



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

DEC 21 1983

Mr. P. Michael Mitchell
Mitchell, Staser and Shaw
Attorneys at Law
522 Main Street
Evansville, Indiana 47708

Dear Mr. Mitchell:

Thank you for your letter of November 17, 1983 to Mr. Antonio J. Califa in which you provided the Office for Civil Rights (OCR) with information in support of your position that Phi Mu Alpha Sinfonia is a social, rather than a professional, fraternity, and therefore is exempt from the requirements of the Title IX regulation.

I have reviewed the facts presented in your letter and the attached documentation related to the fraternity's purposes and activities, including correspondence showing that Phi Mu Alpha Sinfonia is recognized by the Internal Revenue Service as a tax exempt organization. The information presented indicates that the fraternity does not restrict its membership to students either majoring or minoring in music.

You have represented the purposes of Phi Mu Alpha Sinfonia as social, rather than professional, stating that its primary purposes are "to conduct activities to foster interest in music with a cultural objective and to promote social contact among its members sharing an interest in music as a cultural pursuit" and "to foster interest in music and promote a sharing of that interest in that particular art form rather than to prepare persons for professional endeavors related to music." I have also examined the description of the primary purposes of Phi Mu Alpha Sinfonia as set forth in the amended certificate of incorporation attached to your letter. According to that document the purposes are as follows:

The primary purpose of this Fraternity shall be to encourage and actively promote the highest standards of creativity, performance, education, and research in music in America. Further purposes shall be to develop and encourage loyalty to the Alma Mater, to foster the mutual welfare and brotherhood of students of music, to develop the truest fraternal spirit among its members and to instill in all people an awareness of music's important role in the enrichment of the human spirit.

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I recognize that the purposes set forth in the second sentence quoted above are "social" rather than "professional," based on the plain language of the statement. On the other hand, it is not clear from the plain language of the first sentence, without the clarification provided in your letter, whether the reference to the promotion of the highest standards of creativity, performance, education and research in music reflects a professional or social purpose.

However, based on all of the documentary information you have provided, and including your representations as to the primary purposes of Phi Mu Alpha Sinfonia, it is my understanding that its primary purposes are (1) to conduct activities to foster creativity, performance, education, research and interest in music with a cultural, not a professional, objective, and (2) to promote social contact among persons sharing an interest in music as a cultural pursuit. Therefore, based on this information related to the social purpose of the fraternity and to its tax exempt status, I conclude that so long as the characteristics described above apply to Phi Mu Alpha Sinfonia, I find that it is a social, rather than professional, fraternal organization. Accordingly, absent information to the contrary, I consider Phi Mu Alpha Sinfonia a social fraternity for the purposes of Title IX, and thereby exempt.

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: Regional Civil Rights Directors, Regions I-X