



LAMBDA CHI ALPHA

A LIFETIME OF TRUE BROTHERHOOD

OFFICIAL RULING OF THE GRAND HIGH PI ON THE ISSUE OF GENDER IDENTITY

Background

The Grand High Zeta has requested that I issue an official ruling on the following question:

How is the word "men" in Article 4, Section 3 of our Constitution to be interpreted in the case of a transgender man or a transgender woman?

Specifically:

- (1) Is an individual who was assigned female at birth but self-identifies as male before association or initiation eligible to join our Fraternity?
- (2) Is an individual who was assigned male at birth and is already a member of our Fraternity eligible to remain so if she self-identifies as female after initiation?

As an ancillary question, the Grand High Zeta has asked how my official ruling relates to the single-sex nature of our Fraternity and to our obligations, if any, under Title IX.

Definitions

For purposes of this ruling, I make reference to the following definitions, taken from the Media Reference Guide of GLAAD (formerly the Gay & Lesbian Alliance against Defamation):

- A transgender man is a person who was assigned female at birth but self-identifies and lives as a man, and
- A transgender woman is a person who was assigned male at birth but self-identifies and lives as a woman.

Statutory Basis

By way of statutory background, I make reference to the following provisions in our Laws:

Article 4, Section 3 [Membership Requirements for All Initiates] provides:

Only the following shall be eligible for membership in Lambda Chi Alpha: College **men** of good moral character . . . (*emphasis added*)

Article 4, Section 6 [Rights and Duties of Members] provides:

Membership shall be for life, and shall be terminated only by death, resignation, or expulsion.

Article 4, Section 3 [Membership Requirements for All Initiates] provides:

The General Fraternity is and shall remain the sole and final authority with respect to the requisites for membership in Lambda Chi Alpha.

Article 4, Section 4(g)(3) [Duties of the Grand High Pi] provides:

He shall interpret the Laws of the Fraternity through official rulings when requested to do so, which interpretations are not subject to Article 9, Section 5 of this *Constitution*.

Article 9, Section 5 [Revocation of Orders] referred to above provides:

Orders of the Grand High Zeta may be revoked by a majority vote of the General Assembly.

Analysis

I make reference to the following discussion of "transgender" as found in *Title IX Empowers Fraternities to Include Transgender Members*, by Nathan Arrowsmith of the Sandra Day O'Connor College of Law at Arizona State University and Stevie V. Tran of Hostra University School of Law:

"Transgender" is a broad, umbrella term used for individuals whose brain sex, gender identity, or gender expression either does not or is perceived not to match the physical sex they were assigned at birth (Greenberg & Herald, 2005; Fielding & Pettitt, 2008; Coleman, et al., 2011). Transgender people commonly experience this mismatch between their brain sex and physical sex as a feeling that they should be the other sex or that something is wrong with the physical sex into which they were born. Some people seek treatment to alleviate the distress caused by this mismatch - a process commonly known as "transitioning." This process may include legally changing one's name and identity documents, developing a gender expression that aligns with one's gender identity, beginning hormone therapy, starting psychotherapy, or undergoing surgery (Coleman, et al.). Many transgender students seek the lifelong benefits and mentorship that fraternal organizations offer, but they often experience difficulty because of the unclear legal status of transgender people and the misconceptions about Title IX.

I also make reference our Fraternity's Mandatory Resolution on Discrimination that was originally adopted at the 1970 General Assembly and that was amended at the 2002 General Assembly to prohibit discrimination on the basis of sexual orientation. I note with satisfaction that our societal angst over sexual orientation is rapidly resolving in favor of greater understanding and acceptance. Indeed, it is gratifying to see that this is now largely a generational matter, with our undergraduate members for the most part not considering it an issue. Proof, if needed, may lie in the fact that the 2002 amendment to our Mandatory Resolution on Discrimination was adopted by the General Assembly without a single opposing vote.

As noted in the definition above, gender identity is a distinct issue, not encompassed by the concept of sexual orientation. Nevertheless, I am convinced that an understanding and acceptance of gender identity is a reasonable expansion of the non-discriminatory intent of our Mandatory Resolution on Discrimination. Accordingly, I am satisfied that this issue involves an interpretation of - not a change in - our laws. It is therefore an appropriate issue for an official ruling of the Grand High Pi under Article 4, Section 4(g)(3), and further action by the General Assembly is not required.

Lastly, I note that our core value of respect compels us to recognize the absolute dignity that every human possesses. Specifically, this core value indicates compassion for and consideration of others, including sensitivity to, and regard for, the feelings and needs of others.

Official Ruling

I have therefore concluded that a college "man," for purposes of our laws, is any individual who, at the time both of his association and his initiation, self-identifies as male, regardless of his assigned sex at birth or his expression or the perceived expression of his gender. Any such individuals should be considered on an equal basis with all other candidates for association and initiation, and any discrimination against them on the basis of their gender identity would be a violation of our Mandatory Resolution on Discrimination.

Members are members for life under Article 4, Section 6 unless they resign or are expelled for disciplinary reasons. Accordingly, Members will remain Members even if they decide to transition after initiation. In other words, a person who was assigned male at birth and who has been initiated into our Fraternity but who later self-identifies as female, does not lose the benefits of membership in Lambda Chi Alpha. Later gender identification as female is not, standing alone, grounds for discipline.

I would also note as an aside that at least 23 universities at which Lambda Chi Alpha either has or has had a chapter have added gender identity to their prohibitions against discrimination, and the list of universities appears to be growing. Any failure of our Fraternity to prohibit gender identity discrimination may violate the policies of these universities.

In response to the Grand High Zeta's ancillary question, I reaffirm the single sex nature of our Fraternity. Congress specifically designed Title IX to bind the university, not the fraternal organization. A university that receives federal funding must comply with Title IX throughout the institution. An exemption under Title IX, however, permits a university to recognize single-sex social fraternities and sororities without losing its federal funding. All aspects of membership decisions - including whether or not to admit transgender students - remain solely with the fraternal organization.

Accordingly, my ruling with respect to gender identity above does not in any way diminish the single sex nature of the Fraternity, nor does it waive any rights the Fraternity may have under Title IX.

This ruling shall be deemed effective as of April 26, 2015.

Jeffrey A. Stuerman, Grand High Pi
Dated: April 26, 2015



LAMBDA CHI ALPHA

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OFFICIAL RULING OF THE GRAND HIGH PI REGARDING ELIGIBILITY FOR MEMBERSHIP

The Brothers of Sigma-Epsilon Zeta at the University of Montevallo have asked for an interpretation of our membership requirements in a specific context: “We currently have two associate members who do not identify as male, but rather gender-fluid. Upon extending these associate members bids, they identified as male. Since then, they have publicly revealed an alternate, hidden, gender identity that is neither male nor female.” Implicit in the Chapter’s request is the assertion that the two associate members in question are biologically male, and this Official Ruling proceeds upon that understanding.

The Chapter wishes to initiate these two associate members, but have received what the Chapter describes as “mixed signals” with respect to guidance on this matter. Accordingly, the Chapter has sent a request to the Grand High Zeta to address the issue, and the matter has been referred to the office of the Grand High Pi, as it is this office that has been assigned the duty of interpretation under our Laws.

Under Article 2, Section 4(g)(3) of our Constitution, the Grand High Pi “shall interpret the Laws of the Fraternity through official rulings when requested to do so, which interpretations are not subject to Article 9, Section 7 of this Constitution” (that is, the Grand High Pi’s interpretations of our Laws are not “Orders of the Grand High Zeta” that “may be revoked by a majority vote of the General Assembly”).

On April 26, 2015, the Grand High Pi—my predecessor in this office; now our Grand High Alpha—authored an Official Ruling on the Issue of Gender Identity. That ruling is embedded in our Laws as a footnote to Article 4, Section 3(a) of our Constitution. Section 3 is titled “Membership Requirements for all Members,” and subsection (a) provides that “[o]nly the following shall be eligible for membership in Lambda Chi Alpha: College *men* of good moral character whose ideals, characteristics, and attainments are such as will make them compatible, congenial, and worthy members of the Fraternity” (Emphasis added.)

The Grand High Pi’s 2015 Official Ruling—which, I emphasize, I do not alter or disturb in any way—nonetheless does not answer the question posed by the Brothers of Sigma-Epsilon Zeta. That Ruling (at 1) addresses only the question of how the word “men” should be interpreted “in the case of a transgender man or a transgender woman.” It does not purport to address the question of gender fluidity posed by this request.

Lambda Chi Alpha was founded as, and remains, a fraternity for collegiate men. In 1909, the date of our founding, it is fair to conclude that this restriction was understood in the context of a universally assumed, binary notion of gender. One was either male or female, based on the biology of birth. Those who did not fit into one of those two categories either denied that truth, or were marginalized. But as a matter of interpreting the original understanding of our Laws, the important point is that “men” was originally understood to refer only to biology. Indeed, our early (now superseded) versions of the initiation ritual contained the requirement, removed by 1925, that the candidates for initiation present themselves naked (“stript”) for a “physical examination” to be conducted by the High Epsilon. Under this original understanding of college “men,” there is no question that the two associate members in question, who were born biologically male, qualify for initiation.

This is the context in which the Grand High Pi considered the case of transgender candidates in 2015. Against that background, the Grand High Pi concluded that a person who “self-identifies as male, regardless of his assigned sex at birth or his expression or the perceived expression of his gender,” was a college “man” under our laws. The “mixed signals” described in the Chapter’s letter arose from a reading of the 2015 Official Ruling as both expanding the definition of “man” to include transgender individuals, and limiting the definition of a college “man” only to those individuals who “self-identif[y] as a man.” But the self-identification aspect of that ruling was not intended to be, and could not have been, a rewriting of our laws to narrow the original understanding of what it meant to be a college “man.” For one, the Grand High Pi has no authority to change the laws; he may only interpret them. For another, the Grand High Pi’s 2015 Official Ruling, on its face (at 3), recognized that it was an expansive interpretation, not a narrowing one: “[A]n understanding and acceptance of gender identity is a reasonable *expansion* of the non-discriminatory intent of our Mandatory Resolution on Discrimination.” (Emphasis added.)

Accordingly, the 2015 Official Ruling was limited to the specific question of transgender candidates, and in interpreting the term “college men,” it purported only to provide a “reasonab[ly] expansi[ve]” interpretation, not a narrowing one. Because the two associate members are biologically male, and do not identify as what the drafters of our Constitution would have regarded as non-male, or “the opposite sex,” female, I conclude that they are “college men” eligible for initiation for purposes of our Laws.

This ruling does not offer any opinion or interpretation on the very different question of whether a biological male who identifies entirely as female would qualify for membership. It is limited to the context of the facts as presented.

I note that this ruling is entirely consistent with the 2015 Official Ruling’s observations regarding post-initiation transitions in gender: “Members will remain Members even if they decide to transition after initiation. In other words, a person who was assigned male at birth and who has been initiated into our Fraternity but who later self-identifies as female, does not lose the benefits of membership in Lambda Chi Alpha.” The notion of “gender fluidity” reflects a similarly dynamic understanding of one’s gender, in which the gender-

fluid person might identify as male at one moment, and female the next. But what makes this question (relatively) easy as an interpretive matter is that the two associate members in question are biological males, and therefore “men” within the original understanding of our Laws.

Our understandings of gender, sexuality, and sex have expanded greatly since 1909. At an appropriate time, the General Assembly may have to reckon with these issues as they relate to the question of membership in Lambda Chi Alpha. The undersigned is a graduate of the only all-men’s college remaining within Lambda Chi Alpha. The combined experiences of this college and Lambda Chi Alpha have allowed me to see, for over 35 years, the benefits of educating men in a distinct and focused way. Our open motto of *Vir Quisque Vir*—**every** man a man—implies a broad and inclusive understanding of what it means to be a man. The two associate members of Montevallo will continue to help our Brothers understand and apply this broad and inclusive understanding to their fraternal lives, and to their lives in the modern outside world.

IT IS SO ORDERED this 23rd day of November, 2020.

In Z A X,

/s/ Gregory A. Castanias

Gregory A. Castanias
Grand High Pi



cc: Sigma-Epsilon Zeta

Br. Nathan Schultz, Director of Chapter Support