Guidance on Supporting Trans Staff and Students

1. Context
There are roughly 300,000 transgender people in the UK. It is likely that this figure will not be accurate due to the culture of transgender people not disclosing due to fear of discrimination and due to the wider oppression that transgender people face.

There are many sub-identities which can come under the term of transgender and it is used as an overarching term. The word ‘trans’ is used as a shortened version of the word transgender and the most common meaning for this is that it denotes or relates to a person whose self-identity does not conform to society’s conventional notions of male or female sex. The words gender and sex mean very different things when talking about trans people. ‘Sex’ is used as a word to refer to someone’s biological make-up; their body, hormones, DNA, primary and secondary sex characteristics. ‘Gender’ is used to refer to someone’s innate sense of self and is often associated with the way one’s brain sees oneself.

It is worth noting that every trans person is different. Not everyone chooses to pursue medical options to alter their sex to match their gender, but some do. Those that do can go on hormone treatments and have surgeries. Most importantly some do both, or one, or neither of the above. There are often a variety of reasons as to why different people pursue different options in regards to their transition, why some choose to medically transition and why other choose to transition in other ways like alter their clothes, appearance or voice. This may be due to age, financial implications, social reasons or lack of healthcare options.

Whatever the individual circumstances, it is important that we are flexible, supportive, and make clear that discrimination and harassment against trans people will not be tolerated at our University.

2. Purpose of guidance
This guidance is aimed at all staff, particularly those who manage staff or support or teach students. Given the estimated number of trans people in the UK, we are likely to have a number of people among our staff, students or visitors to the University.

If a member of staff or a student is in the process of transitioning or has transitioned to better align the sex they were assigned at birth with their gender, a number of issues will arise, many of which are underpinned by legislation. Although this guidance provides a framework within which trans staff or students can be supported during their employment or education, this process should be very much informed by the individual concerned and they should be thoroughly consulted along the way.

3. What to do about data

3.1 Data protection and confidentiality

Information relating to a person who is trans is categorised as sensitive personal data under the Data Protection Act 1998 (DPA). As such, it is afforded an extra level of confidentiality and will
nearly always require explicit consent from the individual concerned prior to disclosure to another party. The University also has a responsibility under the DPA to ensure that personal information is accurate and up to date, so it is important that the University holds a correct title and name.

3.2 University Records

Records should be changed from the date that the individual notifies the University of their new name. It may however be necessary to retain some information relating to an individual’s previous identity for other purposes, such as financial regulation. Such records should be held confidentially for the minimum time period required, with access strictly limited to only those members of staff who require access for a specific purpose. When amending records, the following principles should be followed, with further advice being sought from the University’s Information Rights Manager where necessary:

- Ensure records are not changed without the permission of the staff member or student concerned. If an individual discloses their status as a trans person, or gives notification of their intent to transition during their employment or education, the date from which their gender is changed on all staff/student records and public references, such as identification passes, library cards, contact details, email addresses, formal records, website references, and so on, must be agreed with them.

- Particular consideration should be given to agreeing the date from which a student applicant’s name and gender will change at the pre-enrolment stage, ensuring that UCAS or other application forms are amended. This will enable all subsequent identification to be produced accordingly. The applicant will need to notify the student loans company and other funding bodies to ensure payment and enrolment records match.

- Subject to the agreement of the individual, and with the exception of degree certificates, a written notification of intent to transition is sufficient for the gender and name on staff and student records to be changed. This is necessary to enable the person to go about their daily life as a staff member or student without their sex assigned at birth being known. Degree certificates are legal documents therefore legal proof of a change of name is required in order to issue or to reissue a degree certificate in a name different to the name in which the student originally registered. Forms of legal proof of a name change can include:
  - statutory declaration of name change
  - deed poll certificate
  - birth certificate

  It is within an institution’s discretion whether to charge trans students or alumni for a replacement degree certificate. Any fee charged should not be more than what would normally be charged for replacement documents.

- Asking a trans person to provide medical evidence of transition before changing their name and gender on records is not appropriate, as not all trans people opt to medically transition. However, when dealing with external organisations on matters related to areas such as taxes, national insurance, pensions, and visas this must be done on the basis of their sex on their birth certificate, and not the one on other formal documents.

- When a trans person receives a gender recognition certificate (GRC), they are sent information on how to obtain a new birth certificate and provided with details of who should
be informed. The individual will now have the right to request that all references to their former name and gender are removed from old records to ensure their former identity is not revealed. For example, a person’s old birth certificate will need to be replaced with their new one. Similarly, if the person has changed their name, their original offer letter will need to be replaced with an offer letter in their new name. Nothing should remain on file that would disclose to a third person that a change has occurred. When a member of staff provides a copy of their new birth certificate, HR/Payroll should check if their change of gender affects their National Insurance contributions.

In order for changes to staff or student records to take place, it may be necessary to discuss with others in the University the fact that the person is transitioning. However, it is essential that the individual provides written consent for their status as a trans person to be discussed with others.

4. Practical support

4.1 Main point of contact
There should be a single point of contact who can support the individual and provide a positive and supportive environment where issues connected to their gender transition can be discussed. It also might be helpful to agree who else might need to be involved in supporting the individual in their transition, either in terms of active involvement or involvement in an advisory capacity (for example, the relevant HR Manager, Faculty Education Manager, Senior Tutor, a member of the Vulnerable Students’ Service, the Equality and Diversity Manager, or a Bristol SU Just Ask Advisor). The main point of contact should work in partnership with the individual to develop a plan of support needed and how it might be provided in order to assist in the transition process. Any information disclosed must be treated in the strictest of confidence and must not be shared without the express consent of the individual concerned.

4.2 Planning support
Successful support and management of a person’s transition depends crucially on taking account of their views on how to proceed. Sensitive and considered discussions can identify and resolve potential areas of difficulty and conflict before they arise. It is therefore important at an early stage to agree an ‘action plan’. Key elements may include:

✔ The anticipated point in time of change of name, personal details and gender
✔ Whether the employee wishes to stay in their current post or explore the possibility of redeployment, on a temporary or permanent basis
✔ Whether the student wishes to stay on their current programme, suspend studies or explore the possibility of transferring to another programme
✔ An anticipation of time off for medical appointments, treatments and surgical procedures and how any such absences will be managed
✔ Who needs to be informed of the transition, the method(s) of communication and the timescales for this (see 4.3 below)
✔ How to handle any harassment or hostile reaction. For example, would some training on gender identity issues be helpful.
4.3 Informing others
Agreement with the individual should be reached before communication of any intention to transition. The approach taken will depend on how the individual wants to progress and will need to be appropriate to their circumstances. It may not be necessary to inform those who have no direct contact with the individual, although you should be aware that informal information and ‘gossip’ can travel fast and wide, so it may be preferable to include such people in order to avoid mis-information. If the information is not to be conveyed by the individual, it must be shared at a time agreed by the individual, and conversely if by the individual, then management will need to know when and how the disclosure is to take place, so that appropriate support can be co-ordinated.

Many trans people are not known to be such, having changed gender before commencing their education or employment. Respect for privacy is of utmost importance. Some trans people will wish to keep their status as private as possible, even though others are willing to discuss it either confidentially with close friends or openly. It is important that neither management nor colleagues breach the personal privacy of employees and students, recognising that the right to disclose or discuss their medical history is the prerogative of the individual. Such disclosure may constitute an offence under the Gender Recognition Act 2004 (see Annex B).

When someone transitions this may challenge other members of staff and students who have a fixed idea of gender identity. It may be helpful to be able to seek further advice from the University’s Equality and Diversity Team, based in HR, and some training could also be considered.

4.4 Access to facilities
A trans person should have access to ‘men-only’ and ‘women-only’ areas – such as changing rooms and toilets – according to whichever they feel most comfortable with. This may mean that a person changes the facilities they use at some point throughout their transition. In some situations, it may be helpful to explain the situation to work colleagues or other students who use the facilities; however, this should only be done following full consultation with the trans person, and only if the trans person concerned wants this conversation to take place. It is not acceptable to restrict a trans person to using disabled toilets or other gender neutral facilities.

5. Responding to a disclosure
There follows some general guidance on how to respond to a member of staff or a student who discloses that they are transitioning:

- Listen to the person, and ask them how they want to be referred to. Ask which name and which pronouns you should use.

- Use these all of the time, not just when in the company of the person.

- If you make a mistake with pronouns, apologise, correct yourself, and then quickly move on.

- Do not ask what their ‘real’ or ‘birth’ name is. Trans people are often sensitive about revealing information about their past, especially if they think it might affect how they are perceived in the present. Their real name is the one they are currently using.
• Respect their privacy. Do not tell others about a person’s history. If documents have to be kept that have the person’s old name and gender on them, keep them confidential.

• Respect people’s boundaries. Consider whether it is appropriate to ask a personal question. Would you ask this to another person? If not, then reconsider asking it. If you do feel it is appropriate to ask a personal question, first ask if it is ok to do so. Personal questions include anything to do with one’s sex life, anatomy, medical treatment and relationship status – past, present or future.

• When someone starts to live as their correct gender, they may be very sensitive to the ways in which their physical appearance differs from others. It is inappropriate to discuss someone’s appearance and it is never appropriate to judge someone by how they look.

6. Further information

The Equality Challenge Unit has produced guidance for universities on issues connected to changing records and single sex facilities. There are also some case studies that have been written by trans staff and students.

The Gender Identity Research and Education Society (GIRES) has produced the following online module that provides further information on trans-inclusive work and study environments. This module covers:

✓ Examples of good and bad reactions to someone telling you they are trans
✓ How to manage the transition between gender specific facilities and clothing
✓ Why it is important that you do not break confidentiality
✓ When and how to inform others
✓ How to manage people who react negatively towards a trans person
✓ How to use names and pronouns politely

The Government Equalities Office has produced guidance for employers on the recruitment and retention of trans staff.

Stonewall campaigns for the equality of lesbian, gay, bisexual and trans people across Britain and has published the following best practice guides:

First Steps to Trans Inclusion how to support trans employees and create an inclusive environment for all staff regardless of gender identity.

Trans Inclusive Policies and Benefits how to ensure your policies and benefits are trans inclusive, covering language, dress codes, facilities, healthcare and bullying and harassment.
Annex A: Glossary of Terms

Source: http://www.stonewall.org.uk/help-advice/glossary-terms

Cisgender or Cis – someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people.

Coming out – when a person first tells someone/others about their identity as trans.

Gender dysphoria – used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. This is also the clinical diagnosis for someone who doesn’t feel comfortable with the gender they were assigned at birth.

Gender identity - a person’s internal sense of their own gender, whether male, female or something else (see non-binary below).

Gender reassignment – another way of describing a person’s transition. To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender. Gender reassignment is a characteristic that is protected by the Equality Act 2010.

Gender Recognition Certificate (GRC) – this enables trans people to be legally recognised in their self-identified gender and to be issued with a new birth certificate. Not all trans people will apply for a GRC and you have to be over 18 to apply. You do not need a GRC to change your gender at work or to legally change your gender on other documents such as your passport.

Gender stereotypes - the ways that we expect people to behave in society according to their gender, or what is commonly accepted as ‘normal’ for someone of that gender.

Gender variant – someone who does not conform to the gender roles and behaviours assigned to them at birth. This is often used in relation to children or young people.

Intersex – a term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people can identify as male, female or non-binary.

Non-binary – an umbrella term for a person who does not identify as male or female.

Outed – when a trans person’s sexual orientation or gender identity is disclosed to someone else without their consent.

Pansexual - refers to a person who is not limited in sexual choice with regard to biological sex, gender or gender identity.
**Pronoun** – words we use to refer to people’s gender in conversation - for example, ‘he’ or ‘she’. Some people may prefer others to refer to them in gender neutral language and use pronouns such as they / their and ze / zir.

**Sex** – assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions. Sometimes the terms ‘sex’ and ‘gender’ are interchanged to mean ‘male’ or ‘female’.

**Trans** – an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, cross dresser, non-binary, genderqueer (GQ).

**Transgender man** – a term used to describe someone who is assigned female at birth but identifies and lives as a man. This may be shortened to trans man, or FTM, an abbreviation for female-to-male.

**Transgender woman** – a term used to describe someone who is assigned male at birth but identifies and lives as a woman. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female.

**Transitioning** – the steps a trans person may take to live in the gender with which they identify. Each person’s transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.

**Transphobia** - the fear or dislike of someone who identifies as trans.

**Transsexual** – this was used in the past as a more medical term (similarly to homosexual) to refer to someone who transitioned to live in the ‘opposite’ gender to the one assigned at birth. This term is still used by some although many people prefer the term trans or transgender.
Annex B:  Legal Context

The **Equality Act 2010** lists gender reassignment as one of the ‘protected characteristics’ on the grounds of which people are protected against unlawful discrimination, harassment and victimisation. This applies in education, employment and the provision of goods and services. It is not necessary for an individual to be under medical supervision, or to undertake reassignment surgery, to benefit from the legal protection, which commences from the point at which they first indicate their intention to transition. Employers have a responsibility to protect their employees from harassment and bullying, including in relation to gender reassignment. It is unlawful to discriminate against someone because they are perceived to be trans, whether or not the perception is accurate. It is also unlawful to discriminate against someone because they are friends with a trans person.

The University, as a public authority, also has equality duties to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The **Gender Recognition Act 2004** allows individuals who have undergone gender reassignment to obtain a Gender Recognition Certificate (GRC). This means that they are legally recognised for all purposes in their confirmed gender. It is a criminal offence under this legislation to disclose information relating to the individual’s gender history obtained in an official capacity (i.e. as part of a person’s work role). To obtain the GRC an individual must provide evidence to satisfy the Gender Recognition Panel that they are at least 18 years of age, have or have had gender dysphoria, have fully lived in their confirmed gender for at least two years, are not married or in a civil partnership and intend to live permanently in their confirmed gender.

Obtaining a GRC means that a person is:

- entitled to be issued with a new birth certificate reflecting their changed gender;
- legally recognised as belonging to their confirmed gender ‘for all purposes’ including the criminal law;
- entitled to state benefits and occupational pension schemes on the basis of their acquired gender;
- able to marry someone of a different gender, or enter into a civil partnership with someone of the same gender.

It is illegal to ask to see a Gender Recognition Certificate. If they need to prove identity, other documents should be requested, such as a birth certificate or passport.