

DEFENDING THE FRATERNITY AND SORORITY EXPERIENCE

American higher education has a 200-year tradition of close student associations in values-based, single-sex organizations like fraternities, sororities, and private clubs. These student-driven groups have nurtured generations of outstanding civic, business, military, and political leaders. Today, membership in collegiate single-sex organizations is near all-time highs because students find extraordinary value with a range of benefits that cannot be found in other campus clubs and experiences.

Unfortunately, today's reality is also one where a student's freedom of association rights are under assault on many campuses. Students, and the single-sex organizations they belong to, all too often lack the resources to stand and publicly defend their freedom of association and due process rights.

The Fraternity and Sorority Action Fund (FSAF) was formed in 2015 as a 501(c)(4) organization to support and defend the rights of students and alumni of single-sex organizations. The FSAF can accept unlimited personal and corporate funds and can provide select donors' anonymity in their contributions if they so desire.

WHY THE SINGLE-SEX EXPERIENCE MATTERS TO COLLEGE STUDENTS



Supportive environments to build relationships that last a lifetime. The single-sex community gives students an anchor in their community, a place to belong, and a network of peers invested in each other's personal success.



A record of accomplishment of high academic performance. Single-sex organizations often have collective GPAs that exceed the academic performance of their peers, as well as higher retention and graduation rates.



A commitment to service as the nation's largest network of college volunteers. These organizations provide more than 6 million hours of community service and raise tens of millions each year for philanthropic causes in the United States and around the world.



Ideal conditions for cultivating leadership skills. Students run organizations ranging from 25 to nearly 500 members, which provides them with opportunities to manage facilities and annual operating budgets that exceed \$1 million. Students plan and execute an extensive schedule of external and internal events that provide skills related to community service, academic growth, leadership development, financial management, conflict resolution, public relations, and goal setting.



The building blocks for personal fulfillment in life. Members of single-sex organizations are more likely than other students to find fulfillment in daily work and interactions, to have strong social relationships and access to the resources people need, to feel financially secure, to be physically healthy, and to take part in a true community.¹



¹ <https://news.gallup.com/opinion/gallup/173630/fraternity-sorority-membership-linked-higher-college-grads.aspx>

THREATS TO FREEDOM OF ASSOCIATION

Across the country, there are a growing number of threats to restrict the freedom of association rights for students in single-sex organizations. Without an organized ability to help students push back, these orchestrated campaigns are an existential threat to all single-sex organizations.

Blacklisting Students in Single-Sex Organizations

Harvard is the most visible example of institutions infringing upon a student's freedom of association rights. Harvard is now imposing restrictions on single-sex organizations that are not imposed on other student organizations. Without justification, Harvard has arbitrarily imposed a blacklisting policy punishing students who join any single-sex organizations, denying these students the opportunity to serve as leaders in other campus groups, serve as sports captains, or be recommended for prestigious scholarships. Since December of 2017, all four of the sororities at Harvard have been forced to disassociate with their national organizations and go coed against their will.

At Harvard and elsewhere, students need help to mount a multi-pronged approach to protect every student's freedom of association. Students need resources to:

- Take legal action against Harvard to rescind the blacklisting policy.
- File individual and organizational Title IX complaints with the Office of Civil Rights at the Department of Education, a place where Harvard is already under investigation for discrimination against specific classes of students.
- Lobby Congress to pass a law to reinforce every student's freedom of association rights.
- Engage in a public relations effort that educates others on the fight to preserve freedom of association rights for students in single-sex organizations.



At Yale, a multi-year campaign is underway to use state public accommodation laws to destroy the single-sex status of fraternities and sororities. Harvard and Yale are 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. It is therefore necessary to have a coordinated campaign to defend the merits of single-sex organizations.

Due Process Violations Against Students in Single-Sex Organizations

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. Too often, thousands of students who have nothing to do with the alleged offense are then suspended for weeks or months, simply because the group they belong to wears Greek letters like the group in trouble. In no other quarter of society do we allow this sort of mass punishment without due process to occur. 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.



Recruitment Restrictions

The University of Southern California is the latest example of another growing trend on campus, one where administrators violate freedom of association rights by placing onerous restrictions on when students can join single-sex organizations, or even defining who is eligible to join.

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.

Zoning Restrictions

In many communities, the existence of fraternity and sorority housing is tied to zoning variance from local city councils. Often, those variances require the student organizations be recognized by the local institution of higher education. In order to fully exercise their freedom of association rights on some campuses, single-sex organizations may need to stop seeking recognition from the university, and thus will have to amend local zoning laws to allow their student housing to continue operating. We are currently seeing this issue play out at the University of Michigan right now.



FSAF

FRATERNITY & SORORITY

**ACTION
FUND**

WE MUST ACT NOW



In June 2018, the Fraternity and Sorority Action Fund (FSAF) approved a plan to raise \$4 million in a capital campaign to support multiple initiatives with one goal: **preserve the freedom of association rights for all college students.**

Early in 2018, the nation's fraternities and sororities banded together with many of the private clubs in Cambridge (MA) to develop and implement a multi-dimensional, integrated, strategic plan to address the existential threat to single-sex organizations. Today, our plan has many interdependent elements:

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 Harvard and other schools.

PREPARING public comments with suggested changes to the regulatory framework for Title IX, as the Department of Education is expected to have a rulemaking on Title IX issues that will take place over the next 12-18 months.

FILING federal and state legal claims aimed at forcing Harvard to drop its sanctions policy.

PURSUING immediate legal action at schools violating a student's due process and freedom of association rights.

IMPLEMENTING public relations and grassroots engagement campaigns designed to raise awareness of Harvard's student blacklisting, and to drive down public approval of the school's actions.

SOLICITING individuals and single-sex organizations for the resources to sustain the elements of this plan. Contributions for this campaign can go to:

■ **GENERAL FUND** - Used to handle all issues above.

■ **LEGAL DEFENSE FUND** - 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. This includes potential legal action at Harvard.

■ **CAMBRIDGE FUND** - Used to fund any element of the Harvard-specific campaign.

**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 people 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.

*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.*