Policy and Procedures for Supporting Trans Staff and Students

Introduction
The University is committed to ensuring that no member of staff or student (actual or prospective), supplier, provider, contractor or user of facilities will be treated less favourably or subject to harassment on the grounds of their gender identity. This is in line with the Sex Discrimination (Gender Reassignment) Regulations 1999, the Gender Recognition Act 2004 and the Equality Act 2006. The University will ensure in the operation of all its functions, that no trans person will be treated less favourably on the grounds that s/he intends to undergo gender reassignment, is undergoing gender reassignment, or has at some time in the past undergone gender reassignment. The University respects an individual’s right to self-identify as male or female and commits to recognising all members of the University community as the gender in which they choose to present in so far as is reasonable and practicable. In instances where the trans person holds a Gender Recognition Certificate the University is bound by law to do so for all purposes.

It is expected that all members of the University community will adhere to this policy, behave in a manner that is sensitive to and respectful of others and provide a supportive framework by which to support those whose gender presentation does not reflect their birth gender.

The University recognises that it has no right to enquire into the birth gender of staff and students. Unless there are documentary discrepancies due to unchanged documents or the trans person transitions within the University then the fact of a trans history is of no concern to the university. Keeping a record of birth gender
or former names of a trans person who is in possession of a Gender Recognition Certificate may open the University and its employees to criminal charges.

This policy should be read as part of the wider set of policies within the University including, but not limited to:

- Policy on Equal Opportunities and Diversity
- Student Complaints Procedures
- Harassment Policy and Procedures
- Grievance Procedures for staff.

1. Supporting transition

The definition of transition may vary, involving treatments such as counselling, speech therapy, electrolysis, hormone treatment up to and including male-to-female or female-to-male gender reassignment surgeries of which there are many different types. In all cases transition will involve a requirement to live in the desired gender role permanently and this period will normally be under medical supervision for the first one to two years.

Staff who are intending to transition should inform a member of Human Resources or their Head of School/ equivalent line manager as soon as possible. Students should contact their Personal Tutor or a representative of Student Services. In doing so, appropriate support structures can be arranged, tailored to individual need where practicable.

2. Recommended procedure

The University will be guided by the wishes of the individual in terms of the speed at which the transition will progress.

a) Initial disclosure. The member of staff or student should write a letter stating the date that they intend to present themselves in the acquired gender. Alternatively, this may be confirmed verbally in a formal meeting. Employees may wish to be accompanied by their Trade Union representative and students may wish to be accompanied by their Student Union representative.
b) **Forward planning meeting.** This secondary meeting should include the following people:

<table>
<thead>
<tr>
<th><strong>STAFF</strong></th>
<th><strong>STUDENTS</strong></th>
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<tr>
<td><em>Essential</em></td>
<td><em>Essential</em></td>
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<tr>
<td>Head of School or equivalent “Line Manager”</td>
<td>Personal Tutor</td>
</tr>
<tr>
<td>Member of Human Resources</td>
<td>Representative of the Student Services Directorate</td>
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<tr>
<td><em>Optional</em></td>
<td><em>Optional</em></td>
</tr>
<tr>
<td>Trade Union representative or work colleague</td>
<td>Student Union representative or fellow student</td>
</tr>
<tr>
<td>Friend</td>
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Prior to this meeting, all participants should be given guidance on issues that may arise with a member of staff or student who is trans (available from the Equal Opportunities and Diversity Officer) and a covering note explaining the intentions of the individual. There should also be a clear statement of confidentiality.

**Items to discuss at forward planning meeting:**

- The timetable that the person wishes to follow in their transition. This must include the date for the announcement to relevant colleagues and the date from when the individual wants to make the social change to the acquired gender.
- Where available, dates of appointments with doctors and specialists (up to and including a provisional date for surgery). This will enable the University to ascertain any necessary arrangements for leave.
- Procedures for amending official records with the new name if appropriate (eg Library card, payslip, contract of employment, telephone directories, prospectuses, web biographies etc)
- When and how to inform relevant colleagues of the change (possibly including drafting of communications documents). It should be the individual’s choice as to whether affected colleagues are informed by them.
personally, by the appropriate Human Resources or “Line Manager” equivalent, or jointly. It is essential that a mutually acceptable strategy should be discussed and decided upon prior to any announcement being made. Should an individual withhold consent to communicate the University cannot be held liable for any confusion or practical difficulties that may arise.

- Use of facilities (eg toilets). It is the policy of the University that a transsexual person is able to use the toilet that reflects their current gender presentation. This should not happen suddenly but after the announcement to the rest of the department.
- The possibility and desirability of redeployment or temporary reallocation of duties where reasonable and practicable and desired by the trans person during the transition period.

3. Changing of personal information

Once the transition period has been confirmed the individual is able to change their name and gender immediately. This enables all identification (except for birth certificate) to be updated. The birth certificate can only be changed once full legal status has been confirmed by a Gender Recognition Panel (see Appendix A) but in many instances this may not be possible either because of marriage or because they were born outside the UK.

This process of changing records in the University context should be treated no differently than if a female employee had got married. Suitable evidence to account for the transition and new identity must be presented to Student Services or Personnel as appropriate. This should include the following:

- A letter from a GP or medical practitioner/gender specialist confirming that they are undergoing gender reassignment treatment – though in instances where access to medical services for gender reassignment is not funded this may not be possible.
- Evidence of a change of name. This may be in the form of any of the following:
  a) A Name Change Deed (eg Statutory Declaration)
  b) Driving license
c) Passport

d) Birth Certificate.

On receiving this documentation, the University will take all reasonable and practicable steps to ensure that all relevant records (eg Library card, payslip, contract of employment, telephone directories, prospectuses, web biographies, examination certificates etc) be updated as soon as is possible to reflect the acquired gender identity and to protect confidentiality.

Once the period of transition has begun, the individual should be referred to by his/her new name and with the pronouns appropriate to his/her new gender role. Deliberate and wilful use of the old name or pronoun will be treated as harassment by the University.

4. Transition related absence from work or studies

Individuals will be able to take time off for medical and/or surgical treatment in line with the sickness absence and attendance procedures in operation at the University. In other words, transition related absence must be treated in the same way as one would treat absence on the grounds of non gender reassignment related grounds (eg general sickness and injury).

As a transsexualism or transgenderism could arguably fall within the remit of what constitutes a disability (a mental or physical impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day to day activities) the University will seek to make reasonable adjustments for a person who is transitioning. For staff this may include adjusting work hours, redeployment or allowing the person to be absent during normal working hours for rehabilitation, assessment or treatment. For students this may include time-table rescheduling (as is reasonable and practicable), suspension of studies, extension of deadlines and working closely with their personal tutors to catch up on missed learning opportunities.
5. Support for colleagues of trans staff and/or students

On agreement with the individual planning to transition it is essential that affected colleagues are fully briefed on the situation. This should include the following:

- Circulation of personal letter/departmental memo explaining the individual’s intent to transition (including date) and the new name and title that the individual will assume
- Details of use of facilities (ie toilet arrangements, changing rooms etc)
- Re-enforcement of relevant University policies and procedures (notably Policy on Equal Opportunities and Diversity, Harassment Policy and Code of Good Practice (Valuing Ourselves and Others))
- Details of relevant person to whom they may direct questions (eg the individual, the Head of School/Line Manager equivalent, Human Resources representative etc)
- Details of additional internal and external sources of information and support
- Instruction about the confidential nature of the communication.

6. Student Admissions

In completing UCAS applications forms for admission to the University a student can indicate their sex or gender as that in which they live even where this differs from the sex recorded on their birth certificate. On registration all Faculties will accept a passport as proof of identity rather than specifically requiring a birth certificate which may provide details of the sex recorded at birth (unless the student has been issued a new birth certificate from by the General Registry Office). This approach will ensure discretion and confidentiality for trans students. All students, whether trans or not, can use passports as the basis for proof of identity, the fact that a passport is used should not be taken to indicate that a student is a trans person. Guidance on identification papers needed should simply list options rather than emphasise birth certificates.
7. Staff Recruitment

a) Provision of documents to confirm identity/legal eligibility to work
Human Resources guarantees confidentiality and discretion when asking for formal documents before commencing employment should this documentation be registered in the original gender. If this is the case, all records of identification will be sealed in a confidential envelope accessible only to the Director of Human Resources. Once a Gender Recognition Certificate is obtained then the documents contained in the confidential envelope will be replaced by identical documents in the post transition name.

b) Occupational Health
Candidates who are successful at interview are required to complete an Occupational Health questionnaire based on their medical history and are asked to place this in a sealed envelope. The completed questionnaire will be forwarded to Occupational Health for medical clearance. Occupational Health treats all medical questionnaires in total confidence and does not pass any detailed personal information to Personnel or the employing School or Service. A person who has reassigned their gender can feel confident to be open on their questionnaire in the knowledge that any information will be kept within Occupational Health. Occupational Health department will require explicit permission of any trans person who is in possession of a Gender Recognition Certificate if any record is retained which indicates that they are transsexual.

8. Occupational Pensions
The Pensions Office guarantees confidentiality and discretion when dealing with individuals both during and beyond transition. A transsexual person will be advised of any documents required for pension purposes and whether there are any implications or issues requiring their consideration in connection with their University pension arrangements.

9. External Communications
In situations where the individual concerned may attract press it would be useful and mutually beneficial if the Communications Office is informed. However, the
University’s agreed position is never to comment on personal matters relating to members of staff or students.

10. Sources of information and support

Assistance and support will be available to individuals during this transition phase and for the people that they work and study with as and when appropriate. Internal sources of support include:

- Human Resources Partners and Equal Opportunities and Diversity Officer
- The Counselling and Psychological Service
- A representative of the Student Services Directorate
- Harassment Advisers
- Trade Union representative
- Student Union representative
- RUSU LGBT Society

External:
The Gender Trust
PO Box 3192
Brighton
BN1 3WR
Helpline: 07000 790347
www.gendertrust.org.uk

Press for Change
BM Network
London
WC1N 3XX
www.pfc.org.uk

Equality Challenge Unit
3rd Floor 4 Tavistock Place
London
WC1H 9RA
http://www.ecu.ac.uk/
Appendix A

Terms of Reference

Physical Sex
Sex refers to someone’s physical or anatomical sex and is determined by the match between body and sex organs, i.e. male, female or intersex. Except in rare cases of people who are intersexed, anatomical sex is well defined and easy to interpret.

Gender
Expressed in terms of masculinity of femininity, gender describes how people feel about themselves and how they expect other people to behave towards them. Gender is less clearly defined than anatomical sex and does not necessarily represent a binary choice: some people have a gender identity that is neither clearly female nor clearly male. Gender identity is the person’s internal perception and experience of their gender and gender role is the way the person lives in society and interacts with others based on their gender identity. It should be noted however, that for the purposes of law, gender is binary – people can only be male or female.

Gender Dysphoria
A medical term for the condition, rejected by many trans people. A person with gender dysphoria can experience anxiety, uncertainty, or persistently uncomfortable feelings about their birth gender. They may in turn feel that they have a gender identity that is different from their anatomical sex. Individuals experiencing gender dysphoria may suffer from feelings of depression and alienation. Sometimes a person with gender dysphoria assumes an identity in the opposite sex. This may involve undergoing hormone and perhaps surgical treatment to change their sex physically, although medical treatment is not a prerequisite of Transexualism or of being recognised in the acquired gender.

Gender Recognition Certificate (GRC)
A Gender Recognition Certificate is issued by a Gender Recognition Panel (consisting of judicially trained lawyers and sometimes doctors). A holder of a GRC is legally recognised in his or her acquired gender for all purposes. The GRC will be issued to an applicant if he or she satisfies the panel that they fulfil the criteria outlined in the Gender recognition Act 2004 (unless the person is married). The Act requires that the applicant has or has had gender dysphoria, has lived in the acquired gender for two years prior to the application and intends to live permanently in the acquired gender. A full GRC gives the holder the means to obtain a new birth certificate which does not disclose that fact that they have changed gender. At this point of full legal transition the Sex Discrimination Act applies to the person in the same way as it would to anyone else.

Individuals who are married can apply for an interim GRC which will enable them to get a full GRC after the marriage is annulled (because marriage is not permitted between two members of the same sex) In terms of employment it is best to treat a person in this situation as if they had received a full GRC.

**Hermaphrodisim or Intersexuality**
This occurs when the anatomical sex is ambiguous – it may or may not be accompanied by various degrees of gender dysphoria.

**Transition**
The definition of transition may vary, involving treatments such as counselling, speech therapy, electrolysis, hormone treatment up to and including male-to-female or female-to-male gender reassignment surgeries. Fundamentally, transition is the point at which someone begins to live their life in the opposite gender role permanently.

**Sexual Orientation**
The recognised sexual orientations are:
- Heterosexual (an orientation towards a person of the opposite sex)
- Gay and lesbian (an orientation towards persons of the same sex)
- Bisexual (an orientation towards persons of the same sex and the opposite sex)
The concept of sexual orientation is frequently allied with transsexual issues (often abbreviated to LGBT). Transsexual people, however, can be heterosexual, lesbian, gay or bisexual.

**Transsexual Person**
A transsexual person is someone who feels a consistent and overwhelming desire to transition and fulfil their life as a member of the opposite sex. Someone in this position would have the medical condition gender dysphoria prior to being treated for their transsexualism.

**Transgender**
An umbrella terms used to include transsexual people, transvestites and those with gender dysphoria. The term also refers to people who identify as neither male nor female, for example, if a person does not want to fully transition.

**Trans Person**
A generic term usually used by those who identify themselves as transgender, transsexual or transvestite. It is becoming accepted as the preferred term because it does not carry the medical context of “transsexual” or the historic baggage of many different usages associated with “Transgender”. In the context of this document it does not include transvestites but is limited to those who have undergone or about to undergo transition.