

UNIVERSITY OF OREGON



OFFICE OF
THE PRESIDENT

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October 4, 1967

Mr. Scott Farleigh
President, Associated Students
University of Oregon
Campus

Dear Scott:

I appreciated receiving your memorandum of September 26 in which you inform me that the Associated Students of the University of Oregon has established an ad hoc committee to investigate housing discrimination at the University of Oregon. I note that this committee includes six students and three faculty members and also that representatives of the Interfraternity Council and the Panhellenic Senate have been included as committee members.

I welcome this decision on the part of the Associated Students of the University of Oregon. I am requesting the Dean of Student Affairs to make available to your committee whatever information and whatever staff assistance the committee needs in order to discharge its responsibilities.

I hope that the following discussion of the Board of Higher Education and the University of Oregon policy on discrimination, the reasons for the policy, and the application of the policy will be of assistance to the members of your committee:

1. On January 26, 1960, the Board of Higher Education by a unanimous vote passed a resolution which included the following paragraph:

"It is the policy of the Board of Higher Education to oppose and prevent, on all campuses under its supervision, all discrimination based on race, color, or religion. Such discrimination is altogether inconsistent with the principles on which American public education was founded and on which it has developed

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to its present high level of attainment. There can be no room for racial or religious prejudices within the halls of learning."

2. The Board of Higher Education's January 26, 1960, resolution then referred to the fact that "some of the fraternities and sororities that are recognized on the campuses of the University of Oregon and Oregon State College are affiliated with national organizations whose charters contain expressed sanctions for racial and religious discrimination." The Board went on to state that it regarded "all such expressions as unacceptable." At a subsequent meeting, the Board stated that the fraternities and sororities on the two campuses should be placed in a position where they could operate without regard to such discriminatory clauses in national constitutions no later than January 1, 1963.

At a meeting of the Board of Higher Education on January 22, 1963, the President of Oregon State University and the President of the University of Oregon certified that with the exception of two groups on each campus, the discriminatory clauses in national constitutions had been removed. In the case of the two groups where such clauses had not been removed, the national organizations had issued letters of waiver stating that the groups in question were free to select and initiate new members without regard to race, color, or religion.

3. The immediate objective of the action taken by the Board of Higher Education on January 26, 1960, was to make sure that the chapters of fraternities and sororities on the campuses of the State System would be freed from the discriminatory provisions in the constitutions of various fraternities and sororities. The Board made it clear, however, that its over-all objective was "to oppose and prevent, on all campuses under its supervision, all discrimination based on race, color, or religion."

4. On March 13, 1967, President Jensen of Oregon State University and I informed the Board of Higher Education that in our judgment it would be possible to achieve the Board's objective only "when membership in the local chapter of a fraternity is determined by the active student members." We said that "members, including both pledges and initiates shall be selected by the active student membership of the local chapter from students who have satisfactorily met fraternity and sorority membership standards of the Universities and shall not be subject to approval or veto by any outside individual or agency, including specifically local alumni, national officers, or members and alumni of other chapters."

At the time this statement was presented to the Board of Higher Education, I informed the Board that I had made the following response to a question that had been addressed to me relative to the statement:

"I interpret the statement to mean that local chapters should be free to establish their own requirements relative to the percentage of the local chapter membership who must vote in favor of candidates for membership."

5. The members of a local chapter of a fraternity or sorority must be in a position where they have authority to do those things which it is necessary to do in order to oppose and prevent discrimination based on race, color, or religion within their chapters. The need for this authority is illustrated by the following three hypothetical cases.

Case A. The members of a local chapter at the University of Oregon decide to extend an invitation for membership to a member of a minority group. This decision is vetoed by local alumni or by the officers of the national organization with which the chapter

is affiliated, or by members and alumni of other chapters. The constitution of the national organization, or legislation passed by a national convention of the national organization grants this right of veto. It is clear that persons not directly associated with the University have been given authority over membership matters which can be used to prevent the local chapter from conforming to University policies. It may be alleged that the veto was exercised for reasons other than race, color, or religion. The fact remains that the efforts of the local chapter to follow a policy of non-discrimination have been blocked by persons outside the chapter.

Case B. The members of a local chapter at the University of Oregon decide to extend an invitation for membership to a member of a minority group. The constitution of the national organization with which the local is affiliated or legislation passed by a national convention of the national organization specifies that such an invitation cannot be extended unless an alumnus has been willing to write a letter of recommendation. It has been impossible to obtain such a letter. Therefore the invitation cannot be extended. Again it is clear that persons not directly associated with the University have been given the right to prevent the local from conforming to a University policy. Again it may be alleged that the failure to obtain the letter was not due to any considerations related to race, color or religion. The fact remains that the efforts of the local chapter to follow a policy of non-discrimination have been blocked by power vested in persons outside the chapter.

Case C. All but a small number of the members of a local chapter at the University of Oregon decide to extend an invitation for membership to a member of a minority group. The constitution of the national organization or legislation passed at a national convention of the national organization specifies that no invitation to membership can be extended unless all members of the local group support the invitation. A substantial majority of the membership of the local chapter wants to change the rule so that it can no longer be used to thwart their efforts to oppose and prevent discrimination on the basis of race, color, or religion. The rules of the national organization prevent them from taking this action. Once again persons not directly associated with the University of Oregon are preventing the local chapter from conforming to a University policy.

National organizations of fraternities and sororities on the University of Oregon campus are being asked to put their local chapters in a position where there is no question about their ability to conform to the policy of the Board of Higher Education and the University of opposing and preventing discrimination based on race, color, or religion. If they do not, the University must withdraw recognition.

6. Once we are assured that a local chapter is free to select members without regard to race, color, or religion, the question may very well be raised as to whether a chapter, in fact, is selecting its members without regard to race, color, or religion. In this connection, it should be kept in mind again that the over-all

objective of the Board of Higher Education is "to oppose and prevent *** all discrimination based on race, color, or religion." This is why the presidents of the local chapters of fraternities and sororities at the University of Oregon are asked to certify that "our chapter does not in fact discriminate against candidates for membership on the basis of race, color, or religion."

7. Action has been initiated by the Student Conduct Committee to make discriminatory practices by living groups affiliated with the University a group offense under the Student Conduct Code. If this action is consummated, the Student Conduct Committee will be responsible for establishing procedures for considering charges that a local chapter has in fact followed a policy of discrimination based on race, color, or religion. If, after a local chapter has been accorded a hearing consistent with the concepts of due process, it is found that it is following discriminatory practices, recognition will be withdrawn by the University.
8. The question has been raised as to when a local fraternity or sorority must be in a position where they can certify that they in fact are free to select their members and to determine the percentage of the local chapter membership who must vote in favor of candidates. We have stated that we will fix the time when there must be compliance on a case by case basis. The fixing of the time will be determined by the date when a national organization has the first opportunity of putting its chapter on the University of Oregon campus in a position where they can comply with the University requirement. Once this date has passed, if the national organization has not acted affirmatively, it will be

necessary to withdraw recognition of the local group.

The University of Oregon has had a long history of association with the national organizations of both fraternities and sororities. There is no question but that these associations have been of genuine help in the development of living organizations that have made constructive contributions to the lives of the members of the local chapters.

The University is desirous of having these associations continue. It believes the national organizations can continue to play a meaningful role in the establishment of academic standards, in counseling the members of their local chapters, in providing leadership training, in helping to achieve financial stability, and in encouraging worthwhile relationships between students in colleges and universities where the national organizations have chapters.

National organizations of fraternities and sororities for many years have required their local chapters to comply with the policies of the colleges or universities with which they are associated. This approach is reflected in the provision in the constitution of one national fraternity which states that the constitution and by-laws "shall be subordinate to the laws and regulations of any governmental authority having jurisdiction, and to the rules, regulations and published policies of each institution wherein this fraternity has a chapter, colony or members..."

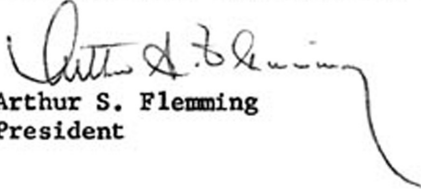
The policy of the Board of Higher Education of the State of Oregon is to "oppose and prevent *** all discrimination based on race, color or religion." The University of Oregon is bound by this policy. Also, however, this policy is concurred in wholeheartedly by the University of Oregon. We believe that "such discrimination is altogether inconsistent with the principles on which American public education was founded" and "that there can be no room

for racial or religious prejudices within the halls of learning."

We are convinced that effective implementation of this policy calls for national organizations of fraternities and sororities placing their local chapters in a position where they are free to determine who is going to be invited to be a pledge or who is to be initiated, including the determination of the percentage of the local chapter membership who must vote in favor of candidates for membership. Unless this freedom is accorded the local chapters on our campus, we will be forced to withdraw recognition. We believe that the granting of this freedom to their locals by national organizations would be consistent with their long-established practice of conforming to the policies of each University where local chapters have been established and would help them to render in the future the kind of service they have rendered in the past.

Again I want to express my appreciation for the action taken by the Associated Students of the University of Oregon. I am confident that this action will help us achieve an objective which must be achieved in the best interests of the University, of the fraternity and sorority system, and of everyone associated with the University.

Very sincerely and cordially yours,


Arthur S. Flemming
President