

Trans Policy and Guidance For Staff and Students

August 2013

Version 1.0

Trans Policy and Guidance

Index

1.	Introduction	Page 3
2.	Definition of Transgender	Page 3
3.	Legal Framework	Page 3
4.	Process of Support for Staff and Students	Page 4
	4.1 Consultation	Page 4
	4.2 Data Management	Page 4
	4.3 Practical Considerations	Page 4
5.	Monitoring and Review	Page 5
6.	Web Links	Page 5
7.	Contacts	Page 5
8.	Related Policies	Page 5

Appendices

Appendix 1	ECU Guidance relating to Trans Staff and Students in HE	Page 6
Appendix 2	Trans Definitions	Page 7
Appendix 3	Sources of Information and Further Advice	Page 8

1 Introduction

- 1.1 The University is committed to a comprehensive policy of equal opportunities for all staff and students. This policy has been introduced to underline the University's commitment to ensuring that trans persons are not subjected to any form of discrimination in recruitment, employment, admissions or academia. It reflects the University's responsibility to provide a work and study environment for staff and students which is free from discrimination and in which every individual is treated with dignity and respect.
- 1.2 The following information should be read together with guidance provided by the Equality Challenge Unit's publication [Trans staff and students in higher education](#)(1). This guidance will assist staff to increase their awareness of gender identity issues and covers the background and process of gender reassignment; the legal framework, practical matters to consider and responsibilities involved when supporting a person who is transitioning.
- 1.3 According to the [ECU\(1\)](#), recent re-evaluations of the number of trans people show that there are between 300,000 and 500,000 trans people in the UK. Although not all these people will transition, in the future between 50,000 and 90,000 are expected to present themselves for medical assistance. Given these figures, Universities are likely to have trans people among their staff and students. When an individual is transitioning or has transitioned to their preferred gender, a number of issues will arise, many of which are underpinned by legislation. This policy aims to ensure that these issues are managed appropriately as part of the University's commitment to equality of opportunity.

2 Definition of Transgender

Transgender is an umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment, including hormonal treatment and/or surgery. Transgender is a term often used interchangeably with 'trans'. A trans man is a person who is transitioning or has transitioned from a female to a male. A trans woman is a person who is transitioning or has transitioned from male to female.

3 Legal Framework

Two key pieces of legislation have direct relevance to gender identity issues, the Equality Act 2010 and the Gender Recognition Act 2004. Further detailed information on the legal background can be found in the [ECU\(1\)](#) guidance. This should be consulted alongside the following information.

3.1 Equality Act 2010

As part of the Equality Act 2010, the Act protects employees against harassment, victimisation and discrimination on the basis of gender reassignment whilst they are in employment. The act fundamentally protects a person at all stages of their gender reassignment (whether they are planning to undergo reassignment, are in the process of reassignment or have undergone gender reassignment). The Act also protects:

- Trans People who are not under medical supervision.
- People who face discrimination through being perceived by others as trans.
- People who are discriminated against by being associated with someone who is in the process of transitioning or has transitioned.

3.2 The Gender Recognition Act 2004

The Act allows people who have completed their transition and meet certain criteria to apply for a Gender Recognition Certificate: This certificate allows them to change their identity, for example,

by obtaining a birth certificate in their acquired gender, or marrying in their new gender. The Act makes it a criminal offence to pass information about a person's trans status to a third person without the consent of the trans person.

4 Process of Support for Staff and Students

The ECU Guidance [Appendix D: supporting a staff member or student through transition](#) p40-45, provides a comprehensive checklist of points to consider and work through when an individual is going through the transition process. This should be read in conjunction with the following information.

4.1 Consultation

If a member of staff or a student decides to undergo gender reassignment, they should inform the University of their decision to transition in a confidential manner as soon as they feel ready to do so. The University will be flexible with the time frames in which it is required to be notified. This information should be given formally, in writing.

The University will organise a meeting with the person to offer support and guidance. An action plan and an appropriate time-scale within which their transition can take place should be organised. At this meeting the person should be asked to let the institution know of any scheduled dates that have been set, relating to their transition.

At all stages, the person will be consulted on the circumstances surrounding the formal disclosure of their transition. Any formal disclosure that takes place should be the personal decision of the individual. It is vital the employee's confidentiality is upheld at all stages of this process.

4.2 Data Management

It is imperative that the personal records of a staff member or student are not changed without the permission of the person. The University has a duty to agree with the person a date from which their gender should be changed on all personal and student records.

With the agreement of the individual, a written notification of intent to undergo a transition is sufficient for the gender and name on personal records to be modified. This process however isn't applicable to the alteration of degree certificates.

For the purposes of confidentiality, the University is prohibited from storing any data on a person's file that could disclose to a third person that a change in gender has occurred.

Once a trans person has declared their chosen name, this name should be used in all circumstances. Similarly a person who identifies with a specific gender should be referred to by that gender at all times.

If a trans student changes the name under which they are registered at the University, they must also do this with the student loans company, their local authority, any sponsor, and their bank to ensure payments are not delayed.

4.3 Practical Considerations

There are a number of practical issues that may arise that relate to trans people. These range from accommodation, single gender facilities, through to sports, name changes and dress codes. Guidance on all these matters is provided by the [ECU\(1\)](#). The following highlight some of these practical considerations:

4.3.1 Single-Gender Facilities

All Staff and Students will have access to all necessary facilities of the gender with which they identify. Asking a person to use disabled facilities is an unacceptable way of administering a service to the specific needs of a trans person.

4.3.2 Sports

All Staff and Students will be given the same access to sports clubs. However the Gender Recognition Act (2004) stipulates that in certain circumstances it may be appropriate to restrict a trans person from participating in competitive sports that have a specific gender requirement. This is to ensure fair competition and the safety of all participants.

The specific sport's governing body will be consulted in the event of confusion surrounding a trans person's applicability for participation in a particular sporting activity. The governing body's ruling should provide the basis from which to allow or prevent a trans person's participation in a particular sporting activity on the grounds of gender.

4.3.3 Accommodation

A student's gender identity must be taken into consideration when they are allocated student accommodation. Students (living in single-sex accommodation) who begin to transition when living in accommodation should have flexible contracts to allow them to change accommodation when they begin to live in their chosen gender identity.

5 Monitoring and Review

All aspects of this policy will be subject to on-going review and amendment as appropriate, in order to improve its effectiveness. This will include consideration of measures which will assist in promoting an understanding of equality and diversity, regarding the representation of trans-gender staff and students in the University.

6 Web Links

www.ecu.ac.uk

[Trans staff and students in higher education](#) (1)

7 Contacts

For Staff

Angie Cousins, Head of Equality and Diversity

Email: a.cousins@surrey.ac.uk

Tel: 01483 689189

For Students

Student Support Services

Email: ask@surrey.ac.uk

Tel: 01483 686868

8 Related Policies

Dignity at Work and Study Policy

Trans staff and students in higher education: revised 2010 (ECU Guidance)

Fully revised guidance for the HE sector

This guidance for higher education institutions covers issues relating to trans staff and students. It will help institutions to meet their legal responsibilities, ensure their policies and procedures better meet the needs of trans people, and most importantly, provide effective support to staff and students during transition.

This practical resource is a must for staff who are supporting a trans colleague or student, and can also be used to increase awareness of gender identity issues. It should also inform the development of institutional policies and processes to support, and combat discrimination against, trans staff and students.

Areas covered include:

Background and context

- Terminology
- Use of language
- The process of gender reassignment
- The legal framework

Promoting trans equality within a higher education institution

- Ensuring awareness of gender identity issues
- Practical issues: from accommodation to sports
- Bullying, harassment and discrimination against trans people
- Monitoring trans staff and students



Responsibilities when supporting a person who is transitioning

- Preparing and planning for a staff member's or student's transition
- Managing the reactions of colleagues and fellow students
- Supporting changes in gender presentation

Resources for higher education institutions

This publication replaces ECU's 2008 guidance, with updated legislative and best practice information.

Download:

-  [PDF: Trans staff and students in higher education: revised 2010](#) (783.4 kB)
-  [DOC: Trans staff and students in higher education: revised 2010](#) (215.5 kB)

Definitions

Acquired Gender

A person's gender after they have gone through the transition of having their gender reassigned and/or legally recognised. It's possible for this to legally occur without medical assistance.

Gender Identity

A person's own perception and experience of their gender. A number of people have a gender identity that is not particular to a specified sex (male or female).

Gender Role

The way a person lives socially and interacts with others. British law defines all people as either female or male.

Gender Dysphoria and Gender Identity Disorder

The former is a recognised medical condition, in which a person is born a certain characteristic gender but perceives and identifies themselves as different from this ascribed identity. People who are believed to have a clear case of gender dysphoria are diagnosed with gender identity disorder. A person with gender dysphoria may experience anxiety and negative attitudes to their birth gender which can cause depression. As a result of this a person may decide to assume an identity of the opposite sex. In some cases such a transition may involve hormone and surgical procedures.

Gender Recognition Certificate (GRC)

Issued under the Gender Recognition Act 2004 by the gender recognition panel. This certificate legally defines the gender of the person in question in all legal instances. To obtain such a certificate a person must fulfil certain criteria. It is against the law to ask a person to show their GRC except in rare situations.

Real-Life Experience or Test

This is a phase during a gender reassignment process in which a person must live with the gender they want to be identified by before they can have access to hormone therapy/surgery. It's important in some cases that the individual receives confirmation from their HEI before undertaking this phase.

Trans

Term used by those who identify themselves as transgender, transsexual or transvestite. A Trans man is a person who is transitioning or has transitioned from a female to a male. A Trans woman is a person who is transitioning or has transitioned from male to female.

Transgender

A term that covers people whose gender identity and/or gender role differs from their sex assigned at birth.

Trans Phobia

Irrational fear or prejudice directed towards individuals or groups perceived to be trans.

Transsexual Person

A person who desires to undergo or has undergone a transition to a preferred gender.

Sources of Information and Further Advice

The Equality Challenge Unit: works to further and support equality and diversity for staff and students in higher education across all four nations of the UK, and in colleges in Scotland. ECU works closely with colleges and universities to seek to ensure that staff and students are not unfairly excluded, marginalised or disadvantaged because of age, disability, gender identity, marital or civil partnership status, pregnancy or maternity status, race, religion or belief, sex, sexual orientation, or through any combination of these characteristics or other unfair treatment.

<http://www.ecu.ac.uk/>

The Beaumont Society: a support network that promotes better understanding of the conditions of transgender, transvestism and gender dysphoria.

www.beaumontsociety.org.uk

Depend: Organisation that offers free, confidential and non-judgmental advice, information and support to all family members, partners, spouses and friends of trans people.

www.depend.org.uk

Equality and Human Rights Commission: a statutory body with responsibility for protecting, enforcing and promoting equality across all nine protected characteristics.

www.equalityhumanrights.com

Gender Identity Research and Education Society: initiates, promotes and supports research into the needs of people who desire to live and be accepted in the gender they identify with.

www.gires.org.uk

The Gender Trust: An authoritative centre for professional people who are dealing with gender-identity related issues during their time in work.

www.gendertrust.org.uk

Mermaids UK: Provides support and information for children and teenagers who are trying to cope with gender identity issues, and for their families and carers.

www.mermaidsuk.org.uk

Press for Change: is a political lobbying and educational organisation that campaigns to achieve equal civil rights and liberties for all transgender people in the UK through legislation and social change.

www.pfc.org.uk

Transgender Zone: is an online resource that covers all aspects of transgender issues, including a section specifically for female-to-male trans people.

www.transgenderzone.com

Equality Analysis

For Equality & Diversity Team to Complete:

Organisational Sign Off by Equality and Diversity Team:	NAME OF POLICY: <u>Trans Policy and Guidance</u>
	<input type="checkbox"/> Low Equality Impact (Minor input to Policy to reflect equality considerations)*
	<input checked="" type="checkbox"/> Medium to High Equality Impact (Equality Analysis template completed)
	<input checked="" type="checkbox"/> Sign off received
	Signed off by: <u>Jo McCarthy-Holland</u>
	Position: <u>Equality Adviser</u>
Date: <u>1st May 2014</u>	

Note: This Template must be used in conjunction with the associated Equality Analysis Guidance Notes, which can be accessed from the [Equality and Diversity Website](#)

* Confirmation to be obtained from the Equality and Diversity Team where policies are deemed to be Low Equality Impact.

Equality Analysis Template for University Policies

1) Name of Policy	Trans Policy and Guidance
2) Department	Equality and Diversity
3) Date of Equality Analysis	April 2014
4) People involved in the Equality Analysis	Jo McCarthy-Holland, Fiona McCallum

5) Aim of Policy	To assist staff to increase their awareness of gender identity issues and practical matters to consider and responsibilities involved when supporting a person who is transitioning.
6) Scope of Policy	Staff, Students, Visitors
7) Evidence and Data	We do not currently hold data relating to staff or student gender reassignment. The data and evidence used for the purposes of creating this policy come from external sources (ECU) at a national level and from qualitative data sourced from meetings with individuals from the transgender community.
8) Involvement and Consultation	Trade Unions, LGBT working group, Equality and Diversity Committee, Trans staff and students, HR Policy Group

9) Equality Matrix

General Duty	Question	Age	Disability	Gender	Gender Reassignment	Pregnancy/ Maternity	Race	Religion/ Belief	Sexual Orientation	Marriage/ Civil Partnership
To Eliminate Unlawful Discrimination	Does the policy have a positive, negative or no impact for people in any of the protected characteristics groups in seeking to eliminate unlawful discrimination, harassment, victimisation?	<p>Race: No impact</p> <p>Religion or belief: No impact</p> <p>Disability: No impact</p> <p>Gender: Purpose of policy is to provide protection and support to those with e.g. gender dysphoria and/or perception of gender identity, but makes no assumptions as to gender – including students, staff and visitors</p> <p>Pregnancy or maternity: No impact</p> <p>Gender reassignment: Purpose of policy is to provide protection and support to individuals undergoing gender reassignment – including students, staff and visitors</p> <p>Sexual Orientation: No impact</p> <p>Age: No impact</p> <p>All protected characteristics: Policy relates specifically to one protected characteristic</p>								
To Advance Equality of Opportunity	<p>Does the policy have a positive, negative or no impact in:</p> <ul style="list-style-type: none"> • removing or minimising disadvantages suffered by people because of their protected characteristics? • meeting the needs of people with protected characteristics? • encouraging people with protected characteristics to take part in the relevant activity? 	<p>This policy specifically focuses on advancing equality for trans people from every background.</p> <p>Through consultation with HR, the issue was raised as to how sickness absence is recorded for staff going through transition and medical interventions relating to their gender dysphoria. The ECU guidance referred to in the Trans policy, states that gender dysphoria is a recognised mental health condition and therefore covered under the disability provisions of the Equality Act and therefore it would be good practice to record sick leave relating to this condition separately.</p> <p>From the ECU guidance: <i>In the UK, gender dysphoria is a recognised mental health condition, although this position is controversial and contested. Although no case has yet been brought under the disability legislation in relation to gender dysphoria, a trans person could be protected under the act. The act defines a disability as a physical or mental impairment that has a substantial and long-term (that is, for more than a year) adverse effect on a person’s ability to carry out normal day-to-day activities. The act requires institutions to make reasonable adjustments for people who have an impairment meeting the act’s definition of disability. Reasonable adjustments for trans people could include adjusting working hours or coursework deadlines, or allowing the person to be absent during normal work or study hours for reasons relating to their transition (for example, voice therapy, counselling or recovery from medical procedures).</i></p>								

To Foster Good Relations	Does the policy have a positive, negative or no impact in addressing prejudice against people with a protected characteristic?	The policy intends to help address prejudice against trans staff, students and visitors.
10) Overall conclusions		This policy intends to address inequality for trans staff students and visitors and subject to the guidance being followed for all staff, students and visitors where appropriate and relevant, this policy should have a positive impact on equality for transgender members of the University community.
11) Further actions or adjustments		<p>HR to ensure that HR staff who record sickness are aware of how sickness absence is recorded for staff going through transition and medical interventions relating to their gender dysphoria. Jill White HR Manager (overseeing HR Policy) to action.</p> <p>Equality training for managers and all staff to include element of trans gender awareness raising.</p>
12) Monitoring and Review		<p>Policy subject to review in 2 years time. Quantitative data will be available over that period following inclusion of data fields for gender reassignment in the HR and Student databases going forward from early 2015.</p> <p>Ongoing review via equality working groups and activities overseen by the Equality and Diversity Team.</p>
Signed: <i>Jo McCarthy-Holland</i>		Date: 1 st May 2014