**Gender Identity Policy (staff and students)**

**Introduction**

1. Durham University recognises that there can be differences between the physical sex and gender assigned at birth and the gender with which a person identifies. Data relating to trans people in the UK is difficult to obtain, but it is estimated that 650,000 people are “likely to be gender incongruent to some degree”.
2. NUS’ research found that one in three trans students had experienced bullying or harassment.[[1]](#footnote-1)

**Policy Statement**

1. Our Equality and Diversity, Respect at Work and Respect at Study policies provide for an inclusive environment in which individuals can utilise their skills and talents to the full without fear of prejudice, bullying and harassment. At no time will we discriminate against or allow discrimination against people on the grounds of their gender identity or expression.
2. Durham University aims to make full use of the talents and resources of everyone within our University community, with all staff and students feeling welcome, safe, supported and valued.
3. In line with our Equality and Diversity policy, we 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. The University will use a ‘self-declaration’ model in which the wishes of the individual are paramount.
4. In support of this culture of inclusiveness, we undertake the following:[[2]](#footnote-2)

* 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.
* The curriculum will be checked and regularly monitored to ensure that it does not rely on or reinforce stereotypical assumptions about trans people, and curriculum containing transphobic material will be critically reviewed.
* The University will respect the confidentiality of all trans staff and students and will not reveal information without the prior written agreement of the individual.
* Staff or potential staff will not be excluded from employment, promotion or other opportunities because of their gender identity.
* Transphobic abuse, harassment or bullying (refusing to use a correct pronoun, ignoring a person because of their trans status, intrusive questions) will be dealt with under the University’s Respect at Work or Respect at Study Policy and may lead to disciplinary action which could include expulsion/dismissal.
* To ‘out’ someone, whether staff or student, without their permission is a form of harassment and, may be, a criminal offence.
* Transphobic propaganda, in the form of written materials, graffiti, music or speeches, will not be tolerated. The University undertakes to remove any such propaganda whenever it appears on the premises.
* The University welcomes, and will provide appropriate facilities for trans student and staff groups.
* Having consulted with trans staff and students and the trans community, the University will include gender identity in internal attitudinal surveys, and when monitoring complaints of harassment.
* In providing accommodation for students, any concerns or issues raised by trans students will be handled by the Colleges Office and will be treated fairly and in line with the University’s obligations under The Equality Act 2010 and the Gender Recognition Act 2004.
* Staff and students undergoing medical and surgical procedures related to gender reassignment will receive positive support from their managers/tutors to meet their particular needs during this period.
* The University will ensure that its environment, in terms of its pictures, images, publicity materials and literature, reflects the diversity of its staff and students.
* The University will include gender identity issues in equality training and will provide guidance for students and staff.

**Definitions**

1. Trans is an umbrella term used to describe people whose sense of personal identity and gender does not correspond with the sex they were assigned at birth, including but not limited to those who are transgender, transsexual, and non-binary.
2. Transphobia refers to the range of negative feelings and attitudes towards trans people based on their gender identity and/or gender expression. Whether intentional or not, transphobia can have severe consequences for the target of the negative attitude.
3. Gender reassignment can involve several procedures, some of which are medical (e.g. HRT), some legal (e.g. deed poll), and some social (e.g. telling others). Not all trans people undergo gender reassignment. Appendix A provides guidance for supporting staff and students undergoing gender reassignment.
4. Gender identity describes one’s internal sense of being male, female, neither of these, both, or other gender(s). There is often an assumption that this identity will evolve along binary lines and be consistent with appearance. This assumption is not always correct with some people feeling this form of categorisation constricts their identity.

**Scope**

1. The policy applies to staff and students whose gender differs from the sex they were assigned at birth or the gender which was imposed on them. It also applies to those undergoing a social gender transition, medical gender transition or both and also those who express the intent to undergo either.

**Legislation**

1. The Equality Act 2010 protects a Trans person who intends to undergo, is undergoing or has undergone gender reassignment from the moment they decide to start the process. It is unlawful for the University, or anyone at the University, to treat a person less favourably because of gender reassignment, or to harass them because of it. The person also must not be treated less favourably by reason of their absence from work or study while undergoing gender reassignment, in comparison to someone absent due to illness or for some other similar reason.
2. The Gender Recognition Act 2004 allows trans people who meet certain criteria to apply for a Gender Recognition Certificate. This certificate allows people to obtain certain specific legal documentation, for example birth, death, and marriage certificates, in their new legal gender. There is no requirement for a person in possession of a gender recognition certificate to produce this in order to change any official documents other than a birth certificate. Additionally, the Gender Recognition Act makes it illegal to disclose someone's trans status to someone else without explicit permission from the trans person in question.
3. In addition, the public sector equality duty under the Equality Act requires public authorities to have due regard to the need to eliminate discrimination, harassment and victimisation against Transsexual people, to advance equality of opportunity and foster good relations between Transsexual people and others.
4. Under the Data Protection Act, 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 3 of the Data Protection Act for processing sensitive personal data are met.

**Relevant University Policy**

* Equality and Diversity Policy
* Respect at Work
* Respect at Study

**Further Information**

The [Equality Challenge Unit](http://www.ecu.ac.uk/)

**Appendix A**

**Guidance: Supporting Staff and Students going through transition/gender reassignment.**

A student or member of staff considering or undergoing transition should consider contacting the Academic Office or their local Human Resources contact respectively. A meeting will be arranged to discuss, in confidence, what support can be given during and after the transition process. The trans member of staff or student may choose to be accompanied by a colleague, friend or a trade union or students’ union representative to this meeting.

It may be decided that a larger meeting is needed with, for example, the person’s manager, tutor, college welfare rep, or head of department.

It may be helpful to agree an action plan, with timescales. This will help the University consider arrangements for time off work or study and also when changes to records might be required. This plan should be confidential with the member of staff of student agreeing where copies should be kept and who should have access. Implementation of the plan should be reviewed regularly and reassessed at each significant part of the process. The plan will be different for every individual but could include:

* appointments with doctors
* the start of any real-life experience
* when to inform the person’s department
* the start of any hormone therapy and/or medical procedures
* any change of name or personal details, such as title
* change of gender

In addition, the following considerations should be taken in to account:

* which amendments to records and systems will be required
* whether trans people are adequately covered by existing policies on confidentiality, harassment and corporate insurance, and if not, how these will be amended
* whether training or briefing of colleagues, fellow students or service users will be necessary, when this will occur, and who will carry this out
* whether they want to inform relevant people (line manager/colleagues/students) in person or for this to be done on their behalf. When and how this should be done.
* Whether a student wants to continue their course of study, defer for a set amount of time or come to some other arrangement
* Whether a member of staff wishes to stay in their current post or be redeployed and if the latter, whether redeployment is possible;
* ways to minimise disruption to studies
* The expected timescale of any medical and/or surgical interventions and procedures and the time off required;

Appendix 1 provides a useful checklist that covers most of the issues that need to be considered when an individual is going through this process.

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| Timescale | | |
| 1 | What is the likely timetable for transition? | |
| Consider, for example, the dates for:   * name change * use of facilities (toilets, changing rooms) * change of records |  |
| Name | | |
| 2 | Which identification cards/name badges will need to be changed? | |
| Consider, for example:   * university ID card * library card * students’ union card * National Union of Students card * Club and society cards * Volunteer/mentor ID badges * Trade union membership badge * Professional/learned body membership card * Fitness centre/gym membership cards * Accommodation access card * Placement ID cards * Course representative card |  |
| 3 | Which documents and materials need to be replaced or altered? | |
| Consider, for example:   * online records, e-portfolio/record of achievements, academic biographies * all student/staff records and databases, enrolment forms, finance records * programme and module lists * personal tutor records * welfare/disability/counselling records * volunteering and mentoring records * course representative posters and contact details * committee minutes and records, for example, boards of study or academic boards * certificates, for example, council tax exemption, training attendance, degree * club and society membership records * payroll (and banking details) * pension, death in service and dependents’ benefits * insurance policies * student loans company/local education authority |  |
| Process | | |
| 4 | Should the following people be informed? If so how? | |
| * programme teams * students and colleagues * support departments (finance, student records, accommodation, etc) * work placement providers, volunteer placements * committee secretaries * club and society members |  |
| 5 | If the student/staff member is, or will be, undergoing surgery, do they know when this will be? | |
|  | |
| 6 | If the student/staff member requires time off for surgery and recovery, what processes/support/adjustments are needed to ensure they remain on their programme of study/in employment, or can return when they have recovered? | |
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| 7 | Are there any professional or attendance requirements that may be affected by the person’s absence for medical assistance? | |
| Consider how students will be supported to ensure they can complete their programme of study on time |  |
| Training | | |
| 8 | Will there be a need to arrange any training for managers, colleagues or fellow students? | |
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| 9 | Who should be trained? | |
| Consider: cleaners, catering staff, academic staff, finance staff, students in the same tutorial groups |  |
| 10 | Who will deliver this training? | |
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| 11 | What will the training cover? | |
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| 12 | Will the trans student/staff member want to be involved to share their experience and expectations? | |
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| Genuine occupational qualification (GOQ) | | |
| 13 | Are there any GOQ requirements during the student’s programme of study or staff member’s work? | |
| Some roles may be more likely than others to include GOQ requirements, such as roles within: counselling, social care, NHS, charities, schools |  |
| 14 | Are there any GOQ requirements on volunteer placements or work-based learning? | |
| Some roles may be more likely than others to include GOQ requirements, such as roles within: women’s refuges, rape crisis centres |  |
| Ceremonies | | |
| 15 | During awards ceremonies, what name will be used if a person’s name has not been legally changed? | |
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| 16 | During a degree ceremony, what name will be used if a person’s name has not been legally changed? | |
| Consider:   * on the certificate * in ceremony programmes * when read out |  |
| Discrimination | | |
| 17 | Are there clear guidelines and processes to deal with direct or indirect discrimination, victimisation or harassment of a trans student or member of staff? | |
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| 18 | Are there clear processes to deal with discrimination on work placements? | |
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| 19 | How is the student or member of staff made aware of these processes? | |
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| 20 | How are colleagues, other students, and work placement providers and contractors made aware of their responsibilities? | |
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1. NUS (2014) Beyond the Straight and Narrow [↑](#footnote-ref-1)
2. Based on the Joint agreement on guidelines for transgender equality in employment in further education colleges (Association of Colleges et al, 2005). [↑](#footnote-ref-2)