

GENDER THEN AND GENDER NOW: WHAT HAPPENS IF

It is not a topic that is often discussed at conferences or interfraternal gatherings. Yet, most chief executive officers and executive directors of men's national fraternities have encountered the situation in which an alumnus has written a letter to the headquarters to announce that he has undergone a gender change and is now legally recognized as a woman. The letter usually contains a request that the former alumnus be referred to by a woman's name and title in all future correspondence.

There are two questions for men's fraternities. Should we continue to recognize this individual as a member regardless of gender? If we do, will that compromise our single sex status?

An informal survey of several chief executive officers and volunteers of men's national fraternities revealed that each had encountered one if not more situations in which an alumnus had undergone a transgender procedure and subsequently notified the headquarters of the change and requested that the records be changed to reflect that fact.

The responses were generally consistent. Without exception, those fraternities continued to recognize the member and made the appropriate change in name and title as requested. Several of those contacted made the point that a request of this nature would be granted because the request was not considered a significant issue. Others noted that every effort should be made to avoid an emotional or visceral response to the request.

Two points to consider in assessing a request of this nature are:

- 1) The individual had been initiated as a male. The national bylaws or other documents that control single sex status are generally silent as to whether

maintaining one's status as a male following initiation is required. Under that logic, a transgender change later in life was not construed by the fraternities that were contacted as a violation of those laws or rules.

- 2) Do the operating documents of the national organization provide a basis for expulsion of the individual for "Conduct unbecoming a member"? If so, does a transgender procedure fall within the purview of, "Conduct unbecoming"? One person noted that if litigation resulted from a decision by a national fraternity to expel the individual as a member, it would be relatively easy to document a number of examples of alumni who had been convicted of felonies and yet remained members, ostensibly in good standing.

It is clear that these requests will in all likelihood be made from time to time. The requests should be examined as other questions involving the law and fraternity should be examined. What do our operating laws and policies require or permit? What do we gain or lose by a particular decision? Finally, are we analyzing or evaluating a decision or course of action in a calm and logical manner without allowing emotion or strong feelings to influence an outcome?

• David L. Westol

Dave Westol is a consultant who often works with boards of directors and non-profit associations. He is an attorney and served as chief executive officer of his fraternity for eighteen years. His email address is David.Westol@gmail.com

JUICYCAMPUS.COM CREATES QUESTIONS, AND HEADACHES

A relatively new website is generating increasing concerns on campuses across the country. Juicycampus.com, officially launched on October 24, 2007, states that its seemingly harmless "simple mission" is "enabling online anonymous free speech on college campuses. Today it is a forum where college students discuss the topics that interest them most, and in the manner that they deem most appropriate."

However, not all students, administrators and Greek organizations find the site so harmless. In fact, some universities have blocked access to the site, while students and organizations are left wondering what can be done to stop juicycampus. A short stop by the site quickly shows why so many are concerned. Topics of discussion include the

"worst frat on campus," "ugliest girl on campus," and the "biggest cocaine users." These are in fact some of the milder topics.

The welcome page on the site says that, "Juicycampus is the world's most authentic college website, with content generated by college students for college students. Just remember, keep it Juicy!" In short, the site provides anonymity for posters to discuss whatever is on their mind. It seems that rumors of sexual exploits, drug use, fraternity and sorority rankings and the like are on the mind of the vast majority of the site's posters.

The site now claims to be on more than 500 campuses, with the goal of being on every campus in the country. Matt Ivester, a recent Duke graduate, who was the president