

## **FAQ for Transgender Inclusive Amendment**

### **What got us here?**

At the last Grand Chapter, a proposal was made to amend the Constitution to make the fraternity fully-inclusive of transgender individuals (for definitions and explanations of what this means, see PKS Trans 101 Guide). As there were no fraternities which had developed policies at that time (which might serve as a template), the decision was made to forego the amendment and establish a committee to study the issue and make recommendations. A group of alumni volunteers including policy and legal experts from around the country formed this committee to investigate the best practices for adopting such a policy, as well as to consider what the legal and social ramifications may be down the line. The recommendations were then presented to the Executive Board which has approved and supports an amendment establishing a policy which will allow, unequivocally, for any person who identifies as male to join our fraternity, without having to produce any documentation (such as birth certificates, driver's licenses, etc.). For many of our chapters, this will not change the way they have handled this in the past, but the change to our constitution and related policy documents establishes clear guidelines for all chapters to follow, and it sends a clear signal all new members who identify as male are welcome to our fraternity.

### **Why is this change important?**

There has been some grassroots push to change this from our local chapters, as the existing constitutional language is unclear on the admissibility of transgender brothers. Although some chapters have already admitted transgender brothers, the risks of an inconsistent policy are quite high, both from a fairness perspective (i.e., the equal treatment of individuals at different chapters) as well as from a litigation / risk management perspective. There are some isolated cases involving other fraternities and sororities which have addressed the admissibility of transgender members in different ways, but the North American Interfraternity Conference has stressed two points for any policy changes: consistency of application and maintaining single-gender status. In other words, it is vitally important for chapters to all apply a consistent policy, and the NIC's position continues to remain steadfastly in favor of single-gender organizations.

It has long been assumed Title VII of the Civil Rights Act of 1964 provides protection for single-gender Greek social organizations such as Phi Kappa Sigma, as there is language in the law which prohibits punishing universities for allowing these single-gender organizations to exist. It is not clear whether this exemption extends to protecting single-gender organizations from lawsuits claiming discrimination on the basis of gender. However, this policy is believed to be the best way to comply with the current understanding of state and federal civil rights and education laws while maintaining consistency with the single-gender status of our fraternity.

### **Why will the policy not ask for identification documents?**

There are legal and ethical reasons the policy does not require the production of identification documents. Unfortunately, the laws on identification documents and changes to them vary from state to state. While some states are very permissive in allowing people to change the gender markers on their identification documents, others have more restrictive laws. Even for the more

permissive states, it can be quite expensive to change someone's identification documents, and this can represent both a legal and financial hurdle. Depending on where one is in the country has a significant impact on the ease or difficulty one will face in changing gender markers on their identification documents. This policy accounts for these differences and seeks to "level the playing field" for all new members, regardless of which state they come from. Additionally, this policy seeks to promote a welcoming culture to all new members; asking people to produce identification documents would run counter to this non-discriminatory and welcoming culture, one which the fraternity has embraced since its founding.

**Will this affect Phi Kappa Sigma's continued status as a single-gender organization?**

The proposed changes will not make Phi Kappa Sigma a co-ed organization, nor is there any intention of moving in this direction. However, this policy change is important to maintain our single-gender status. The policy was drafted in part in reaction to recent lawsuits, both involving fraternities and on broader social issues. While there is no "silver bullet" to address future changes to the laws or interpretation of the laws by the courts, this policy is believed to best serve the goals of an inclusive fraternity while maintaining single-gender status.

**What effect will this policy have on current members or alumni of Phi Kappa Sigma?**

**What if an alumnus transitions genders after joining?**

This policy will have no impact at all! "Once a Phi Kap, always a Phi Kap" remains a principal feature of our fraternity, and members and alumni will not see their membership status change as a result of this policy.

**What if I want to learn more about this potential policy change prior to Grand Chapter?**

The members of the gender inclusion committee will be hosting a live webinar to answer your questions on Wednesday, April 25<sup>th</sup> from 8 to 9 PM EST. If needed the time can be extended, the webinar will continue until all questions that you have can be addressed. Please join the webinar through this [link](#).