

Trans Policy

1. INTRODUCTION

- 1.1 The University of the West of England (UWE) is committed to an inclusive environment and culture where students and staff are able to meet their full potential in a positive environment. The aim of this policy statement is to ensure all members of the UWE community are treated with respect, valued for their contribution and are not subject to discrimination or victimisation as a result of the gender in which they present themselves. This policy also supports the positive steps UWE will take to actively promote equality and to challenge discrimination and harassment.

2. LEGISLATIVE BACKGROUND

- 2.1 The **Sex Discrimination (Gender Reassignment) Regulations 1999** and the **Sex Discrimination Act 1975** make it unlawful to discriminate on grounds of gender reassignment in employment and training. The regulations make it unlawful to treat a person less favourably on the grounds that s/he intends to undergo gender reassignment, or is undergoing gender reassignment, or has at some time in the past undergone gender reassignment. The regulations cover direct discrimination, victimisation and harassment in employment or training on the grounds of gender reassignment, and apply to both staff and students.
- 2.2 The **Gender Recognition Act 2004** allows trans people who are able to satisfy the Act's evidence requirements to apply to a Gender Recognition Panel to seek full legal recognition. If a Gender Recognition Certificate is issued, and the person's birth was registered in the UK, they will be able to obtain a new birth certificate which does not disclose the fact that they have changed gender.
- 2.3 Where this policy refers to 'trans people' it has in mind people living with any of these identities. When it refers to 'gender identity' it covers both the fixed identity of people living in the gender of their birth and the more fluid identities of many trans people.
- 2.4 A person who completes the transition and meets certain criteria can apply for a Gender Recognition Certificate. The Gender Recognition 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. The University will support those who are applying for the Certificate by providing documents when requested.
- 2.5 The **Equality Act 2010** repeals the Sex Discrimination Act and the Gender Equality Duty. It will introduce a broader Public Sector Equality Duty, which is due to come into force in April 2011 and will place a duty on universities to fully consider trans issues in the development and implementation of all Gender Equality objectives/schemes. The Equality Act also defines 'Gender Reassignment' as one of the nine 'protected characteristics' and as such central to the Public Sector Equality Duty to be announced in April 2011. The Act offers more far-reaching protection from discrimination on the grounds of gender reassignment than previous equality law as it protects:
- 2.5.1 Trans people who are not under medical supervision
- 2.5.2 People who experience discrimination because they are perceived to be trans

- 2.5.3 People from discrimination by association because of gender reassignment. For example, it would protect the parents of a trans person from being discriminated against because their child is transitioning.
- 2.6 Under the **Data Protection Act 1998**, trans identity and gender reassignment constitute 'sensitive data' for the purposes of the legislation. Therefore, information relating to a person's trans status cannot be recorded or passed to another person unless conditions under schedule three of the Data Protection Act for processing sensitive personal data are met.
- 2.7 A person with gender dysphoria may experience uncertainty or persistently uncomfortable feelings about their birth gender. This can lead to anxiety and depression. In the UK, gender dysphoria is a recognised mental health condition. The **Equality Act 2010** defines a disability as a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out 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).
- 2.8 The **Human Rights Act 1998** provides protection to trans people, principally under the right to a private life. The courts have interpreted the concept of 'private life' in a very broad way to cover, among other things, a person's right to express a sexual identity, to live a particular lifestyle and to choose the way they look and dress. It also means that personal information (including official records, photographs and letters) should be kept securely and not shared without the permission of the individual concerned.

3. UWE COMMITMENT TO STAFF AND STUDENTS

- 3.1 UWE celebrates and values the diversity of its workforce and student community. The University believes that UWE will benefit from employing trans people at all levels of responsibility, thus hoping to provide role models for students and other people who identify as trans. It also values the diversity of student body and aims to support those students who are or will be transitioning their gender. UWE will treat all employees and students with respect, and seek to provide a positive working and learning environment free from discrimination, harassment or victimisation.
- 3.2 UWE recognises that there can be differences between physical sex and gender identity/expression. UWE will not discriminate against people on the grounds of intersex conditions, transvestism, transsexualism, or any process of gender reassignment, begun or complete. Where this policy refers to 'trans people', it has in mind people living with any of these identities, including those with a non-stereotypical gender identity. When it refers to 'gender identity', it covers both the fixed identity of people living in the gender of their birth and the more fluid identities of many trans people. UWE recognises that to ensure the effectiveness of this policy the University must take all reasonable steps to ensure that all stakeholders involved in the implementation of this policy are trained to understand trans issues and how they affect staff and students.
- 3.3 UWE undertakes the following.
- 3.3.1 Students will not be denied access to courses, progression to other courses, or fair and equal treatment while on courses because of their gender identity.
- 3.3.2 The curriculum will be reviewed to ensure that it does not rely on or reinforce stereotypical assumptions about trans people, and that it does not contain transphobic

material. Lecturers are mindful of the possible issues trans students may experience in a classroom.

- 3.3.3 UWE will respect the confidentiality of all trans staff and students and will not reveal information without the prior agreement of the individual.
- 3.3.4 UWE will not discriminate directly or indirectly against job applicants or staff on grounds of gender identity, including in recruitment, selection, promotion, learning and development, pay, conditions, leave or benefits.
- 3.3.5 UWE will not discriminate directly or indirectly against students on grounds of gender identity, including in admission, teaching and learning, student services or access to bursaries and student jobs.
- 3.3.6 Transphobic abuse, harassment or bullying (name-calling/derogatory jokes, unacceptable or unwanted behaviour and intrusive questions) is a serious disciplinary offence and will be dealt with under the relevant and appropriate procedure such as the UWE Dignity at Work Policy and the Bullying and Harassment Policy.
- 3.3.7 Transphobic propaganda, in the form of written materials, graffiti, music or speeches, will not be tolerated and will be a subject of investigation which may result in possible sanction. UWE undertakes to remove any such propaganda whenever it appears on the premises.
- 3.3.8 UWE will provide a supportive environment for staff and students who wish their trans status to be known. However, it is the right of the individual to choose whether they wish to be open about their gender identity. To 'out' someone, whether staff or student, without their permission is a form of harassment. UWE will include gender identity issues in equality training.
- 3.3.9 Having consulted with trans staff and students and the trans community, UWE will include gender identity in internal attitudinal surveys, such as UWE Student Satisfaction Surveys, and when monitoring complaints of harassment.
- 3.3.10 In providing accommodation for students, any concerns or issues raised by trans students will be handled by the accommodation office and will be treated fairly and in line with UWE's obligations under equality law.
- 3.3.11 Staff and students undergoing medical and surgical procedures related to gender reassignment will receive positive support from UWE to meet their particular needs during this period. UWE will consider students undergoing medical and surgical procedures relating to gender reassignment as part of the university's procedures for extenuating circumstances for exams and course work.
- 3.3.12 UWE recognises that trans staff and students come from diverse backgrounds, and will strive to ensure they do not face discrimination on the grounds of their gender identity or in relation to other aspects of their identity, for example, their race, age, religion, disability or sexual orientation. In addition, assumptions should not be made about trans staff or students or their partners.
- 3.3.13 UWE will take reasonable steps to ensure that its environment, in terms of its pictures, images, publicity materials and literature, reflects the diversity of its staff and students including trans staff and students.
- 3.3.14 UWE will ensure transgender issues are reflected in all generic equality and diversity training opportunities. Where necessary, UWE will develop, promote and run specific training on transgender issues for students and staff.
- 3.3.15 UWE will ensure that trans student/staff's rights to privacy and dignity are respected and will support their right to use the facilities designated for the acquired/preferred gender.
- 3.3.16 UWE will review the policy and guidance from time to time and as required to ensure the effective implementation of the policy.

APPENDIX 1

GLOSSARY OF TERMS

Affirmed gender

Affirmed gender may be used to describe the post-transition gender role. Sometimes it may be called the 'new' role or the new gender of a person who has had their gender reassigned and/or legally recognised. It is possible for an individual to transition fully without surgical intervention. These terms are often preferred to the term 'acquired' gender. The term is based on the understanding that trans people are not acquiring a new gender identity, but they are affirming their inner, and until transition, hidden, gender identity. In some circumstances, some trans people may use 'preferred' gender.

FtM

Female-to-male transsexual person. A person who is changing, or has changed, gender from female to male.

Gender

Gender consists of two related aspects: gender identity, which is the person's internal perception and experience of their gender; and gender role or expression, which is the way the person lives in society and interacts with others, based on their gender identity. Gender is less clearly defined than anatomical sex, and does not necessarily represent a simple binary choice: some people have a gender identity that is neither clearly female nor clearly male. The overwhelming majority of the population has a gender that accords with their anatomical sex. It should be noted that, for the purposes of the law, gender is binary – people can only be male or female.

Gender dysphoria/gender identity disorder

The medical term for the condition in which a person has been assigned one gender (usually at birth on the basis of their sex), but identifies as belonging to another gender, or does not conform to the gender role society ascribes to them. Gender dysphoria is not a form of sexual deviancy or a sexual orientation.

A person with gender dysphoria or gender identity disorder can experience anxiety, uncertainty or persistently uncomfortable feelings about their birth gender. They may feel that their gender identity is different from their anatomical sex. This, in turn, may lead to a fear of expressing their feelings and a fear of rejection, which may lead to deep anxiety, and to chronic depression and possibly attempted suicide. 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 transsexualism or of being recognised in the affirmed gender.

Gender presentation/gender expression

While gender identity is subjective and internal to the individual, the presentation of one's self, either through personality or clothing, is what is perceived by others. Typically, trans people seek to make their gender expression or presentation match their gender identity, rather than their birth sex.

Gender reassignment/transitioning

Gender reassignment is a process that is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex, and includes any part of such a process. Gender reassignment or transition

includes some or all of the following cultural, legal and medical adjustments: telling one's family, friends, and/or co-workers; changing one's name and/or sex on legal documents; living in the other gender for at least two years, hormone therapy; and possibly (though not always) some form of chest and/or genital alteration.

Gender Recognition Certificate

A certificate issued by a Gender Recognition Panel under the **Gender Recognition Act 2004** means that a holder of a full Gender Recognition Certificate (GRC) is legally recognised in his or her affirmed gender for all purposes. This means that the person in question now belongs to the opposite gender in both a legal and a social context. The GRC will be issued to an applicant if they can satisfy the panel that they fulfil all the criteria outlined in the Gender Recognition Act 2004. The Act requires that the applicant has, or has had, gender dysphoria, has lived in the affirmed gender for two years prior to the application, and intends to live permanently in the affirmed gender. A full GRC also gives the holder the means to obtain a new birth certificate.

Intersex

Intersex people are individuals born with anatomy and physiology that differs from contemporary ideals of what constitutes 'normal' male and female. Intersex conditions may arise as a result of certain congenital disorders or hormone imbalances in the foetus or placenta. Anatomical sex at birth may differ from the chromosomal or gonadal sex. Genitalia may be ambiguous, but can often appear totally female or totally male. Very rarely, individuals may have both testicular and ovarian tissue, with a mixture of secondary sexual characteristics. This may be accompanied by varying degrees of gender dysphoria, although this is rare. Often, but not always, people choose to present as either male or female.

Gender Queer

People who identify as gender queer may think of themselves as being both man and woman or as being neither man nor woman and therefore falling completely outside the system in which a society divides people into male and female. They may express a combination of masculinity and femininity or neither. Many gender queers see gender and sex as separable aspects of a person and sometimes identify as a male woman, a female man, or a male/ female/ intersex gender queer. Some gender queer people see their identity as one of many possible genders other than man or woman, while others see "gender queer" as an umbrella term that encompasses all of those possible genders.

Legal sex

In the past, the legal sex of someone was defined by their birth certificate and could not be changed. The Gender Recognition Act 2004 means that people can now apply to gain recognition of their change of gender for all legal purposes.

LGBT

Lesbian, gay, bisexual and transgender/transsexual. The forms of prejudice and discrimination directed against trans people can be very similar to those directed against lesbian, gay or bisexual people, which is why action and support groups often occur in an LGBT context.

MtF

Male-to-female transsexual person. A person who is changing, or has changed, gender from male to female.

Physical (anatomical) sex

Sex as determined by the match between body and sex organs – male, female or intersex. Sex refers to someone's physical or anatomical sex – in other words, the type of genitals they possess. Except in very rare cases of people who are intersexed, anatomical sex is well defined and easy to interpret.

Real-life experience

Refers to the phase during gender reassignment in which the individual must live and work in their affirmed gender before certain medical procedures will be carried out.

Sexual orientation

An orientation (or sexual attraction) towards persons of the same sex (lesbians and gay men), or an orientation towards a person of the opposite sex (heterosexual), or an orientation towards persons of the same sex and the opposite sex (bisexual). Sexual orientation is different from gender identity, and the two are not related. Trans people, like any other people, can be heterosexual, lesbian, gay or bisexual.

Trans

An inclusive term for those who identify themselves as transgender, transsexual, transvestite or gender queer. The word 'trans' can be used without offence to cover people undergoing gender transition; people who identify as someone with a different gender from that in which they were born, but who may have decided not to undergo medical treatment; and people who choose to dress in the clothing typically worn by the other sex. This term should only be used as an adjective and it is important to note that some people who have transitioned prefer not to identify themselves as trans as they see themselves simply men or women who were born in a wrong body.

Transgender

An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. The term may include, but is not limited to, transsexual people and others who see themselves as not clearly fitting into male or female identities. Transgender people may or may not choose to alter their bodies hormonally and/or surgically. The term transgender should only be used as an adjective, for example, 'transgender people'.

Transsexual person

A person who feels a consistent and overwhelming desire to transition and fulfil their life as a member of the opposite sex. Someone in this position will have the medical condition gender dysphoria. This term should only be used as an adjective: individuals should be referred to as 'transsexual people' not 'transsexuals'.

Transvestite

A person who dresses in the clothing typically worn by the opposite sex. Generally, transvestites do not wish to alter their body and do not necessarily experience gender dysphoria.

APPENDIX 2

Useful information

The following organisations provide information and support to trans students and staff and those who support them:

Equality Challenge Unit (ECU) supports the higher education sector to realise the potential of all staff and students, whatever their race, gender, disability status, sexual orientation, religion and belief, or age, to the benefit of those individuals, higher education institutions (HEIs) and society. It provides resources for transgender equality in HEIs. www.ecu.ac.uk

Bristol LGBT Forum is a local organisation to promote equality for lesbian, gay, bisexual and trans people in Bristol. www.bristol-lgb-forum.org.uk

South West Transgender Equality Network (SWTEN) is a forum of and for transgender (trans or 'T') people within the South West region. Members are individuals, groups and organisations who work for or on behalf of trans people and share a common aim to positively promote issues within the South West.

www.equalitysouthwest.org.uk/our-networks/transgender.html

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

www.beaumontsociety.org.uk

Depend is an 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 is a statutory body with responsibility for protecting, enforcing and promoting equality across nine protected characteristics – age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, and sexual orientation.

www.equalityhumanrights.com

Forum on Sexual Orientation and Gender Identity Equality in Post-School Education was established in April 2007 to promote equality and good practice in employment and the provision of post-school education, with a specific focus on sexual orientation and gender identity, or transgender, equality issues.

www.aoc.co.uk/en/Policy_and_Advisory_Work/employment/representation/forum_so_and_gi_equality.cfm

Gender Identity Research and Education Society initiates, promotes and supports research, particularly to address the needs of people who have a strong and ongoing desire to live and be accepted in the gender in which they identify, although different from that assigned at birth. www.gires.org.uk

The Gender Trust is recognised as an authoritative centre for professional people who encounter gender identity-related issues in the course of their work. In particular, this group includes employers, human resources officers, health workers and information services. National helpline: 0845 231 0505. 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

In addition, useful information can be found in the following documentation:
ECU (2009) *Experience of lesbian, gay, bisexual and trans staff and students in higher education: research report*. Equality Challenge Unit, London.

www.ecu.ac.uk/publications/lgbt-staff-and-students-in-he

ECU(2010) *Trans staff and students in Higher Education: Revised 2010* Equality Challenge Unit, London. www.ecu.ac.uk/publications/trans-staff-and-students-in-he-revised

EHRC (online toolkit) *Guidance on recruiting and supporting trans people*.

www.equalityhumanrights.com/advice-and-guidance/information-for-employers/guidance-on-recruiting-and-supporting-trans-people

Equal Opportunities Commission (2007) *Meeting the gender duty for transsexual staff: guidance for public bodies working in England, Wales and Scotland*. (Now Equality and Human Rights Commission, London.)

www.equalityhumanrights.com/uploaded_files/PSD/20_meeting_the_gender_duty_for_transsexual_staff.doc

Forum on Sexual Orientation and Gender Identity in Post-School Education (2008) *Guidance on trans equality in post-school education*. UNISON, London.

www.lluk.org/documents/transgender_guidance.pdf

Morton, J. (2008) *Gender identity: an introductory guide for trade union reps supporting trans members*. Scottish Transgender Alliance, Edinburgh/UNISON, London.

www.unison.org.uk/file/A3796.pdf

Stonewall Scotland and Scottish Transgender Alliance (undated) *Changing for the better: how to include transgender people in your workplace a guide for forward-thinking employers*. Stonewall Scotland/Scottish Transgender Alliance, Edinburgh.

www.scottishtrans.org/Uploads/Resources/changing_for_the_better.pdf

Trades Union Congress (2006) *LGBT equality in the workplace: a TUC guide for union negotiators on lesbian, gay, bisexual and trans issues*. Trades Union Congress, London

www.tuc.org.uk/equality/tuc-11663-f0.pdf

Women and Equality Unit (2005) *Gender reassignment: a guide for employers*. Women and Equality Unit, Department of Trade and Industry, London.

www.equalities.gov.uk/PDF/Gender%20reassignment%20%20a%20guide%20for%20employers%202005.pdf