



# POSITION STATEMENT

# Single Sex Organizations

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

Fraternal organizations have never been more relevant to a generation of student leaders than they are today. This is due to the values they espouse, the life skills they teach, and the lifelong friendships and support networks they create. When fraternity is done right, it provides the premiere leadership experience on college campuses. Fraternity has the ability to change the lives of individuals, reshape communities, and impact the greater good of all humanity. It is because of this great potential for positive impact that the NIC advocates the needs of its member organizations through enrichment of the fraternity experience; advancement and growth of the fraternity community; and enhancement of the educational mission of the host institutions.

Academic institutions of higher learning admirably seek the personal advancement of their students through education and learning experiences.

The NIC believes that when an institution of higher learning enacts policies which provide that a student may only join student organizations of a type sanctioned by this institution of higher learning, such as, for example, only student organizations that are not single sex organizations, the institution is inhibiting fundamental principles of freedom of expression and freedom of association upon which our Country is premised and upon which it functions.

The NIC believes that a policy of telling students what they cannot join is the antithesis of these fundamental principles.

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.

It is the position of NIC that this rule of law is also applicable to private institutions of higher learning. *Alpha Tau Omega v. Univ. of Pa.*, 10 Phila. 149, 150 n.1 (Common Pleas Ct. 1983) ("it is a matter of national policy that higher education is a public function"); *Ryan v. Hofstra Univ.*, 67 Misc. 2d 651, 663-69, 324 N.Y.S.2d 964, 977-83 (Sup. Ct. 1971), *supplementary judgment*, 68 Misc. 2d 890, 328 N.Y.S.2d 339 (Sup. Ct. 1972) (private universities perform a "governmental function").



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Additionally, the membership practices of social fraternities whose active membership consists primarily of students in attendance at an institution of higher education are exempted from the provisions of Title IX of the Educational Amendments of 1972.

For these reasons NIC stands firmly opposed to any policy that would not permit students the personal choice of whether they want to be members of single sex fraternity organizations.