



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 16, 2014

Douglas Case, Coordinator
Lambda 10 Project for Fraternities and Sororities
A Program of Campus Pride
P.O. Box 240473
Charlotte, NC 28224
Email: Doug@campuspride.org

Dear Mr. Case:

I write in response to your letter, dated November 21, 2014, requesting guidance from the U.S. Department of Education's Office for Civil Rights (OCR) regarding the membership of transgender students in social fraternities and sororities. Specifically, you ask for confirmation that Title IX of the Education Amendments of 1972 (Title IX) does not apply to the membership practices of such organizations.

As you know, OCR enforces Title IX, which prohibits discrimination based on sex (including gender identity) in federally funded education programs and activities. As your letter points out, Title IX specifically excludes the membership practices of a social fraternity or sorority from its coverage so long as the organization is exempt from taxation under section 501(a) of the Internal Revenue Code and its active membership consists primarily of students in attendance at institutions of higher education. 20 U.S.C. § 1681(a)(6)(A); 34 C.F.R. § 106.14(a). So long as a social fraternity or sorority meets these conditions, its membership practices are exempt from Title IX regardless of whether that organization admits transgender students.

We hope this letter provides adequate clarification and thank you for writing.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Lhamon".

Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education