Title IX, Equality & the Greeks: How Court Cases & Regulatory Mandates Will Shape the Future of Fraternity/Sorority Life

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Title IX applies to host institutions of higher education but has had increasingly significant implications for fraternity/sorority life. Title IX regulatory enforcement efforts and related litigation trends have the potential to alter the roles of campus professionals interacting with fraternity/sorority life; impact funding and institutional arrangements, such as relationship agreements; and redesign dispute resolution and self-governance models, inter alia. This session discusses the impact of current litigation trends and potential new Title IX regulations on fraternity/sorority life. This webinar considered a number of specific and related Title IX developments — from the recent case at LSU alleging selective enforcement of hazing laws as a form of sex discrimination, to the controversy at Harvard over Finals Clubs, to the impending release of new Title IX regulations.

Key Points

- Proposed Title IX regulations, if or when finalized, may have a deep impact on campus investigation and adjudicative processes in Title IX-related incidents.
- Litigation against colleges is on the rise, and recent cases are testing new dimensions of Title IX — a recent case involving equal treatment of fraternities and sororities at LSU is one to watch.
- The U.S. Supreme Court has taken up cases involving sexual orientation and Title VII, which could impact Title IX and its future application.
- Some of the latest research on serial sexual predation and prevalence of sexual misconduct tends to support data relied upon by the Obama administration in 2011. It is important to pay attention to the data, as that data is usually relied upon regulators and IHEs in setting policy.

Partnerships/Collaborators

- Stetson University’s Center for Excellence for Higher Education Law & Policy, directed by Peter Lake, is an excellent resource for up-to-the-minute information on Title IX. The center hosts an annual conference on Clearwater beach that provides a plethora of sessions on student safety issues, including fraternity/sorority life issues. For more information, please visit: https://www.stetson.edu/law/academics/highered/home/.
Further resources

- Association of American Universities, Climate Survey on Sexual Assault and Sexual Misconduct (October 15, 2019). (A recent survey of the prevalence of sexual assault and misconduct on college campuses.)
- Acacia Coronado, Test for Colleges This Fall: Does Criminalizing Hazing Tame Fraternities? The Wall Street Journal (Oct. 12, 2019).