

Proposal to partner with Squire Patton Boggs for lobbying initiative Revised January 2, 2015

Background: After the Fall 2014 *Rolling Stone* article detailing a horrific gang rape that supposedly took place at the Phi Kappa Psi chapter house at the University of Virginia and the fallout from that initial article and *Rolling Stone's* subsequent retraction, it became apparent that fraternities and sororities have an opportunity to take legal action to defend and preserve our rights.

Kevin O'Neill, Squire Patton Boggs, was approached by four men's fraternities who requested a proposal outlining what initiatives they could engage in to advance the legislative agenda in this regard. Issues including Title IX, sexual assault, freedom of association as well as other goals are outlined below. Kevin prepared that proposal and shared it with representatives of the Fraternal Government Relations Coalition (FGRC) at the December AFA annual meeting.

Proposal: Join Alpha Tau Omega, Kappa Alpha Order, Phi Kappa Psi and Sigma Nu for a lobbying initiative as outlined below. If NPC joins the effort, it is highly likely that the North-American Interfraternity Conference (NIC) will sign on as well.

Considerations: Kevin O'Neill has confirmed in an email that the lobbying team WILL BE co Ed. He said he has two NPC alumni senior lobbyists in the firm that are likely to be involved with the team once the agenda is set.

Brad Beacham confirmed that if NPC "signs on" the women would have equal voice to the men in discussions.

If the lobbying coalition effort is approved by NPC Board of Directors, the Executive Committee will ask for progress reports on a regular basis as typical with task force updates. An evaluation of the project will be done at the 8 month mark.

Costs for this lobbying effort would be less expensive than NPC engaging a firm on its own. The NPC Executive Committee seeks to join interfraternal partners as a unified coalition of women and help influence the agenda on behalf of the Greek movement.

Goals of the effort

Please note after extensive conversations with NPC legal counsel and the existing coalition partners the following revised language has been agreed upon for your consideration.

TITLE IX LEGISLATIVE PRIORITIES (DRAFT AS OF December 31, 2014)

1. Preservation of single-sex exemption and protection of Title IX rights by challenging any mandate aimed at requiring social fraternities and sororities to become co-ed.
2. Ensure federal and state laws and regulations are supportive of and responsive to the following:
 - a. Development of reliable, extant data on the level of occurrence of sexual assault on American college and university campuses;
 - b. Education and prevention programs focused on healthy relationships, dispelling rape myths, how to report occurrences of sexual assault and bystander intervention training;
 - c. Appropriate institutional care, support and guidance for any student who believes he or she has been the victim of sexual assault;
 - d. Respect for the constitutional and human rights to due process owed to every student;

- e. Handling by the criminal justice system of the serious crime of sexual assault that occurs on campus and/or involves students.
- f. Deferral of any campus judicial proceeding until completion of criminal adjudication (investigation and trial).
- g. In order to provide justice to all parties involved in campus judicial proceedings for alleged sexual assault:
 - i. The roles of counselor to the alleged victim, investigator, prosecutor, judge, jury and appealing body must be split into distinct positions.
 - ii. The rights to counsel, to confront witnesses and the accuser in an appropriate manner that is safe for all parties, to have timely access to charges and all evidence, the prohibition of hearsay evidence and protection from double jeopardy are fundamental.
 - iii. A standard of evidence determined by the institution.
3. Prevention of alumnae/alumni volunteers from becoming unduly burdened by the imposition of significant new legal requirements in order to serve as a volunteer.
4. Constrain the inappropriate use of system-wide suspensions.

Representation: The NPC Executive Committee recommends that this lobbying effort be handled by the NPC Chairman, Jean Mrasek and a subject matter expert, Cindy Stellhorn. A strategy session is planned for coalition and partners for January 8 and Cindy Stellhorn will represent NPC interests at this meeting (pending board approval of this proposal).

Cost: Presuming \$300,000 moving forward for a 12 month contract since an agreement would begin January 2015 and end December 2015. Official split is still being negotiated with potential coalition partners, however, the NPC Executive Committee is recommending providing no more than one third of expenses for a 12 month contract totaling \$300,000. Our financial contribution would not exceed \$110,000 with \$100,000 being allocated toward coalition lobbying fees and another \$10,000 being earmarked for internal expenses.

Motion Submitted for BOD Approval:

It is recommended that the NPC Board of Directors approve NPC's participation in the escalated lobbying initiative as proposed with interfraternal partners for one year by providing no more than one third of the expenses (\$100,000) toward a 12 month contract totaling \$300,000.