



POSITION STATEMENT

Right to Exist

[The North-American Interfraternity Conference (NIC), through its President & CEO, takes a position on each of the critical issues within the fraternity industry.]

The NIC recognizes and supports the constitutional rights of students to associate with others in the pursuit of social, educational and cultural ends. The founding and current underpinnings of the member organizations of the North-American Interfraternity Conference are premised on the pursuit of social, educational and cultural ends.

In *Roberts v. United States Jaycees*, 468 U.S. 609 (1984), the U.S. Supreme Court stated:

Consequently, we have long understood as implicit in the right to engage in activities protected by the First Amendment a corresponding right to association with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends. ...

Government actions that may unconstitutionally infringe upon this freedom can take a number of forms. Among other things, government may seek to impose penalties or withhold benefits from individuals because of their membership in a disfavored group. ... [A]nd it may try to interfere with the internal organization or affairs of the group. ...

[I]nfringements on that right may be justified [only] by regulations adopted to serve compelling state interests, unrelated to the suppression of ideas, that cannot be achieved through means significantly less restrictive of associational freedoms.

Id. at 622-23.

Fraternity chapters should be self-governing organizations of students that practice the founding ideals of their inter/national organization, and which are in harmony with and an asset to their host academic institution.

The North-American Interfraternity Conference recognizes that an institution's fraternity and sorority system can include chapters that practice and chapters that do not practice the founding ideals of their inter/national organization.

In addressing chapters that do not practice the founding ideals of their inter/national organization, any policy which addresses those which do not but is so broadly drafted as to also apply to those that do practice the founding ideals of their inter/national organization is unconstitutional as more restrictive than necessary to address the underlying reasons for the policy.