Memorandum

To: Barb Snyder, Vice President for Student Affairs
From: Lori McDonald, Associate Dean of Students
Re: Proposed Revision 3 of Policy: 6-402 Fraternal Social Organizations
Date: November 1, 2011

Policy 6-402: Fraternal Social Organizations establishes the standards expected of fraternities and sororities at the University of Utah in order for them to gain and maintain recognition to operate. The Dean of Students Office recommends the following additions to the current policy to assist with enforcement of these standards.

Summary of Revisions:

1. Addition of the requirements of the City Zoning Ordinance into the stated standards of the University under III.C., a new section to the existing policy.

Salt Lake City Zoning Ordinance 21A.36.150: FRATERNITIES AND SORORITIES regulates the establishment and operation of fraternities and sororities in residential areas of the City and requires that the University certify to the City on an annual basis that we have promulgated, adopted and are monitoring compliance with the rules set forth in the ordinance. Although the University has consistently required its fraternities and sororities to abide by the rules set forth in the city ordinance, those rules have not been formally promulgated and adopted as part of University policy. In an effort to more fully comply with the applicable city ordinance, it is recommended that the specific rules of the ordinance be added to University Policy.

2. Specifically clarify that membership in University of Utah fraternal organizations is exclusively for University of Utah students.

Although the requirement of potential members for fraternities and sororities to be currently matriculated students of the University of Utah has been an understood practice for decades and
is stated in the rules of the Interfraternity Council and the Panhellenic Council recruitment procedures, it needs to be explicitly stated in the recognition standards of University Policy to be more directly enforced. Despite the growing interest in fraternities by students of Salt Lake Community College and Westminster College where they do not exist, it is in the best interest of the University from a liability standpoint to only allow our students, whose relationship with the University subjects them to requirements of the Student Code of Rights of Responsibilities (“Student Code”), to participate in these groups.

3. Addition of the expectation for fraternities and sororities to not discriminate on the basis of “gender identity/expression” to be in keeping with the University’s revisions to non-discrimination policies that were approved in 2009.

This addition would not change the fact that Title IX, Education Amendments of 1972, section 1681 (6) permits social fraternities and sororities that are exempt from taxation under section 501(a) of Title 26 to select members based in part on their gender.

4. Clarification of the ability of the President to suspend or terminate a chapter’s recognition after being found responsible for egregious violation of policy and standards.

As the policy is written now, it appears that suspension or termination of recognition may only be implemented if the terms of a probationary period are violated. This is inconsistent with the Student Code of Conduct and hampers the ability of the University to take immediate and appropriate action in the case of an egregious violation of policy such as putting an individual or group in imminent danger.

5. Addition of the ability for the Vice President of Student Affairs to immediately suspend a chapter to protect the University population (III.B.5.e.ii.).

This provision is similar to the provision in the Student Code (Policy 6-400) for an administrative suspension and is meant to be used in emergency situations when the safety or well-being of individuals is of immediate concern. The administrative suspension may be implemented immediately but is for a temporary period of time until an appropriate opportunity for a hearing can be coordinated to make the final determination of the matter.

6. Removal of the “Committee on Student Affairs” from the policy as this body is under significant review for its current purpose and function. The removal of this committee does not alter the intent of this policy as it is listed as one of a number of bodies that has the authority to place a fraternal group on probation and is one of many entities that makes a recommendation to the vice president for student affairs on the proposal of a new fraternal group to be recognized.

None of the suggested modifications will impact the current operations of fraternities and sororities or their members. They are regularly made aware of the rules in the City Zoning Ordinance, the expectation of recruiting only U of U students is already established in their governing council documents and is communicated regularly by the Assistant Dean of Students for Fraternity and Sorority Life, and most international organizations have adopted non-discrimination statements based on gender expression.
In addition, this proposal includes a small number of minor clarifications and general updating of the Policy, including changing the internal structure and numbering to conform with the new standard formatting of University policies.

In preparing this proposal we have consulted with the Greek Council, the Office of General Counsel, and the Institutional Policy Committee.

If you approve of these proposed changes, please forward the proposal to Vice President Pershing and Interim President Betz for their approvals, and if they approve, the proposal should be forwarded to the Academic Senate and Board of Trustees for their approvals.