



EXTRA EDITION

(Corrected and Updated March 31, 2015)

Religious Freedom or Religious Discrimination

The adoption of the Religious Freedom Restoration Act by the State Legislature of Indiana and its signing by Governor Mike Pence has generated substantial controversy among the higher education community and the fraternity world.

The March 31, 2015 online issue of *The Chronicle of Higher Education* summed it up this way:

“The ramifications of the law are unclear. Advocates say it’s meant to protect religious liberty, but many others have expressed concern that the law will become a tool of discrimination – a way to allow business to turn away lesbian, gay, bi-sexual and transgender customers.”

Alpha Epsilon Pi, which prides itself on being the world’s leading Jewish social fraternity, condemned the law and “has called on other Indiana-based fraternal organizations to do the same.”

“As the world’s leading Jewish fraternity, our members continue to experience discrimination and hatred every day on college campuses around the world. We strongly oppose this law and any attempt to legislate hate and allow discrimination,” said Andrew Borans, AEPi’s Executive Director. “We strongly condemn this law as being completely in discord with our fraternity values.”

AEPi has sent a letter to the North American Interfraternity Conference (NIC), the Association of

Fraternity Advisors (AFA) and the Fraternity Executives Association (FEA) urging them to join in the condemnation.

AFA has responded to that challenge and has announced that is reviewing its plans for two major conferences to be held in Indiana, including the Title IX Fraternal and Student Conduct Institute, scheduled to take place in Indiana this July.

In part, the AFA statement said:

“AFA is strongly committed to inclusion and does not condone discrimination on the basis of race, national origin, gender, sexual orientation, religion, age or ability. In accordance with our core values, we will work actively to eliminate discriminatory practices when encountered. Any sort of discrimination is in direct conflict with that mission. As an organization, we are extremely concerned about SB101 [the Religious Freedom Restoration Act (RFRA)] and the potential impact it could have on the LGBT community.”

At least half a dozen presidents of Indiana Universities have spoken out. Butler University’s President, James N. Danko, stated:

“While I have read a variety of opinions and rationale for RFRA, it strikes me as ill-conceived legislation at best and I fear that some of those who advanced it have allowed their personal or political agendas to supersede the best interests of the State of Indiana and its people. No matter your opinion of the law, it is hard to argue with the fact

that it has done significant damage to our state.”

Michael A. McRobbie, President of Indiana University, issued a similar statement, saying in part:

“While Indiana University hopes that the controversy of the past few days will move the state government to reconsider this unnecessary legislation, the damage already done to Indiana’s reputation is such that all public officials and public institutions in our state need to reaffirm our absolute commitment to the Hoosier values of fair treatment and non-discrimination ... to that end, Indiana University will recruit, hire, promote, educate and provide services to persons without regard to their age, race, disability, ethnicity, gender, gender identity, marital status, national origin, religion, sexual orientation or veteran status. Equally important, we will not tolerate discrimination on the basis of any of these factors.”

President Brian W. Casey of DePauw University joined in the chorus:

“Legislation that has the effect of either encouraging or condoning discrimination ... must be addressed. I join with other Indiana corporations, leaders in industry and institutions of higher education and urge the Governor and the legislature to take all steps necessary to address the harm this legislation has caused. We must affirm that the State of Indiana is a place that welcomes and respects all citizens and visitors regardless of their race, religion or sexual orientation.”

Even Sue DeWine, the President of Hanover College, Governor Pence’s alma mater, issued an open letter pointing to the legislation as having

“consequences that are an affront to everything that Hanover College stands for as an institution of higher education ... the legislation aligns the power of the state with attitudes

of prejudice, discrimination, intolerance, incivility and an acceptance of inequality that are injurious, even poisonous to the interests of Indiana’s educational, civic, commercial and religious institution.”

Both the NCAA, which holds the Men’s Final Four Basketball Championship in Indianapolis in a few days, and NASPA Student Affairs Administrators in Higher Education have also spoken strongly against the measure making it clear the law threatens future events scheduled in Indiana.

The *Indianapolis Star* demanded in an unusual front page editorial boldly headlined:

“FIX THIS NOW.”

It takes an unusual act by a legislature and a governor to generate this kind of response from college presidents typically reluctant to engage in a political spat with the elected leaders of their state. Clearly, this legislation has touched a nerve.

This morning, in response to the growing controversy, Governor Pence announced he would ask the legislature to act immediately to adopt new legislation making it clear that businesses could not withhold goods and services on a discriminatory basis.

Many Fraternities and Sororities are headquartered in Indiana along with the North American Interfraternity Conference (NIC), the National Panhellenic Conference (NPC) and the Fraternity Executive Association (FEA). Could it be that this unusual concentration of national leaders in the fraternity world and the response by the Higher Education community caused the Governor’s quick turn around? Perhaps a few more timely responses to AEPi’s challenge would ensure the legislature joins in the Governor’s reversal.

Greek groups have taken some pretty heavy hits on issues of diversity recently. This may be an opportunity to demonstrate the true values of brother and sisterhood.

- Timothy M. Burke

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