

Transgender (Trans) Guidance

Introduction and Aims:

UCLan values the unique contribution of all staff, student and the community. We strive to create a trans-inclusive culture, workplace and learning environment; free from discrimination, harassment or victimisation where all trans people are treated with dignity and respect in the gender with which they identify.

Our Transgender Guidance aims to help create a safe and supportive environment for staff and students who are considering, in the process of, or have transitioned, in line with the provisions in the Equality Act 2010. This includes staff and students who identify as non-binary or gender fluid, or who do not propose to undergo medical interventions, to ensure they are also fully supported at the University.

This guidance sets out a framework for how the University will support staff and students who have initiated the process of gender reassignment and aims to give support and understanding to those individuals who wish to take, or have taken steps, to live in a gender different to the gender assigned at birth. It also recognises that the period of transition can be very complex and difficult for the individual and is fully committed to act in a supportive and sensitive way to ease any transition period.

The Transgender Guidance supplements the Equality, Diversity and Inclusion (EDI) Policy and overarching EDI Strategy 2016-20 in helping us to meet the requirements of the Equality Act 2010. It lists gender reassignment as one of the nine protected characteristics and further includes the Gender Recognition Act 2004.

Creating an Inclusive Environment:

UCLan and its community are expected to treat trans and non-binary staff, students and members of the public in an inclusive and respectful manner. This includes any person associated with them such as partners, spouses and other family members, and those who are perceived to be trans in terms of their gender identity; their right to work and study with dignity; their name and personal identity; and their privacy and confidentiality.

UCLan takes a zero tolerance approach to discrimination, bullying and harassment on grounds of gender identity and/or reassignment. No prospective or actual student or member of staff will be treated less favourably than any other, whether before, during or after their study or employment at UCLan on the grounds of gender identity or reassignment. Some practical strategies for helping to create an inclusive environment can be found at Appendix B.

Legal Framework:

The Equality Act 2010 makes it unlawful to discriminate against, or to harass or victimise a person because they are intending to undergo, are undergoing, or have undergone gender reassignment whether or not they have had or intend to have any medical gender reassignment treatment.

The Act also protects:

- People who face discrimination because they are perceived as trans;
- People who face discrimination because they are associated with someone who is, or is perceived to be, trans.

Individuals who need to take time off work to transition must not be treated less favourably than if they were taking time off due to sickness or injury, or for other authorised reasons.

The Gender Recognition Act 2004 further allows trans people who are able to satisfy the Act's evidence requirements to apply to the gender recognition panel in order to seek full legal recognition of their acquired gender. If an applicant is successful, they will be issued with a full or interim gender recognition certificate (GRC)

In specified circumstances, the Gender Recognition Act prohibits disclosure of the fact that someone has applied for a gender recognition certificate (GRC), or disclosure of someone's gender before the acquisition of a GRC. Such disclosure may constitute a criminal offence.

A GRC is not necessary to prove transition.

UCLan Framework:

With regard to staff, this guidance applies, but is not limited to, the advertisement of jobs and recruitment and selection, training and development, opportunities for promotion, conditions of service, benefits, facilities and pay, health and safety, conduct at work, grievance and disciplinary procedures, and termination of employment.

With regard to students, this guidance applies, but is not limited to, admissions, to teaching, learning and research provision, to scholarships, grants and other awards under the University's control, to student support, University accommodation, sports facilities and other facilities, to health and safety, to personal conduct, and to student complaints and disciplinary procedures.

Supporting Transition:

UCLan aims to support trans students and staff. By supporting students and staff through transition, UCLan can better support trans people in their study and work and to meet the requirements of living in their new gender role.

The process of transition at work or study can be initiated through confidential discussions with a Line Manager or HR Manager (in the case of staff) or Student Services and/or the student's Academic Advisor (in the case of students). Student Services have a named individual with expertise in supporting trans students. It is expected by UCLan that any such 'supporting role' will respond in a way that is supportive and sensitive to ease the transition period. If the person transitioning wishes to, they can also seek support from a member of the EDI Team who can offer help, advice and signposting to external organisations. Support can also be provided by the EDI Team to any person who has been contacted by a transitioning member of staff or student for

their support, with full respect for confidentiality of the person transitioning. In addition, staff and students can receive support from staff and student Counselling services or LGBT Staff or LGBT Student networks.

Transitioning Process:

UCLan aims to anticipate and respond positively to the needs of trans students, staff and alumni, providing a professional and consistent delivery of service so that all trans members of the University feel welcome, safe, valued and supported in achieving their potential and contributing as a member of the University. UCLan understands that every process of transition is personal to the individual and that everyone's dignity should be respected. The process, including the timescale, activity and communication, should be driven by the individual.

Legal changes: To have a permanent change of name, an application can be made through a Deed Poll using the following link and guidance: <https://www.gov.uk/change-name-deed-poll/overview> or a statutory declaration (checked and signed by a solicitor who will witness you signing the declaration).

When a trans person receives a Gender Recognition Certificate, they have the right to request that all references to their former name and gender are removed and replaced with their current name and gender.

Name changes:

- **Staff:** Staff may change their name by completing a change of name form [link to follow] and providing Human Resources with a legal name change document (such as a Deed Poll). Gender can be changed on the university system at the same time, by notifying HR that the individual would like this done. It is up to the individual to check and change their name with pension providers, bank (to ensure wages can be paid), etc.
- **Students:** UCLan can change a student's name on the University system without a legal name change at any time and any person changing their name should be treated just like any other person changing their name. However, this is generally in the 'known as' section and official mail may still be posted in the transitioning student's legal name. Legal proof of a change of name is required in order to issue or re-issue a degree certificate in a name different to that in which a student originally registered. Students need to notify Student Finance of their name change and should ensure that their bank details are correct so that payments are not delayed. The i can offer further guidance and support on how to change a name on the university systems.

Dress code:

UCLan does not have an over-arching dress code. Trans and gender non-confirming staff and students have the right to comply with a dress code in a manner consistent with their gender identity or gender expression. However, some staff and students may be required to wear a uniform. Where this is the case, a uniform should be provided which is appropriate for the gender with which the person identifies.

Use of facilities:

Transgender people use the facilities that match the gender with which they identify. Trans staff and students are not limited to the use of gender neutral facilities and are able to access facilities, spaces or groups which align with their gender identity.

Data Protection and Confidentiality:

UCLan will respect the confidentiality of all trans staff and students and will not reveal information without the prior agreement of the individual. If an individual notifies the University in writing of their intention to transition during their employment or education, it will agree with them the date from which their gender is changed on all records. A trans person's file should reflect their current name and gender. Any material that needs to be kept related to the person's trans status, such as records of absence for medical reasons, will be stored confidentially. No records will be changed without the permission of the staff member or student concerned.

It is illegal to reveal someone's trans status without their consent. The Data Protection Act covers all of the data that UCLan holds, and as such governs how we share data. For the purposes of the Data Protection Act, trans status is classified as 'Sensitive information' and should be dealt with according to the guidance provided in this Act.

Protection against Harassment and Bullying:

UCLan recognises it is the right of every individual to choose whether to be open about their gender identity and history. To 'out' someone, whether staff or student, without their permission is a criminal offence and will be dealt with by the university accordingly. Transphobic bullying and harassment will not be tolerated and may be regarded as grounds for disciplinary action, which may include grounds for dismissal. Transphobic harassment may include, but is not limited to:

- The persistent use of incorrect pronouns (e.g. he/him instead of she/her for a transwoman)
- Use of a trans person's previous name persistently or maliciously
- Outing a person as trans, stating that they 'used to be a man/woman'

Such behaviour will be dealt with under the University [Dignity at Work](#) Policy on Harassment and Bullying.

In the case of any perceived/actual discrimination, support can be sought from the EDI team or the Students' Union Hate Crime support line.

Support and Training:

Guidance, support and training will be provided through the EDI Team, HR Development Team, Student Services and Student Union. UCLan also provide a counselling service and a 24-hour helpline for HE staff Education Support Partnership using the following link:

www.educationsupportpartnership.org.uk

UCLan's mandatory Diversity in the Workplace E-Learning tutorial to all members of staff has a section on Gender Reassignment which can be accessed by clicking on the following link: ['Diversity in the Workplace'](#).

Further Information:

[The Equality Challenge Unit](#) website has a range of helpful information about supporting trans people in a Higher Education context, including:

- [Trans staff and students in higher education \(Revised 2010\)](#)
- [Supporting a student or member of staff who is transitioning: Guide for HR staff, managers and staff supporting students](#)
- [Experience of lesbian, gay, bisexual and trans staff and students in higher education.](#)

[Stonewall](#) also have some useful resources and has links to Trans organisations that can offer support for all aspects of the transition process.

- [Getting it right with your Trans Service Users and Customers \(2016\)](#)
- [Engaging all Staff in Trans Inclusion \(2016\)](#)
- [First Steps to Trans Inclusion \(2016\)](#)

UCLan is an active member of the above two organisations.

[Mermaids UK](#) gives family and individual support for teenagers and children with gender identity issues. They also work to raise awareness about gender issues amongst professionals and the general public.

APPENDIX A

DEFINITIONS:

A list of terminology principally based on Stonewall's [Trans People and Stonewall](#) publication (pages 27-28) is shown below.

Gender reassignment: anyone who “proposes to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex” (Equality Act 2010). It is important to note that no medical intervention is required for a person to transition. The individual simply needs to choose to live as a different gender to the one they were assigned at birth.

Gender identity: A person has an internal, deeply held sense of their own gender. For trans people, their own sense of who they are does not match the sex that society assigns to them when they are born.

Gender expression: This refers to the ways in which people manifest their gender. For example through what they wear, how they speak and how they act.

Trans: An umbrella term for people whose identity differs from what is typically associated with the sex they were assigned at birth. People under the trans umbrella may describe themselves using one or more of a wide variety of terms – including transgender. Some of those terms are defined here.

Cisgender: People whose gender identity matches the sex that society assigned to them when they were born. Non-trans is also used.

Transgender man: People who were assigned female at birth but identify and live as a man may use this term to describe themselves. They may shorten it to trans man. Some may also use FTM, an abbreviation for female-to-male. Some may prefer to simply be called men, without any modifier. It is best to ask which term an individual prefers

Transgender woman: People who were assigned male at birth but identify and live as a woman may use this term to describe themselves. They may shorten to trans woman. Some may also use MTF, an abbreviation for male-to-female. Some may prefer to simply be called women, without any modifier. It is best to ask which term an individual prefers.

Transsexual: An older term still preferred by some people who have transitioned to live as a different gender than the one society assigns them at birth. Many trans people do not identify as transsexual and prefer the word transgender. It is best to ask which term an individual prefers. If preferred, use as an adjective: transsexual woman or transsexual man.

Transitioning is the term used to describe the process someone goes through to change from one gender to another, with or without medical intervention. Not every trans person will feel it is appropriate to use the binary genders of male or female during or after transition.

Non-binary: Non-binary is a term for people whose gender identities do not fit into the gender binary of male or female. A non-binary person might consider themselves to be neither male nor female, or to be in some sense both male and female, or to be sometimes male and sometimes female. People who identify as non-binary will sometimes prefer to refer to themselves using pronouns which are not gendered, for example 'they' or 'ze'.

Androgynous: People who have both typically male and female characteristics in a way which makes it hard to identify their gender. There is usually no need to know this information, but where there is it is polite to ask.

Cross-dresser: A person who dresses in clothes normally associated with another gender. People cross-dress either privately or publically for a variety of reasons and many crossdressers do not identify as trans. This replaces the term transvestite which many people find offensive.

Gender dysphoria: Gender dysphoria is where a person experiences discomfort or distress because there is a mismatch between their biological sex and their gender identity. For example, some people may have the anatomy associated with men, but identify themselves as a woman, while others may not feel they are definitively either male or female. This mismatch between sex and gender identity can lead to distressing and uncomfortable feelings that are called gender dysphoria.

Transition: Where someone takes steps to live as the gender which they identify as. What this involves varies from person to person. For some people this might involve medical surgeries. Not everybody wants to have these procedures or is able to have them. A transition also might involve things like telling friends and family, dressing differently and changing official documents.

Gender Recognition Certificate: In the UK people can obtain a Gender Recognition Certificate (GRC), which enables them to get a new accurate birth certificate. The process for applying for a GRC can be quite burdensome and not every trans person will choose to do so. People do not need a GRC to transition at work or for most official purposes. In order to receive a Gender Recognition Certificate you must:

- be 18 or over
- be diagnosed with gender dysphoria (unhappiness with your birth gender)
- have lived as your acquired gender for at least two years
- intend to live in your acquired gender for the rest of your life
- apply to the Gender Recognition Panel.

Intersex: Intersex people are individuals whose anatomy or physiology differ from contemporary cultural assumptions about what constitutes male or female. Such variation may involve genital ambiguity, and combinations of chromosomal genotype and sexual phenotype other than XY-male and XX-female.

STRATEGIES FOR CREATING A SUPPORTIVE ENVIRONMENT

UCLan recommends the following strategies to help create a supportive environment:

- Be supportive – every person’s transition will be different and likely to require varying levels of support
- Listen to the trans person – everyone is different, so ask what works for them.
- When it comes to using pronouns to identify a trans person, it’s mostly a question of asking them which pronoun they would like you to use, and respecting their choice.
- Use gender neutral language where possible, e.g. use “they” instead of “he/she in policies and practices, and consider whether you need to refer to someone as Mr/Mrs or Sir/Madam at all.
- Pronouns are used in sentences where your name would otherwise go. ‘He’ for male, ‘she’ for female, and ‘they’ is neutral. There are gender neutral pronouns you may not have heard of – ‘xe’, or ‘ze’ for example. Never make assumptions about the pronouns someone may wish to use – if unsure, ask!
- Give people space to identify their gender as they wish on monitoring forms and surveys, e.g. “if you prefer to use your own term, specify here”.
- Don’t challenge someone using facilities such as toilets. The law provides that people may use the facilities of the gender with which they identify
- Always combat transphobia if you see or hear it – report any such instances to EDI team.