

DEFENDING THE

Fraternity and Sorority Experience



Fraternities and sororities offer a transformative experience for their more than 800,000 undergraduate members.

These values-based organizations are more relevant today than they have been in their over 200-year history because of the distinct opportunities they provide for skill-building, support, mentorship, leadership cultivation, and hands-on community service.

In a world that needs leaders with strong character, fraternities and sororities have nurtured generations of civic, business, military, education and political trailblazers. Membership in fraternities and sororities is near an all-time high; students find extraordinary value in the benefits that cannot be found in other campus clubs and experiences.

Unfortunately, today's reality is also one where students' freedom of association rights are under assault on many campuses, and unlawful university restrictions threaten fraternities and sororities.

Students and organizations need critical resources to promote, advocate for, and defend the fraternity and sorority experience.

Since its founding in 2015, donations to the Fraternity and Sorority Action Fund (FSAF) have helped pave the way for historic wins for the fraternities, sororities and their members.

From meaningful legal victories to preserve the single-sex experience at Harvard and Yale to advocating state legislatures to adopt stronger anti-hazing laws, the FSAF funds have had a direct and immediate impact on Greek life.

WHY THE FRATERNITY AND SORORITY EXPERIENCE MATTERS TO COLLEGE STUDENTS

- Fraternities and sororities give students an anchor in their community, a place to belong, and a network of peers invested in each other's personal success. As many college students experience stress, loneliness and depression, fraternities and sororities offer connection, a sense of community and a support system.¹
- Membership in a fraternity or sorority improves the learning gains students make in the classroom, and our members are more academically engaged than their peers.²
- Fraternity and sorority members are more involved in campus activities than other students, and our organizations promote both personal development and the satisfaction they have in their college experience.²
- As our organizations seek to enhance inclusivity, our members actually report higher levels—than non-affiliated students—of interaction with people different from themselves.²
- And, these benefits are even greater for first-year students, as they join our organizations and find community and belonging. This leads to stronger retention and higher graduation rates among Greek students than their peers.²
- As college graduates, fraternity and sorority members are more likely than other students to find fulfillment and thrive in their daily work. Research shows they have strong relationships and access to the resources people need to feel financially secure, to be physically healthy, and to take part in a true community.³

1. Ev A. Lynn, Practicing Until Perfect University, University of Nebraska-Lincoln, College of Arts and Science, Department of Psychology (2010). Greek Affiliation and Success in College.

2. Gary R. Pike, Professor, Higher Education & Student Affairs, IU School of Education (March 2020). The Greek Experience Revisited: The Relationships between Fraternity/Sorority Membership and Student Engagement, Learning Outcomes, Grades, and Satisfaction with College. Research report prepared for the North American Interfraternity Conference.

3. Gallup (May 2014). Fraternities and Sororities: Understanding Life Outcomes.

5 PRIORITIES TO DEFEND THE FRATERNITY & SORORITY EXPERIENCE

Across the country, there are a growing number of threats to restrict the freedom of association rights for students in fraternities and sororities. The FSAF provides resources to help students reinforce the value of fraternities and sororities, fight these threats, and maximize their experience in single-sex organizations.

1 THREATS TO FREEDOM OF ASSOCIATION

Protecting the Single-Sex Experience

In the last two years alone, fraternities and sororities have beaten back attempts at Harvard and Yale to eliminate the single-sex experience.

Standing Up To Harvard, Securing a Future at Yale

In 2016, Harvard University announced sanctions that punished students who belonged to single-sex social organizations. This unilateral decision blacklisted 1 in 4 Harvard students based on their membership in single-sex organizations—opportunities protected by Title IX and the First Amendment—and forced almost all of the once-vibrant women's organizations to close.

With the full weight of the FSAF behind them, a coalition of fraternities, sororities and students filed lawsuits in federal and state court challenging Harvard and its discriminatory sanctions policy. The FSAF was the catalyst for this cohesive effort and provided the resources to ensure fraternities and sororities could fight the most resourced university in the world.

As the suits went to court, discovery revealed a far-reaching attempt by the university to destroy every student's freedom of association rights. And at every stage of the case, fraternities, sororities and students won—ultimately forcing Harvard to rescind its sanctions policy in June 2020 and acknowledge the freedom of association rights of their students.



Further, at Yale, the FSAF helped fund litigation to defend fraternities and sororities from an attack on the single-sex experience. A group of women attempted to access fraternity houses for recruitment, knowing

they would be denied membership. The students sued individual chapters, their housing corporations, national organizations and Yale University, alleging that fraternity houses were places of public accommodation and therefore, the groups had to be coeducational. Through national press coverage and litigation, the women sought to create a blueprint to threaten fraternities and sororities at other campuses, but a federal judge dismissed the case, reinforcing organizational protections under Title IX.

By investing in the defense of fraternities and sororities at Yale, FSAF helped prevent a misguided legal theory from becoming a nationwide threat to single-sex organizations.

Advancing Student Rights through the College Freedom of Association Act

Harvard and Yale were the tip of the spear—part of a growing trend and an existential threat to single-sex organizations that have been a vital aspect of the collegiate experience for millions of men and women.

In 2019, the FSAF helped fund grassroots public relations efforts to engage thousands of fraternity and sorority members in contacting their legislators in Congress about adding protections for single-sex organizations through the College Freedom of Association Act. The bipartisan bill was introduced in the House and sought to:

- Assure a student's right to join an organization of his/her choice, including single-sex organizations.
- Protect students in single-sex organizations from adverse actions based solely on the organization's single-sex status.
- Ensure that students in single-sex organizations are treated equitably in comparison to other students.
- Prevent the imposition of recruitment restrictions on single-sex organizations that are not imposed on other student organizations.
- Uphold the ability of a student organization to set its own membership criteria.

The FSAF will continue to fund advocacy to mount support for a law to reinforce every student's freedom of association rights.

COVID-19

Friendship and connection have never been more important than in this unprecedented time of social distancing. Thousands of chapters—working closely with their national organizations, house corporations and alumni—are navigating the pandemic with enhanced safety measures to keep members safe and healthy. Fraternities and sororities are the reason many students are returning to school instead of transferring or taking a year off of college. These organizations are delivering continuing personal development experiences and a strong sense of connection in a campus experience that otherwise feels far from normal.

Nevertheless, many campuses are placing restrictions on Greek organizations that no other student groups are expected to follow. For example, Indiana State University halted all activities for fraternities and sororities for months, including virtual activities and recruitment, yet no other student groups were suspended. Rensselaer Polytechnic Institute closed all fraternity and sorority housing despite organizations having thoughtful COVID-19 mitigation plans, displacing hundreds of students and forcing dozens of organizations to incur significant debt with no rent income. Many other campuses have restricted event attendance for fraternities and sororities, allowing only a handful of students to gather—or none at all—while allowing over 100 football players to huddle on the field on Saturdays with thousands of unmasked fans watching from the stands.

Universities are discriminating against fraternity and sorority members, and using COVID-19 to shift the rules on the experience.



Students need resources to:

- Pursue immediate legal action when schools single out fraternities and sororities for COVID-19 restrictions that are not imposed on other student organizations.
- Implement public relations and grassroots campaigns to educate others regarding the need to protect the single-sex experience.

Reversing Recruitment Restrictions

We know that students who join fraternities and sororities in their first semester show greater gains in growth, learning and development, and that the stress freshmen commonly feel can be combatted through the connection and support found in single-sex organizations. Yet, some campuses continue to place onerous restrictions on when students can join single-sex organization, often prohibiting first-semester or first-year students to join.

The University of Southern California, University of Michigan, and Duke University are the most recent examples of this growing trend, with administrators violating the freedom of association of their students. When a campus makes a unilateral decision to defer recruitment, placing unnecessary restrictions on a student's choice to join an organization when they need, administrators harm first-year students seeking a special community to make a large campus feel like home.

The reality is that delaying recruitment for single-sex organizations does nothing to improve academic performance, enhance campus safety or provide any other real benefit. Students should be able to join single-sex organizations on campus at the same time they are eligible to join any other student group or varsity athletic team.

Students need resources to:

- Pursue immediate legal action when schools unilaterally restrict the time, place and manner of eligibility to join single-sex organizations.
- Implement public relations and grassroots campaigns to educate others regarding the need to protect the single-sex experience.

2 FIGHTING CALLS TO “ABOLISH GREEK LIFE”

While fraternities, sororities and their members have always evolved with current events, a new movement has emerged on several campuses calling for the “abolishment” of Greek organizations, attempting to leave students no room for evolution.

At these universities, former members are seeking to tear down the organizations as they disaffiliate, rather than lead positive change in their own chapters. On their way out, they are turning anonymous social media accounts into a high-tech lynch mobs, levying often unprovable accusations of racism and sexism, demanding single-sex

organizations be shuttered. The concerns these accounts raise are societal in scope, systemic to the campus as a whole, and often are already a focus on organizational prevention and leadership programs and opportunities.

While students and organizations address this movement at the campus level, the FSAF will play a key role in educating parents, potential members and administrators, proactively reinforcing the benefits of fraternities and sororities and the positive impact they have on campus communities.

3 STRENGTHENING STATE ANTI-HAZING LAWS

The Anti-Hazing Coalition, a group of fraternities, sororities and parents who have lost their children in hazing tragedies, are advocating Congress and individual state lawmakers to strengthen anti-hazing laws. From the halls of Congress to state legislatures in New Jersey, Ohio and other states, this group is working to:



- Increase the criminal penalties for hazing, making hazing that results in bodily injury a felony.
- Introduce Good Samaritan protections for good faith intervenors.
- Enhance transparency in university hazing reporting from institutions.
- Call for anti-hazing education in schools.

Students need resources to:

- Pursue legislative solutions in individual state capitals that will punish those who harm other students.
- Implement public relations to educate others on how to root out hazing in all campus organizations in college and high school.
- Initiate grassroots public relations efforts to engage thousands of fraternity and sorority members in reaching out to their legislators to support anti-hazing bills state-by-state.

4 ZONING RESTRICTIONS

In many communities, the existence of fraternity and sorority housing is tied to zoning variances from local city councils. Often, those variances require the student organizations be recognized by the local institution of higher education.

Some municipalities (often in coordination with campuses) are instituting new zoning laws—or rolling back long-standing laws, no longer allowing for fraternities and sororities to occupy large, multi-resident homes in the community. Yet, these facilities provide living-learning space and are often more affordable for student residents than university residence halls or local apartments.

Under these restrictive zoning laws, to fully exercise their freedom of association rights on some campuses, single-sex organizations may need to stop seeking recognition from the university to operate their housing. This would result in the organizations having less support and resources from campus partnership.

For example, in Bloomington, Indiana, the city has unlawfully—as determined by a state trial court and the Indiana Court of Appeals—delegated zoning to Indiana University, tying the definition of zoning to whether or not a fraternity or sorority is recognized as a student organization. This case is now being reviewed by the state supreme court.

Fraternities and sororities are engaged in local debates over zoning regulations in campus communities across the country, including near the University of Illinois, Purdue University, Florida State University, Iowa State University, and the University of Michigan, as well as many others.

Students and alumni need resources to:

- Access legal counsel immediately if zoning regulations are being discussed by the city.
- Initiate in a public relations campaign to engage local members as potential voters or to call their local council people to help refute the regulations.

5 DUE PROCESS VIOLATIONS

In 2014, the University of Virginia suspended the activities of several thousand students in single-sex organizations in response to a *Rolling Stone* article alleging members of one fraternity committed a gang rape. Even after the story was proven a hoax, the university continued its suspension of activities for these single-sex groups and, as a condition prior to reinstatement, coerced the groups into making material concessions to their collective rights to operate on campus.

Across the country today, mass suspension of single-sex organizations on campus has spread like an epidemic, becoming a common penalty any time student misconduct occurs. For example, in the spring of 2018, Cal Poly suspended activities for more than 35 fraternities and sororities and several thousand students because members of two fraternities were accused of insensitive acts. In that same academic year, one campus administrator at Ohio State made the unilateral decision to suspend all 37 campus fraternities based on allegations of a few

groups despite some organizations having no allegations of wrongdoing in their history at the campus.

Too often, thousands of students who have nothing to do with the alleged offense are suspended for weeks or months, simply because their organization has Greek letters in its name. In no other quarter of society do we allow this sort of mass punishment without due process.

Students need resources to:

- Access a legal defense fund immediately upon a mass suspension to seek injunctive relief from schools violating their rights.
- Engage in a public relations campaign to educate alumni and interested parties of the discriminatory lack of due process they face on campus when operating in a single-sex organization.

WE MUST ACT NOW

Through the generosity of donors, the FSAF has been able to defend the fraternity and sorority experience, most notably winning the fight against Harvard and forcing the most well-resourced university in the world to rescind its draconian policies that infringed on students' rights to join single-sex organizations.

As continued threats press on and new ones emerge, we must implement a multi-dimensional, integrated, strategic plan to address the existential threat to single-sex organizations. Today, our plan includes:



- **PUSHING** Congress to preserve a student's right to join a single-sex organization without penalty, by adding language to the pending higher education reauthorization or other major legislation.
- **SEEKING** corrective action at the Department of Education's Office of Civil Rights that may include filing individual and/or group Title IX complaints against schools that infringe upon students' rights.
- **PREPARING** public comments with suggested changes to the regulatory framework for Title IX.
- **PURSUING** immediate legal action at schools violating a student's due process and freedom of association rights.
- **PUBLIC** opinion polling on policy issues of interest to the Greek world.
- **RESEARCH** that reinforces the long-term benefits of joining single-sex organizations while in college.
- **IMPLEMENTING** public relations and grassroots engagement campaigns designed to push back on threats and raise awareness about the benefits of the fraternity and sorority experience.
- **SOLICITING** individuals and single-sex organizations for the resources to sustain the elements of this plan. Contributions for this campaign can go to the:
 - **GENERAL FUND**, which is used to handle all issues above.
 - **LEGAL DEFENSE FUND**, which is used to fund reserves that can be tapped when students or organizations have an immediate need to go to court to protect their freedom of association rights.

***The challenge is real. The time is now.
Your opportunity to make a difference is immediate.***

A contribution to the FSAF will provide the resources we need today to fight back against those who seek to eradicate single-sex organizations, a student's right to freedom of association, and due process rights for student organizations.

Contribute to the Fraternity and Sorority Action Fund and you will help to preserve the fraternity and sorority experience for generations to come.

*Gifts to the Fraternity and Sorority Action Fund are not tax deductible for federal income tax purposes.
Please make your check payable to: Fraternity and Sorority Action Fund. Paid for by Fraternity & Sorority Action Fund.*

For questions contact Kevin O'Neil at (757) 207-6002 or Kevin.O'Neill@arnoldporter.com.