



## **Indiana Supreme Court Decides Bloomington Case**

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After several significant victories challenging zoning ordinances that put the fate of fraternity houses under local zoning ordinances in the hands of local universities, fraternity house owners suffered a significant set-back in the Indiana Supreme Court in a decision issued on February 23, 2021.<sup>1</sup>

Since 2002, UJ-Eighty, the property owner and plaintiff in that case, had owned the house that had been used as either a fraternity or sorority house since the house's initial construction in 1984. The house was in the middle of a row of similar houses used as fraternity, sorority, Evan Scholars, or similar types of houses. No single-family residences were nearby.

In 2015, the city of Bloomington, where Indiana University ("IU") is located, amended its zoning code to provide that "all students living in the building are enrolled at the IU Bloomington campus; and IU has sanctioned or recognized that students living in the building as being members of a fraternity or sorority through whatever procedures IU uses to render such sanction or recognition."<sup>2</sup> In other words, for a property to be used as a fraternity or sorority house in

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<sup>1</sup> City of Bloomington Board of Zoning Appeals v. UJ-Eighty Corp., No. 21S-PL-77, 2021 WL 717972 (Ind. 2021).

<sup>2</sup> City of Bloomington Unified Dev. Ord. § 20.11.020 (2015)

Bloomington, the occupants of the property needed to belong to a fraternity or sorority that was recognized by IU.

The Supreme Court viewed it, the 2015 amendment “recognized IU’s power to define what constitutes a Greek house in good standing.”<sup>3</sup>

In 2016, the Gamma-Kappa chapter of Tau Kappa Epsilon entered into a lease of the UJ-Eighty property that ran through May 2019. However, the chapter, as a result of very serious violations by some members, lost its recognition from the University. Almost all of the dozens of brothers who had lived in the house voluntarily left the house, but when IU learned that two students were still in the house, the University informed the City of Bloomington of the violation of its zoning ordinance. The City then promptly issued orders against UJ-Eighty to ensure the house was entirely vacated. An appeal to the City of Bloomington Board of Zoning Appeals failed, and UJ-Eighty filed suit alleging, among other things, that Bloomington had unconstitutionally delegated its zoning power to IU when it provided that legal use of a fraternity or sorority house required University recognition of the chapter involved. The trial court agreed that the zoning provision was an illegal delegation of legislative authority under both the Indiana and U.S. Constitutions. The trial court therefore struck down the ordinance.<sup>4</sup> Bloomington appealed. IU joined as an amicus in the Court of Appeals and ultimately in the Supreme Court, as well.

In the Court of Appeals, the University argued essentially that it was much easier for the University to punish an entire chapter rather than to take the time to determine who the bad actors were that actually violated University rules and the law.<sup>5</sup>

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<sup>3</sup> *UJ-Eighty Corp.*, 2021 WL 717972 at \*3.

<sup>4</sup> Gary Founds & Mike Allen, *Bloomington Ordinance Found Unconstitutional*, 158 FRATERNAL L. 1 (March 2019).

<sup>5</sup> Sean P. Callan, *Bloomington Zoning Ordinance Unconstitutional Says Indiana Court of Appeals*, 164 FRATERNAL L. 1 (Feb. 2020).

A three-judge Court of Appeals affirmed, on a two to one vote, finding that Bloomington had “delegated its legislative authority to IU to determine whether the property was being used by students in a sanctioned fraternity” with “no mechanism for reviewing IU’s decision.”<sup>6</sup> The Court of Appeals recognized that it was the property owner that was significantly punished even though it did nothing to violate the zoning ordinance.

The Indiana Supreme Court read the Bloomington ordinance differently, stating “our review of the ordinance reveals Bloomington never empowered IU to define fraternities and sororities, a power IU already clearly possesses. Bloomington, rather—through the legislative process—defined fraternities and sororities based on their relationship with IU.”<sup>7</sup> The Supreme Court did not find that to be a delegation of authority, legislative or otherwise, and as a result, held there was no constitutional violation.

UJ-Eighty had relied on the U.S. Supreme Court case of *Washington ex rel. Seattle Title Trust Co. v. Roberge*, 278 U.S. 116 (1928). *Roberge* involved a Seattle zoning ordinance that required a landowner to obtain the written consent of two-thirds of neighboring landowners within four hundred feet in order to build a new home for the elderly. The US Supreme Court found that was an impermissible delegation of power under the Fourteenth Amendment. In distinguishing *Roberge*, the Indiana Supreme Court relied heavily on the fact that in *Roberge*, landowners were required to obtain the consent of private property owners. But in *UJ-Eighty*, IU was a state actor obligated to afford the rights provided under the state and federal constitution. Curiously, the Indiana Court stated, “UJ-Eighty never had to seek IU’s consent to use its land. IU had no direct power to prohibit UJ-Eighty from lawfully using its land.”<sup>8</sup>

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<sup>6</sup> City of Bloomington Board of Zoning Appeals v. UJ-Eighty Corp., 141 N.E.3d 869,876 (Ind. Ct. App. 2020).

<sup>7</sup> City of Bloomington Board of Zoning Appeals v. UJ-Eighty Corp., No. 21S-PL-77, 2021 WL 717972 at \*5 (Ind. 2021).

<sup>8</sup> *Id.* at \*8.

Even the limited record discussed in the Indiana Supreme Court case makes it clear that IU did act to ensure that UJ-Eighty could not use its property to continue to house students after the fraternity chapter lost its recognition.

The Indiana Supreme Court also referred to a similar case decided by the Delaware Supreme Court, *Schweizer v. Bd. of Adjustment of Newark*, 980 A.2d 383, 384 (Del. 2009), in which the Delaware court upheld a local zoning ordinance that provided that if the University of Delaware withdrew recognition of a fraternity or sorority for a period of more than one year, the use of the property for such a purpose (as a Fraternity House) was terminated immediately upon University suspension. While the Fraternity in the *Schweizer* case lost in court, it subsequently settled with the University and later resolved matters with Newark, Delaware, thereby allowing it to preserve its legal zoning status while serving a university suspension.

There is no doubt the Indiana decision is a setback in the protection of the owners of valuable properties designed for only one use: fraternity chapter houses. Interestingly, the Indiana Court went out of its way to point out IU is a state actor required to protect the constitutional rights of those it deals with. But in a footnote, the same court went beyond those institutions of higher education that are “state” schools. Specifically, the court concluded that “today’s holding also makes clear to zoning authorities is Indiana’s other college towns that they can rely on a local college or university’s judgment in defining Greek Houses.”<sup>9</sup>

With that comment, the Court overlooked the fact that private schools are not state actors assumed to have afforded property owners their constitutional protections. But where the school is a state actor, this decision is sending a message that the owners of chapter houses should be

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<sup>9</sup> *UJ-Eighty Corp.*, 2021 WL 717972 at \*4 n.3.

prepared to insist in being involved in a chapter's disciplinary process that could jeopardize its property rights.

The court also sends this message: "If UJ-Eighty is unhappy with Bloomington's zoning laws or the BZA, it can seek change through the political process." On that score, the Court is correct. After all, imagine the impact if all fraternity and sorority members at IU were registered and voted: Would Bloomington be as anxious to follow IU's lead? Would smaller college towns that host good sized schools with lots of registered student voters?

The concluding paragraph of the Indiana Supreme Court's unanimous (five-Justice) decision holds out at least a bit of hope:

The impermissible delegation of power and denial of due process strike at the core of our state and federal constitutions. Courts should guard against such significant constitutional violations. However, for there to be a violation, there must be some delegation or lack of due process. Here there was none. The judgment of the trial court is reversed.<sup>10</sup>

Perhaps, if there could have been a showing of a lack of due process by the University in stripping recognition from the chapter, the result might have been different. What is also unfortunate is that the Indiana Court ignored the recent decisions in Pennsylvania that have held similar local ordinances to constitute an unconstitutional delegation of authority.<sup>11</sup>

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<sup>10</sup> *Id.* at \*11.

<sup>11</sup> Jeffrey Rosario Turco, *Positive Development in Pennsylvania Zoning Case*, 165 FRATERNAL L. 7 (July 2020).

## State Covid-19 Liability Shields

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A recent trend toward the end of 2020 and beginning of 2021 has been for states to create state COVID-19 liability shields. Generally, these statutes prohibit an individual from holding a business civilly liable for COVID-related claims. The applicability of these statutes and breadth of protection varies by state. In some states, such as Iowa, the protection extends explicitly to landlord and tenants,<sup>1</sup> while other state statutes define persons broadly to include individuals, for profit organizations, and nonprofit organizations.<sup>2</sup> On the other hand, there are some states that currently have no COVID liability shield statutes while others have proposed bills to address COVID liability that are still pending.

Of course, there are limitations to the liability protection granted by the liability shields. First, most, if not all, of the statutes exclude liability protection if the individual or organization being sued acted with willful or wanton misconduct, intentional misconduct, or gross negligence. Additionally, there are some states that explicitly require that the individual or organization being sued was in compliance with the CDC, state, and local guidance at the time of the COVID exposure in order for the COVID liability shield to apply.<sup>3</sup> Moreover, many employment and discrimination laws still apply, such as the American with Disabilities Act, Fair Housing Act, Worker's Compensation laws, the Occupational Safety and Health Administration, and other anti-discrimination and employment laws. States have also put time limits on the applicability of the

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<sup>1</sup> See S.B. 2338, 88th Gen. Assemb. (Iowa 2020).

<sup>2</sup> See H.B. 606, 133rd Gen. Assemb., Reg. Sess. (Ohio 2020).

<sup>3</sup> See H.B. 4, 32nd Leg., Reg. Sess. (Alaska 2021); H.B. 6030, 100th Leg., Reg. Sess. (Mich. 2020); Miss. Code Ann. § 11-71-5 (2020).

statutes. For example, the Ohio state liability shield applies from March 9, 2020, to September 30, 2021.<sup>4</sup>

The intent of these statutes is to provide COVID liability protection for businesses and other organizations. However, it is important to note that it is unclear how these statutes will play out in court and whether the statutes will be construed broadly or more narrowly when applied to a certain situation. The takeaway here is if an individual sues a fraternity, sorority, or house corporation for a cause of action based on the exposure or contraction of COVID-19 (such as negligence), the first line of defense should be to review the specific state COVID liability shield statute to see if it would apply to shield the organization from liability. However, it is still important for fraternities and sororities to stay informed of the CDC, local, and state health department guidelines and local and state regulations regarding COVID-19 and to take reasonable steps to implement same.

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<sup>4</sup> H.B. 606, 133rd Gen. Assemb., Reg. Sess. (Ohio 2020).

## Uva's Anti-Hazing Policy Deemed Reasonable

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In the January 2019 *Fraternal Law* newsletter, we reported on a new lawsuit that had been filed against the University of Virginia (UVA) by a predominately-Latina sorority, Sigma Lambda Upsilon (SLU).<sup>1</sup> In its original complaint, SLU alleged a variety of claims against the University after UVA suspended the sorority after an investigation found that SLU's mandate that all members study for at least twenty-five (25) hours per week constituted a form of hazing. Hazing, as defined by UVA's policy, included any action that is "designed to produce or does produce mental or physical harassment, humiliation, fatigue, degradation, ridicule, shock, or injury."<sup>2</sup> UVA specifically concluded that the weekly study requirement was causing emotional stress to SLU members, as indicated by all of the new members with whom the University spoke.

While the case was pending in court, UVA lifted SLU's suspension and SLU was allowed to resume activities on campus. However, in order to be reinstated, SLU was required to modify its new member education program and eliminate<sup>3</sup> the twenty-five-hour study requirement. Consequently, SLU amended its complaint to assert similar, but slightly different, claims against the University, seeking to be able to reinstate the mandatory study requirement.

The trial court granted the Defendants' motion for summary judgment on each of the Plaintiff's claims. As a preliminary matter, the UVA, as a public university, was found to be entitled to immunity under the Eleventh Amendment. Therefore, the court's analysis was limited

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<sup>1</sup> Ilana Linder, *Are Mandatory Study Tables Considered Hazing?* 158 FRATERNAL L. 1, 21 (Jan. 2019).

<sup>2</sup> Sigma Lambda Upsilon/Senoritas Latinas Unidas Sorority, Inc. v. Rector & Visitors of Univ. of Va., No. 3:18CV00085, slip op. at 22 (W.D. Va Nov. 30, 2020).

<sup>3</sup> SLU was still permitted to *encourage* its members to study for at least twenty-five hours per week, but it could not be a condition upon which membership was based to avoid being deemed "hazing."

to determining whether the *individually-named* Defendants could be held responsible (in their individual/personal capacities) under the First or Fourteenth Amendments, Title IX, or Sections 1985 and 1986 of the U.S. Code. If not, each would be entitled to qualified immunity.

The court began its analysis under the First Amendment claims by noting that any university restriction on speech should be analyzed under the limited public forum framework. Under that framework, to be upheld, the speech restriction must be reasonable in light of the purpose served by the form, and may not constitute viewpoint-based discrimination. Here, the court noted that UVA's anti-hazing policy was both reasonable and viewpoint neutral, particularly considering a university's authority to impose reasonable restrictions to protect their communities. As such, the University had the ability to enforce its hazing policy against SLU.

Next, the court explained why UVA had not violated the Equal Protection Clause of the Fourteenth Amendment, despite SLU's assertion that UVA did not sanction other groups/types of student organizations with similar study time requirements. Because the Defendants were not found to have *intentionally* discriminated against SLU on the basis of any protected characteristics, and since there was no finding of any discriminatory animus, the court concluded that the Defendants were entitled to qualified immunity.

Finally, SLU's Title IX claim failed because SLU failed to identify any procedural flaws that led an erroneous outcome reached by UVA, a standard that the parties agreed applied to this case. Specifically, the court clarified that UVA did not need to find any evidence of physical or emotional injury or harm to support its conclusion that hazing had occurred.

This case reminds us all that even requirements that are well intended could be considered a form of hazing, especially when members are forced to do something they do not wish to do as a condition of membership in an organization.

**NPC News Release****Tim Burke, Fraternal Law Partners, [tburke@manleyburke.com](mailto:tburke@manleyburke.com)**

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On February 25, 2021, Carole J. Jones, the NPC Chairman, and Dani Weatherford, J.D., the NPC Chief Executive Officer, forwarded the following news release. We reprint it here because of the substantial attention now being devoted to diversity, equity, and inclusion issues within the fraternal world.

NPC provided the following introductory paragraph:

Today, the Timothy J. Piazza Center for Fraternity and Sorority Research and Reform and the National Panhellenic Conference (NPC) announced the launch of two companion research studies that will evaluate cultural competency and diversity, equity and inclusion within NPC-affiliated sorority chapters. The Piazza Center will partner with Dr. Georgianna Martin, associate professor in the Mary Frances Early College of Education at the University of Georgia, for this research. NPC will facilitate engagement with participating sorority chapters.

The news release is provided in full below.

***Piazza Center Partnering With National Panhellenic Conference on Research to Evaluate Cultural Competency, Identify Best Practices Within Sorority Community***

*Research Aims to Identify Tools for Strengthening Cultural Competency Among Sorority Women Nationwide*

UNIVERSITY PARK – The Timothy J. Piazza Center for Fraternity and Sorority Research and Reform and the National Panhellenic Conference (NPC) today announced the launch of two companion research studies that will evaluate cultural competency and diversity, equity and inclusion within NPC-affiliated sorority chapters. The two studies will measure the level of cultural competency among sorority women at both minority-serving institutions and at

predominately white institutions. Researchers will also identify best practices for strengthening competency and enhancing inclusion within sorority chapters and communities.

“This wonderful partnership is evidence of the fundamental purpose that compelled us to create the Piazza Center,” said Damon Sims, vice president for Student Affairs at Penn State.

“Combining research and practice to better understand how best to achieve successful, safe, and sustainable experiences in these organizations is critically important to our university and many others, too.”

The pair of studies reflect shared commitment from the Piazza Center and NPC to foster more inclusive sorority communities. Piazza Center researchers will partner with Dr. Georgianna Martin, associate professor in the Mary Frances Early College of Education at the University of Georgia. Officials at the National Panhellenic Conference will facilitate engagement with participating sorority chapters.

“The sorority community is increasingly diverse, and we know that individual chapters on specific campuses have excelled not only in enhancing the diversity of their membership, but in fostering greater cultural competency and awareness,” said Stevan Veldkamp, director of the Piazza Center and special assistant to the vice president for Student Affairs at Penn State. “We want to understand what about those chapters created an environment that led to a more inclusive chapter climate and that could provide key learnings for other chapters on campuses nationwide.”

The studies will build an understanding of how groups influence, affect and create cultural competency as well as a commitment to diversity, equity and inclusion among members, alumnae, councils and campuses through focus groups and interviews of current student members, staff and administrators at campuses and headquarters. The studies will also look at chapter websites, social media and other archival material.

“As our member organizations continue to expand their programming and establish new protocols and practices with a focus on diversity, equity and inclusion, we identified the need for further research and to identify best practices that will equip our community to drive change and foster greater cultural understanding within the NPC community,” said Dani Weatherford, chief executive officer of the National Panhellenic Conference. “We are pleased to have found a partner in the Piazza Center to lead this research.”

“From chapter advisors to program development staff and volunteers within inter/national organizations, we will be looking to this research to help evaluate existing initiatives and develop new ones,” added Weatherford.

In the past six months, NPC has announced the formation of an Access and Equity Advisory Committee and launched an initiative designed to address financial barriers to membership, with both efforts aimed at creating more inclusive sorority communities. NPC is one of the largest organizations advocating for women and the umbrella group for 26 national and international sororities. NPC sororities are located on more than 670 campuses with more than 375,000 undergraduate members in more than 3,350 chapters. Alumnae are represented in nearly 3,500

associations throughout the world. The NPC Foundation, a companion to NPC, invests in educational initiatives and training – including supporting the work of the Piazza Center.

Penn State launched the Piazza Center in January 2019, in an effort to become the nation's principal home for identifying sound professional practice in fraternity and sorority advising. The center produces actionable data to give practitioners the evidence needed to enact significant change on their campuses and within their organizations. Since its inception, the Piazza Center has worked to empower higher education to make the fraternity and sorority experience safer and more meaningful based on comprehensive research.

Minority-serving institutions (MSIs), which include historically black colleges and universities (HBCUs), Hispanic-serving institutions (HSIs), and tribal colleges and universities (TCUs) serve at least one-third of all African American, Hispanic and American Indian students enrolled in higher education in the United States today according to The Alliance for Equity in Higher Education [\*New Directions for Community Colleges\*](#). Predominantly white institution (PWI), as defined in *Encyclopedia of African American Education*, is the term used to describe institutions of higher learning in which whites account for 50% or greater of the student enrollment.

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## **Bowling Green State University and VCU Statements**

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Within the last month the families of Adam Oakes, a student at Virginia Commonwealth and Stone Foltz, a student at Bowling Green, have been left to mourn their deaths. Both a deaths are being investigated as potentially hazing related. The Delta Chi chapter at VCU and the Pi Kappa Alpha Chapter at Bowling Green have been suspended by the Universities and their National organizations. If the facts ultimately establish the conduct which caused the deaths resulted from hazing there will undoubtedly be criminal charges brought against the wrong doers who will have also violated the rules of their fraternities and schools. In both cases the Universities have acted quickly to launch investigations of their entire Greek systems. Below is the text of the letter the President of Bowling Green sent to all Greek Chapters on March 6<sup>th</sup> and the statement the Senior Vice Provost issued at the direction of the of the President of VCU on March 2d.

### **March 6, 2021**

Yesterday, Bowling Green State University placed Pi Kappa Alpha fraternity on interim suspension for alleged hazing activity. Clearly, this is an unfolding situation, one where we do not know all the facts. Not only are we continuing to work with local law enforcement, who are actively taking the lead in investigating this situation, we will also be pursuing our own student code of conduct investigation, including both the fraternity and students involved.

While fraternity and sorority life has been woven into the fabric of higher education, we must act and respond today to this tragic incident. All day, student leaders from the Interfraternity Council, Multicultural Greek Council, National Pan-Hellenic Council, College Panhellenic Conference, Undergraduate Student Government and the undergraduate student representative to the Board of

Trustees worked with staff members to begin to address the short- and long-term future of fraternity and sorority life at Bowling Green State University.

Planning and dialogue continue, and more decisions need to be made. However, together, we made progress today. Effective at midnight, the University is interimly suspending all new member intake processes and on- and off-campus social events of chapters in all four Greek councils stated above. Understanding the impact this has on chapter operations, the University will be meeting with their student leadership.

These measures will be enforced until each chapter individually and successfully works with the Office of Fraternity and Sorority Life and the Office of the Dean of Students on comprehensive plans to safely restart. To do so, chapters may continue to conduct organization-wide and executive board meetings virtually with pre-approval from the Office of Fraternity and Sorority Life.

Over the next week, Greek student leaders, along with our staff, will shape the framework of these plans to provide for increased accountability and to ensure hazing has no place at Bowling Green State University. We will also increase our work with our Greek national headquarter offices on safety and anti-hazing efforts.

In addition, recognizing that hazing may not be limited to this single incident and to promote more accountability and transparency, the University will consult with outside third parties to conduct a broader review of student organizations and activities.

Hazing is a national problem going beyond fraternities and sororities. BGSU has put in safeguards, policies, protocols and processes, and support services to combat hazing. These University processes and policies have been established to set high expectations and standards and to enforce compliance and ensure the safety of all students. Clearly, we remain committed to improving, even working to address off-campus and non-sanctioned events. We will step up our efforts – increasing education, enhancing support and reporting outlets, reviewing internal processes, evaluating recruitment structures, and elevating outreach and communication campaigns.

We believe Bowling Green State University is a community where each of us belongs. That requires a commitment to ensuring everyone is safe and welcome. Let us be clear: We recognize that not all students involved in Greek life are contributing to hazing. We value our students engaged in Greek life and the home that they have found in their organizations, and we wish for a community that includes a vibrant fraternity and sorority life. Hard work lies ahead. We need to come together to demand better, and this is just the start.

### **March 2, 2021**

On behalf of all of VCU, we continue to mourn the death of Adam Oakes, a freshman who had a promising future ahead of him. Like our community, we fervently want to understand what happened. VCU is working closely with the Richmond Police Department, which is leading the investigation into Adam's death.

Part of the police investigation will determine whether Adam's death was related to a Delta Chi activity. VCU is fully supporting the investigation and asks anyone who believes they have information to contact Richmond Police Detective M. Gouldman at (804) 646-3915 or call the VCU Police at (804) 828-1196.

This past weekend, Delta Chi fraternity's national office and VCU issued cease-and-desist orders, which suspends the chapter's operations while the investigation continues.

Richmond Police has pledged a thorough investigation. While eager for answers, we must allow time for the investigation to proceed.

However, VCU is not waiting until an investigation is complete to take more action.

At the direction of VCU President Michael Rao, VCU is launching an independent, comprehensive review of Greek life at the university. In light of Adam's death and our commitment to a safe and healthy campus, this review will make recommendations about how Greek organizations meet the high expectations we have for them.

Simply put, this cannot happen again. We will keep our community informed about the review, and its outcomes.

At their best, fraternities and sororities promote fellowship, leadership and service through sound ethical and moral judgement. This comprehensive review will propose new ways to ensure all organizations follow our values and how they will be held accountable when they do not.

VCU is dedicated to acting now, and will be ready to do more pending outcomes of the police investigation. The university continues to work with Adam's family and will always keep Adam, his family and friends in our hearts.

### **DeVos' Rules on Title IX Sexual Assault Investigations Will Be Reviewed**

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On March 2, the day that Miguel Cardona was sworn in as the new Secretary of the United States Department of Education, he received a letter signed by more than one hundred members of the United States Congress that implored him "to prioritize replacing Secretary Betsy DeVos' final rule prescribing how K-12 schools and post-secondary institutions must respond to sexual harassment and assault under Title IX".

The Members of Congress argued that the DeVos' regulations "gut protections for survivors of sexual violence". They focused on the victims of sexual violence, arguing among other things, that the DeVos regulations were "cruelly subjecting students in higher education to relive their assault with live hearings and cross-examination by a perpetrator's advisor of choice." The Members further criticized the rules as bizarre and stated that they wrongly creating unnecessary delays and narrowed the definition of sexual harassment.

On March 8, President Biden made it clear that a review of those rules will take place, issuing an Executive Order requiring the review to occur within 100 days. The President made it clear in that order that:

It is the policy of my Administration that all students should be guaranteed an educational environment free from discrimination on the basis of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, and including discrimination on the basis of sexual orientation or gender identity.

What tends to get overlooked in the competing visions of what is appropriate in the rules designed to enforce Title IX is that even before the DeVos regulations, numerous federal courts had found fault with colleges and universities that failed to provide due process to those accused of misconduct.

No doubt the DeVos rules will be modified. Support for survivors of sexual assault is a critically important matter. But elements of due process must be afforded to both complainants and the accused. If the new rules fail to provide due process to the accused, federal courts will intervene and require it.

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The goal of *Fraternal Law* is to provide a discussion of fraternity law, but its contents are not intended to provide legal advice for individual problems of Greek organizations. The latter should be obtained from your attorney.

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