membership. This does not restrict the payment of wages, salaries or incentives by the club for services rendered.)

Section 2 - The organization needs to state which non-profit organizations they would like their money to go to in the case of dissolution of the group. The names and percentage of the left over funds needs to be included.

(Example: In the case of dissolution, the Computer Science Club will distribute left over funds in the following manner:

50% to the University Recreation Center

50% to Boynton Health Services)

Article VII

Section 1 - By-Laws can be proposed if the organization states it in this section of the constitution. It should also state how by-laws are proposed and voted for.

Article VIII

Section 1 - This section can address how amendments are proposed.

Section 2 - This section must include how amendments are voted on and passed.

The constitution must include the ratification date and have three officer signatures.

UNITED STATES DISTRICT COURT
District of Minnesota

Clear Form

MOTION FOR ADMISSION PRO HAC VICE

Case Number: CV. 03-5618 JMR/FLM Case Title: MCF v. Regents of U. of Minn

Affidavit of Movant

I, Charles R. Shreffler, Jr., an active member in good standing of the bar of the U.S. District Court for the District of Minnesota, request that this Court admit pro hac vice Benjamin W. Bull, an attorney admitted to practice and currently in good standing in the U.S. District Court for the District of Arizona, but not admitted to the bar of this court, who will be counsel for the plaintiff defendant Maranatha Christian Fellowship in the case listed above. I am aware that the local rules of this court require that an active Minnesota resident member in good standing participate in the preparation and presentation of the case listed above, and accept service of all papers served.

Check one of the following:

- 1. I am a resident of the State of Minnesota, and will participate and accept service as required by LR 83.5(d).
2. I am not a resident of the State of Minnesota.
3. I am a resident of the State of Minnesota, but will not participate and accept service as required by LR 83.5(d).

Signature: Charles Shreffler MN Attorney License #: 183295 Date: 10/23/03

Affidavit of Resident Minnesota Bar Member (Must be completed if movant checks box 2 or 3 above.)

I, an active member in good standing of the bar of the U.S. District Court for the District of Minnesota and a resident of the State of Minnesota, agree to participate in the preparation and presentation of the case listed above, and accept service of all papers served as required by LR 83.5(d).

Signature MN Attorney License # Date

Affidavit of Proposed Admittee

I, Benjamin W. Bull, am currently a member in good standing of the U.S. District Court for the District of Arizona, but am not admitted to the bar of this court. I understand that if this Court grants me admission pro hac vice, the resident attorney identified in this motion must participate in the preparation and presentation of the case listed above, and must accept service of all papers served as required by LR 83.5(d).

Type/Print Name: Benjamin W. Bull Signature: [Signature] Date: 10/22/03

Attorney License Number: 009940 issued by the State of AZ (initials)
Law Firm Name: Alliance Defense Fund Main Phone: (480) 444-0020
Law Firm Addr: 15333 N. Pima Rd., Ste. 165 Scottsdale, AZ 85260 Direct Phone: ()

Motion Granted for the Court: Richard D. Sletten, Clerk Date: OCT 24 2003

Note: The original of this form and the Pro Hac Vice admission fee of \$25 shall be filed with the Clerk of Court before you will be included in the roll of admitted attorneys and receive notices generated in the above-entitled action.

FILED OCT 24 2003 RICHARD D. SLETTEN, CLERK JUDGMENT ENTD DEPUTY CLERK

2

CC: ATTY. ABOVE

UNITED STATES DISTRICT COURT
District of Minnesota

Clear Form

MOTION FOR ADMISSION PRO HAC VICE

Case Number: CV. 03-5618 JMR IFLM
Case Title: MCF v. Regents of U. of Minn

Affidavit of Movant

I, Charles R. Shreffler, Jr., an active member in good standing of the bar of the U.S. District Court for the District of Minnesota, request that this Court admit pro hac vice Joshua W. Carden, an attorney admitted to practice and currently in good standing in the U.S. District Court for the District of Arizona, but not admitted to the bar of this court, who will be counsel for the plaintiff defendant Maranatha Christian Fellowship in the case listed above. I am aware that the local rules of this court require that an active Minnesota resident member in good standing participate in the preparation and presentation of the case listed above, and accept service of all papers served.

Check one of the following:

- 1. I am a resident of the State of Minnesota, and will participate and accept service as required by LR 83.5(d).
2. I am not a resident of the State of Minnesota.
3. I am a resident of the State of Minnesota, but will not participate and accept service as required by LR 83.5(d).

Signature: Charles Shreffler
MN Attorney License #: 183295
Date: 10/23/03

Affidavit of Resident Minnesota Bar Member (Must be completed if movant checks box 2 or 3 above.)

I, _____, an active member in good standing of the bar of the U.S. District Court for the District of Minnesota and a resident of the State of Minnesota, agree to participate in the preparation and presentation of the case listed above, and accept service of all papers served as required by LR 83.5(d).

Signature _____ MN Attorney License # _____ Date _____

Affidavit of Proposed Admittee

I, Joshua W. Carden, am currently a member in good standing of the U.S. District Court for the District of Arizona, but am not admitted to the bar of this court. I understand that if this Court grants me admission pro hac vice, the resident attorney identified in this motion must participate in the preparation and presentation of the case listed above, and must accept service of all papers served as required by LR 83.5(d).

Type/Print Name: Joshua W. Carden
Signature: [Signature]
Date: 10/22/03

Attorney License Number: 021698 issued by the State of AZ (initials)
Law Firm Name: Alliance-Defense Fund Main Phone: (480) 444-0020
Law Firm Addr: 15333 N. Pima Rd., Ste. 165 Direct Phone: ()
Scottsdale, AZ 85260

Motion Granted for the Court: [Signature]
Richard D. Sletten, Clerk Date: OCT 24 2003

Note: The original of this form and the Pro Hac Vice admission fee of \$25 shall be filed with the Clerk of Court before you will be included in the roll of admitted attorneys and receive notices generated in the above-entitled action.

OCT 24 2003
FILED
RICHARD D. SLETTEN, CLERK
JUDGMENT ENTERED
DEPUTY CLERK [Signature]

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Maranatha Christian Fellowship

Plaintiff,

v.

Regents of the University of Minnesota,
et al.

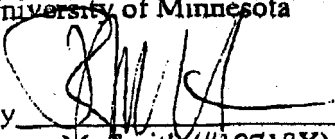
Defendants.

Case Number: 03-5618 JMR/FLN

**STIPULATION AND ORDER
REGARDING ANSWER DEADLINE**

The parties, by their undersigned counsel, hereby stipulate that the Answer to the Complaint in the above-captioned matter shall be due on Friday, December 19, 2003.

MARK B. ROTENBERG
General Counsel
University of Minnesota

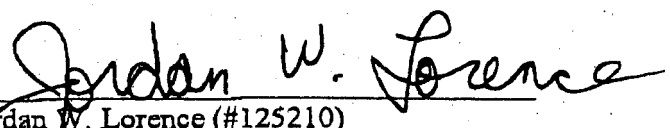
By 
Tracy M. Smith (#19718X)
Associate General Counsel
360 McNamara Alumni Center
200 Oak Street SE
Minneapolis, MN 55455
612-624-4100

Attorneys for Defendant

Dated: 11/17/03

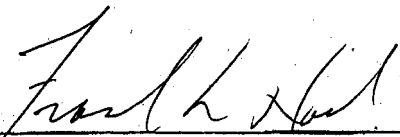
SO ORDERED.

ALLIANCE DEFENSE FUND LAW CENTER

By 
Jordan W. Lorence (#125210)
5333 No. Pima Road
Suite 165
Scottsdale, AZ 85260
480-444-0020

Attorney for Plaintiff

Dated: 11/14/03


Frank H. [unclear]
Judge, United States District Court

4

NOV 19 2003
D. SLETTEN, CLERK
JMR



Jackie_Mehl@mnd.uscourts.gov

11/19/03 01:33 PM

To: Jackie_Mehl@mnd.uscourts.gov,
Mary_Kaye_Conery@mnd.uscourts.gov,
Cyndee_Francis@mnd.uscourts.gov,
Jon_Mayer@mnd.uscourts.gov

cc:

Subject: E-Notes fax send info for 0:03cv5618

Case 0:03cv5618 sent to be faxed 11/19/03 at 13:33:22.12 by Jackie Mehl

Lorence, Jordan	Alliance Defense Fund	15333 N Pima Rd	14804440025
Shreffler, Char	Shreffler Law Office	2116 2nd Ave S	6128749793
Smith, Tracy M	University of Minneso	200 Oak St SE	6126269624
Bull, Benjamin	Alliance Defense Fund	15333 N Pima Rd	E-Mail
Carden, Joshua	Alliance Defense Fund	15333 N Pima Rd	E-Mail

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Marantha Christian Fellowship,

Civil No. 03-5618 JMR/FLN

Plaintiff,

v.

NOTICE OF INITIAL
PRETRIAL CONFERENCE

The Board of Regents of the
University of Minnesota, et al.,

Defendants.

CHARLES R. SHREFFLER, JR., Esq., SCHREFFLER LAW OFFICE; JORDAN W. LORENCE, Esq., BENJAMIN W. BULL, Esq., and JOSHUA W. CARDEN, Esq., ALLIANCE DEFENSE FUND, for plaintiff.

TRACY M. SMITH, Esq., UNIVERSITY OF MINNESOTA; , for defendants.

If any parties or counsel are not listed, counsel for plaintiff(s) shall provide them with a copy of this Notice.

I. DATE, TIME, PLACE AND PARTICIPANTS

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, and Local Rule 16.2 of the Local Rules of Procedure for the District of Minnesota, an initial pretrial conference in the above captioned matter will be held on February 6, 2004, at 9:15 a.m. before Magistrate Judge Franklin L. Noel in chambers at Suite 9W United States Courthouse, 300 South 4th Street, Minneapolis, Minnesota.

II. MEETING AND REPORT REQUIRED BY RULE 26(f)

A. Pursuant to Federal Rule of Civil Procedure 26(f), trial counsel for each party shall meet in person within 10 days of the date of this Notice, or at such later date agreed to by

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RICHARD D. SLETTEN, CLERK
JUDGMENT ENTD.
DEPUTY CLERK JMM

the parties, but in NO event later than 21 days before the scheduled initial pretrial conference. At the meeting, counsel shall discuss the nature and basis of their claims and defenses, and the possibilities for a prompt settlement or resolution of the case.

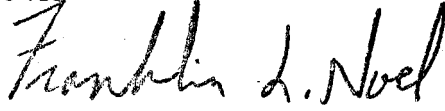
B . If the case does not settle, counsel shall make or arrange for the disclosures required by Fed.R.Civ.P. 26(a)(1), and shall jointly prepare and file with the Clerk of Court a complete written Report of the Rule 26(f) meeting. The Report shall be prepared in accordance with Local Rule 16.2, and in the form prescribed in Form 3 of the Local Rules of this Court. Requests to conduct the pretrial conference with the court by telephone are disfavored but will be considered if substantial travel would otherwise be involved. Such requests should be made in conformity with Local Rule 7.3 and called to the court's attention by calling chambers at least three (3) days before the scheduled conference. Counsel shall also deliver to chambers of this Court, Suite 9W, United States Courthouse, 300 South 4th Street, Minneapolis, Minnesota 55415, a copy of the Report. The Report shall be filed within 14 days after counsel have met pursuant to Rule 26(f).

III. CONSENT TO EXERCISE OF JURISDICTION BY THE MAGISTRATE JUDGE
PURSUANT TO TITLE 28, UNITED STATES CODE, SECTION 636(c)

At least five (5) days before the date of the pretrial conference, counsel shall return the enclosed form to Larry Lewis, Calendar Clerk for Chief Judge Rosenbaum, indicating whether or not they consent to have this matter tried before the Magistrate Judge. This form need not be served on opposing counsel. The form shall be returned to Mr. Lewis whether the party does or does not consent. Send the form to:

Larry Lewis
Calendar Clerk to Chief Judge Rosenbaum
United States Courthouse, Suite 15E

300 South 4th Street
Minneapolis, MN 55415

Handwritten signature of Franklin L. Noel in cursive script.

DATED: December 15, 2003.

FRANKLIN L. NOEL
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Civil

Plaintiff,

v.

CONSENT TO JURISDICTION
BY A UNITED STATES
MAGISTRATE JUDGE

Defendant.

In accordance with the provisions of Title 28, U.S.C. §636(c), the undersigned party or parties to the above-captioned civil matter hereby voluntarily [DOES] [DOES NOT] (cross out which ever does not apply) consent to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment.

DATE: _____

Signature

Counsel for _____

NOTE: Return this form to Larry Lewis in the office of the Clerk of Court whether or not you consent to jurisdiction by a magistrate judge. Do not send a copy of this form to any district judge or magistrate judge.



Jackie_Mehl@mnd.uscourts.gov

12/15/03 02:19 PM

To: Jackie_Mehl@mnd.uscourts.gov,
Mary_Kaye_Conery@mnd.uscourts.gov,
Cyndee_Francis@mnd.uscourts.gov,
Jon_Mayer@mnd.uscourts.gov

cc:

Subject: E-Notes fax send info for 0:03cv5618

Case 0:03cv5618 sent to be faxed 12/15/03 at 14:19:44.65 by Jackie Mehl

Lorence, Jordan	Alliance Defense Fund	15333 N Pima Rd	14804440025
Shreffler, Char	Shreffler Law Office	2116 2nd Ave S	6128749793
Smith, Tracy M	University of Minneso	200 Oak St SE	6126269624
Bull, Benjamin	Alliance Defense Fund	15333 N Pima Rd	E-Mail
Carden, Joshua	Alliance Defense Fund	15333 N Pima Rd	E-Mail

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Maranatha Christian Fellowship,

Plaintiff,

v.

Regents of the University of Minnesota,
et al.

Defendants.

Case Number: 03-5618 JMR/FLN

**JOINT ANSWER OF
DEFENDANTS BOARD OF
REGENTS AND
REGENTS OF UNIVERSITY OF
MINNESOTA**

Defendants, the Board of Regents and the Regents of the University of Minnesota, sued in their official capacity, for their Joint Answer to Plaintiff's complaint, admit, deny, and allege as follows:

1. Admit the allegations in paragraphs 3, 8, 9, 22, 35, 38, 39, 40, 44, 45, 47, and 55 of the complaint.

2. Deny the allegations in paragraphs 4, 5, 6, 7, 37, 46, 49, 51, 57, 59, 60, 64, 65, 66, 69, 70, and 71 of the complaint.

FILED DEC 22 2003
RICHARD D. SLETTEN, CLERK
JUDGMENT ENTERED _____
DEPUTY CLERK'S INITIALS JMR

6

3. State that they are without knowledge or information sufficient to admit or deny the allegations in paragraphs 25, 30, 50, 52, 54, and 68 of the complaint.

4. As to the allegations in paragraph 1 of the complaint, allege that no response is necessary as the paragraph simply characterizes Plaintiff's claims, but to the extent paragraph 1 incorporates substantive allegations, they are denied.

5. As to the allegations in paragraph 2 of the complaint, admit that Plaintiff purports to bring claims under the First and Fourteenth Amendments and under 42 U.S.C. §§ 1983 and 1988.

6. As to the allegations in paragraphs 10-21 of the complaint, state that David Metzen is Chair of the Board of Regents; state that Anthony R. Baraga is Vice-Chair of the Board of Regents; admit that all persons named in those paragraphs are members of the Board of Regents; admit that the duties of the Regents include, among others, the oversight of the University and the adoption and publication of policies that govern the University; and deny the remaining allegations.

7. As to the allegations in paragraph 23 of the complaint, admit that Plaintiff purports to sue the Regents in their official capacities.

8. As to the allegations in paragraph 24 of the complaint, admit that MCF was a registered student organization on the Twin Cities campus of the University of Minnesota at the time it initiated this suit, but deny the remaining allegations.

9. As to the allegations in paragraph 26 of the complaint, admit that MCF characterizes itself as an evangelical Christian organization, and state that they are without knowledge or information sufficient to admit or deny the remaining allegations.

10. As to the allegations in paragraph 27 of the complaint, admit that Plaintiff has a "Statement of Faith," and state that they are without knowledge or information sufficient to admit or deny the remaining allegations.

11. As to the allegations in paragraph 28 of the complaint, admit that Plaintiff has a constitution, and state that they are without knowledge or information sufficient to admit or deny the remaining allegations.

12. As to the allegations in paragraphs 29, 31, and 32 of the complaint, admit that Plaintiff's constitution so provides, and state that they are without knowledge or information sufficient to admit or deny the remaining allegations.

13. As to the allegations in paragraphs 33 and 34 of the complaint, state that the University of Minnesota is an institution of higher learning created by the Territorial laws and perpetuated by the Constitution of Minnesota, with principal administrative offices in the City of Minneapolis and several campuses throughout the state, the largest being the Twin Cities campus, and deny the remaining allegations.

14. As to the allegations in paragraph 36 of the complaint, admit that Ex. C referenced therein is the University's Policy Manual for Registered Student Groups for 2002-2003 and that the definition of "registered student organization" contained in that manual is accurate; and deny the remaining allegations.

15. As to the allegations in paragraph 41-43 of the complaint, admit that those are the requirements laid out in the referenced policy manual.

16. As to the allegations in paragraph 48 of the complaint, state that MCF describes its purposes differently in its constitution, and state that they are without knowledge or information sufficient to admit or deny the remaining allegations.

17. As to the allegations in paragraph 53 of the complaint, admit that Plaintiff makes an objection, but deny the remaining allegations.

18. As to the allegations in paragraph 56 of the complaint, admit that Plaintiff brings this challenge, but deny the remaining allegations.

19. As to the allegations in paragraph 62 of the complaint, state that in some circumstances speech is protected by the First and Fourteenth Amendments, and deny the remaining allegations.

20. As to the allegations in paragraph 63 of the complaint, state that in some circumstances the Constitution and its Amendments protect the right not to speak, and deny the remaining allegations.

21. Except as admitted, denied, or otherwise qualified herein, deny each and every allegation, fact, or thing contained in the complaint.

AFFIRMATIVE DEFENSES

22. Plaintiff's complaint fails to state a claim upon which relief may be granted.

23. Plaintiff's claims are barred, in whole or in part, by the doctrines of qualified, discretionary, Eleventh Amendment, and official immunity, and common law privilege.

24. Plaintiff has failed to mitigate its damages, if any.

WHEREFORE, Defendants request that judgment be entered dismissing Plaintiff's claims with prejudice, awarding the Defendants all costs, disbursements, and attorney's fees associated with this litigation, and granting such other and further relief as the Court deems just and equitable.

Dated: December 19, 2003

MARK B. ROTENBERG
General Counsel
University of Minnesota

By 

Tracy M. Smith (#19718X)
Associate General Counsel
Brian J. Slovut (#236846)
Associate General Counsel
360 McNamara Alumni Center
200 Oak Street S.E.
Minneapolis, MN 55455-2006
612 624-4100

Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Maranatha Christian Fellowship,

Plaintiff,

v.

Regents of the University of Minnesota,
et al.

Defendants.

Case Number: 03-5618 JMR/FLN

RULE 26(f) REPORT OF PARTIES

The counsel identified below participated in the meeting required by Fed. R. Civ. P. 26(f), on January 15, 2004, and prepared the following report.

The pretrial conference in this matter is scheduled for February 6, 2004, at 9:15 a.m. before Magistrate Judge Franklin L. Noel in chambers at Suite 9W United States Courthouse, 300 South 4th Street, Minneapolis, Minnesota. The parties do not request that the pretrial be held by telephone.

(a) Description of Case

(1) Concise Factual Summary of Plaintiff's Claims;

Plaintiff Maranatha Christian Fellowship is an evangelical Christian student organization. The University of Minnesota permits student organizations to register at the University and receive certain benefits as long as the organizations meet certain requirements. Plaintiff contends that the University requires Plaintiff to comply with the University's nondiscrimination policy in order to be registered as a student organization and that compliance with the nondiscrimination policy with respect to certain classes of persons conflicts with Plaintiff's religious beliefs. Plaintiff claims that the University's requirements violate its First Amendment right to freedom of association, freedom of

FILED **FEB - 4 2004**
RICHARD D. SLETTEN, CLERK
JUDGMENT ENTERED _____
DEPUTY CLERK'S INITIALS *JMM*

7

speech, and free exercise of religion. Plaintiff sues the Regents in their official capacity for injunctive relief under 42 U.S.C. § 1983.

(2) Concise Factual Summary of Defendant's Claims/Defenses;

The University contends that its requirements and practices with respect to student organizations, including Plaintiff, do not violate Plaintiff's First Amendment rights, and that Plaintiff is not entitled to injunctive relief.

(3) Statement of Jurisdiction (including statutory citations);

The Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343.

(4) Summary of Factual Stipulations or Agreements;

None

(5) Statement of whether jury trial has been timely demanded by any party;

No

(b) Pleadings

(1) Statement of whether all process has been served, all pleadings filed and any plan for any party to amend pleadings or add additional parties to the action;

All process has been served and all pleadings filed. There are no plans to amend or add parties.

(2) Proposed date by which all hearings on motions to amend and/or add parties to the action shall be heard;

Date: April 30, 2004

(c) Discovery Limitations

(1) The parties agree and recommend that the Court limit the use and numbers of discovery procedures as follows:

(A) 25 interrogatories;

(B) 25 document requests

(C) 5 factual depositions;

(D) 25 requests for admissions;

(E) 0 Rule 35 medical examinations;

(F) 0 other.

(d) Discovery Schedule/Deadlines

(1) The parties recommend that the Court establish the following discovery deadlines;

(A) July 30, 2004 deadline for completion of nonexpert discovery, including service and response to interrogatories, document requests, requests for admission and scheduling of factual depositions;

(B) There will be no Rule 35 medical examinations;

(C) 0 other.

(e) Experts

The parties anticipate that they will require expert witnesses at time of trial.

(1) The plaintiff anticipates calling no experts.

(2) The defendants anticipate calling 2 experts in the field of higher education.

(3) The parties pursuant to Local Rule 26.3(a) recommend the disclosure and discovery of experts as described in paragraph (4) below.

(4) The parties recommend that the Court establish the following deadlines for disclosure of experts and experts' opinions consistent with Rule 26(a)(2) as modified by Local Rule 26.3:

(A) Deadlines for all parties' identification of expert witnesses (initial and rebuttal). (Fed. R. Civ. P. 26(a)(2)(A).)

Plaintiff identifies experts by 6/1/04
Defendants identify experts by 7/1/04

(B) Deadlines for completion of disclosure or discovery of the substance of expert witness opinions.

Plaintiff produces reports by 8/2/04
Defendants produce reports by 9/1/04

(C) Deadlines for completion of expert witness depositions, if any.

11/1/04

(f) Motion Schedule

(1) The parties recommend that motions be filed and served on or before the following date:

(A) November 15, 2004, nondispositive motions

(B) December 15, 2004, dispositive motions

(g) Trial-Ready Date

(1) The parties agree that the case will be ready for trial on or after January 30, 2005.

(h) Insurance Carriers/Indemnitors

List all insurance carriers/indemnitors, including limits of coverage of each defendant or statement that the defendant is self-insured.

The University is self-insured through its captive insurance company, RUMINCO. Coverage is limited to \$1 million each loss.

(i) Settlement

(1) The parties will discuss settlement before February 6, 2004, the date of the initial pretrial conference, by the plaintiff making a written demand for settlement and each defendant making a written response/offer to the plaintiff's demand.

(2) The parties believe that a settlement conference is appropriate and should be scheduled by the Court before May 1, 2004.

(3) The parties have discussed whether alternative dispute resolution (ADR) will be helpful to the resolution of this case and recommend the following to the Court:

If the matter is not resolved by June 1, 2004, the parties will consult with each other to consider ADR.

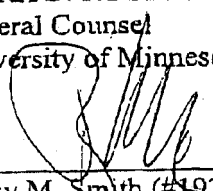
(f) Trial by Magistrate Judge

(1) The parties have not agreed to consent to jurisdiction by the Magistrate Judge pursuant to Title 28, United States Code, Section 636(c).

02/03/04 TUE 14:39 FAX 612 626 96.

U OF M GEN COUNSEL

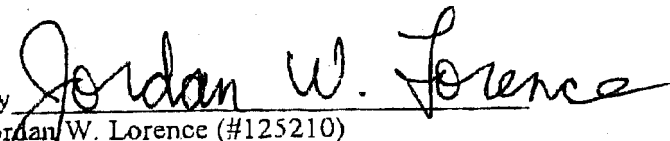
MARK B. ROTENBERG
General Counsel
University of Minnesota

By 
Tracy M. Smith (#19718X)
Associate General Counsel
360 McNamara Alumni Center
200 Oak Street SE
Minneapolis, MN 55455
612-624-4100

Attorneys for Defendants

Dated: 2/3/04

ALLIANCE DEFENSE FUND LAW CENTER

By 
Jordan W. Lorence (#125210)
15333 No. Pima Road
Suite 165
Scottsdale, AZ 85260
480-444-0020

Attorney for Plaintiff

Dated: 2/3/04

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Marantha Christian Fellowship,

Civil No. 03-5618 JMR/FLN

Plaintiff,

v.

NOTICE OF SETTLEMENT
CONFERENCE

Board of Regents of the University
of Minnesota,

Defendants.

CHARLES R. SHREFFLER, JR., Esq., SHREFFLER LAW OFFICE; JORDAN W. LORENCE,
Esq., ALLIANCE DEFENSE FUND, for plaintiff.

TRACY M. SMITH, Esq., UNIVERSITY OF MINNESOTA, for defendants.

The above-referenced case is assigned to Chief Judge Rosenbaum for trial. A settlement conference will be held on April 7, 2004, at 2:00 p.m., before the undersigned in Suite 9W, United States Courthouse, 300 South 4th Street, Minneapolis, Minnesota.

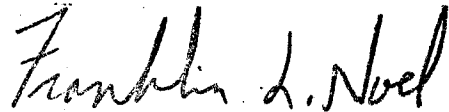
Counsel who will actually try the case and each party, armed with full settlement authority, shall be present. If individuals are parties to this case, they shall be present. If a corporation or other collective entity is a party, a duly authorized officer or managing agent of that party shall be present. This means that each party must attend through a person who has the power to settle the case upon the opposing party's last stated settlement terms. If the party representative has a lesser limit, or "cap" on his or her authority, this requirement is not satisfied. If an insurance company is required to defend or indemnify any party, a representative of the insurer with the power to pay the policy limits must also attend the settlement conference.

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FILED FEB - 9 2004
RICHARD D. SLETTEN, CLERK
JUDGMENT ENTD
DEPUTY CLERK *omm*

In order to encourage the parties to address the issue of settlement on their own, counsel must meet in person with one another at least ten (10) days prior to the date of the settlement conference, to engage in a full and frank discussion of settlement. If the case does not settle, each attorney shall submit, at least one week before the date of the settlement conference, a letter setting forth the parties' respective settlement positions before the meeting, their respective positions following the meeting and a reasoned, itemized analysis justifying their client's last stated settlement position. The letter shall be submitted in camera directly to the magistrate judge and need not be served on adverse parties. The content of the letter is privileged under Fed.R.Evid. 408 and will be used by the magistrate judge only to evaluate the likelihood of settlement and to facilitate the settlement discussion. Failure of any lawyer to submit this letter will result in the settlement conference being rescheduled and the imposition of an appropriate sanction on the attorney whose failure caused the conference to be postponed. Additional sanctions may be imposed for failure to comply with any of the other foregoing instructions.

DATED: February 9, 2004.



FRANKLIN L. NOEL
United States Magistrate Judge



Jackie_Mehl@mnd.uscourts.gov
02/09/04 11:40 AM

To: Jackie_Mehl@mnd.uscourts.gov,
Mary_Kaye_Conery@mnd.uscourts.gov,
Cyndee_Francis@mnd.uscourts.gov,
Jon_Mayer@mnd.uscourts.gov

cc:
Subject: E-Notes fax send info for 0:03cv5618

Case 0:03cv5618 sent to be faxed 02/09/04 at 11:40:13.05 by Jackie Mehl

Lorence, Jordan	Alliance Defense Fund	15333 N Pima Rd	E-Mail
*** jlorencetelladf.org			E-Mail
*** jwladfearthlink.net			E-Mail
Shreffler, Char	Shreffler Law Office	2116 2nd Ave S	E-Mail
Smith, Tracy M	University of Minneso	200 Oak St SE	6126269624
Bull, Benjamin	Alliance Defense Fund	15333 N Pima Rd	E-Mail
Slovut, Brian J	University of Minneso	200 Oak St SE	6126269624
Carden, Joshua	Alliance Defense Fund	15333 N Pima Rd	E-Mail

UNITED STATES DISTRICT COURT, DISTRICT OF MINNESOTA

CIVIL 03-5680 ^{MR} DATE 2-6-04 U. S. MAGISTRATE JUDGE NOEL

Marantha Christian Jordan Lorence
Fellowship
Plaintiff(s)

v.

Reputations of the
U of M
Defendant(s)

TRACY SMITH

v.

Third-Party Defendant(s)

PRETRIAL CONFERENCE

A. DESCRIPTION OF THE CASE

1. Nature of the case: 1st Amendment, § 1983 claim

arising out of U's rules & regulations governing student
organizations

2. Legal and factual issues:

a) Liability: _____

b) Damages: _____

It seeks only declaratory
& injunctive relief.

B. THE PLEADINGS

1. All filed? Yes
- a. Anticipated amendments? No
- b. Additional parties? No
2. Jury demand:
- a. yes no
- b. Any issue with respect to jury demand? _____
3. Amend Pleadings:
- a. Add parties/claims/defenses 5/11/04
- b. Punitive damages motion _____

C. DISCOVERY

1. Limitations on Discovery:
- | | |
|---------------------------|-----------|
| a) Interrogatories | <u>25</u> |
| b) Depositions | <u>5</u> |
| c) Requests for Admission | <u>25</u> |
| d) Document Requests | <u>25</u> |
| e) Rule 35 Medical Exam | _____ |
| f) Other | _____ |
2. Pre-Discovery Disclosures _____
3. Discovery cut-off 8/1/04
4. Other deadlines _____
5. Experts: YES NO
- a. Identity
Plaintiff 6/1/04 Defendant 7/1/04
- b. Substance of Testimony
Plaintiff 8/1/04 Defendant 9/1/04
- c. Depositions; Number 2; Date 11/1/04

D. MOTIONS

1. Non-dispositive 11/1/04

2. Dispositive 1/1/05

E. TRIAL READINESS

a. Estimated Trial Time: 1 day

b. Trial Ready Date: 2/1/05

FN

FRANKLIN L. NOEL
U. S. Magistrate Judge

schedule settlement conference in early April

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Marantha Christian Fellowship,

Civil No. 03-5618 JMR/FLN

Plaintiff,

v.

PRETRIAL SCHEDULE

Regents of the Board of
Regents of the University of
Minnesota System,

Defendant.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy, and inexpensive determination of this action, the following schedule shall govern this proceeding. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

1. Discovery/Non-Dispositive Motions:

- a. All motions which seek to amend the pleadings or add parties must be served by May 1, 2004.
- b. All discovery shall be commenced in time to be completed by August 1, 2004.
- c. No more than 25 interrogatories, including all discrete subparts, shall be served by any party.
- d. No more than 25 Requests for Admission shall be served by any party.
- e. No more than 25 Document Requests shall be served by any party.

- f. No more than 5 depositions shall be taken by any party.
- g. All nondispositive motions and supporting documents, including those which relate to discovery, shall be served by November 1, 2004. Nondispositive motions may be scheduled for hearing by calling Cathy Orlando, Calendar Clerk to Magistrate Judge Franklin L. Noel, 612-664-5110. All nondispositive motions shall be scheduled, filed and served in compliance with Local Rules 7.1, 37.1 and 37.2.

2. Expert Disclosure and Discovery:

- a. Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) shall be made as follows:
 - 1) By Plaintiff(s) on or before June 1, 2004.
 - 2) By Defendant(s) on or before July 1, 2004.
- b. Full disclosure of the substance of the testimony to be offered by each expert witness shall be made as follows:
 - 1) By plaintiff(s) on or before August 1, 2004.
 - 2) By defendant(s) on or before September 1, 2004.
- c. Each party may depose no more than 2 expert witnesses on or before November 1, 2004.
- d. Any expert testimony which has not been fully disclosed in accordance with this schedule shall be excluded from evidence at trial.

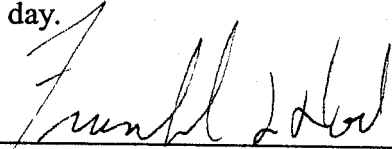
3. Dispositive Motions:

- a. All dispositive motions shall be filed and scheduled for hearing prior to January 1, 2005.
- b. Counsel are reminded that they must anticipate the time required for scheduling this hearing by calling Calendar Clerk Larry Lewis at 612-664-5053.
- c. All dispositive motions shall be scheduled, filed and served in compliance with Local Rule 7.1.

4. Trial

- a. This case shall be ready for trial on and after February 1, 2005, at which time it will be placed on the court's non-jury trial calendar.
- b. Trial is estimated to last one trial day.

DATED: 2/10, 2004



FRANKLIN L. NOEL
United States Magistrate Judge



Heather_Labat@mnd.uscourts.gov

02/10/2004 04:22 PM

To: Heather_Labat@mnd.uscourts.gov,
Mary_Kaye_Conery@mnd.uscourts.gov,
Cyndee_Francis@mnd.uscourts.gov, Jon_Mayer@mnd.uscourts.gov

cc:

Subject: E-Notes fax send info for 0:03cv5618

Case 0:03cv5618 sent to be faxed 02/10/04 at 16:21:58.63 by Heather Labat

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Smith, Tracy M	University of Minneso	200 Oak St SE	6126269624
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Slovut, Brian J	University of Minneso	200 Oak St SE	6126269624
Carden, Joshua	Alliance Defense Fund	15333 N Pima Rd	E-Mail