



Policy on Equality for Transgender Staff and Students

2017

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INTRODUCTION

The **Gender Reassignment Regulations (Northern Ireland) 1999** extend the **Sex Discrimination Order 1975** to 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 because s/he intends to undergo gender reassignment, 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.

In April 2008, the **Sex Discrimination (Amendment of Legislation) Regulations 2008** came into operation in Northern Ireland, and introduced protection from direct discrimination on grounds of gender reassignment in the provision of goods, facilities, services or premises.

The **Gender Recognition Act 2004** allows transgender 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.

Where this policy refers to 'transgender 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 transgender people.

Appendix 1 provides a glossary of terms to aid understanding of the social, medical and legal implications of transgender issues.

POLICY STATEMENT

The University celebrates and values the diversity of its workforce and student body. The University will treat all employees and students with respect, and seek to provide a positive working and learning environment free from discrimination, harassment or victimisation. Any unwarranted or unwelcome comment or discussion about a person's appearance or altering appearance could constitute direct or indirect discrimination, victimisation or harassment, and will therefore not be tolerated.

Ulster University recognises that there can be differences between physical sex and gender identity/expression. The University will not discriminate against people on the grounds of transvestism, transexualism, intersex conditions or any process of gender reassignment, begun or complete.

The University recognises that transgender staff and students come from diverse backgrounds, and will strive to ensure that they do not face discrimination either on the grounds of their gender identity or with regard to other aspects of their identity (race, age, religion, disability).

The recognised Trade Unions and the Students Union have been consulted in drawing up this policy. The University has also consulted FOCUS: THE IDENTITY TRUST an organisation which represents transgender and intersex individuals and their families on the island of Ireland, and which includes those transgender individuals protected under current Northern Ireland Equality and Human Rights legislation.

STAFF

Staff will not be excluded from employment, promotion or any workplace benefits because of their gender identity. Staff will have equal access to training and development opportunities regardless of their gender identity.

Staff will be given reasonable time off work for medical appointments and other treatments relating to gender reassignment. Any sickness absences during and following in-hospital procedures will be dealt with under the University's Sickness Absence policy.

Assumptions will not be made that partners of staff are always of the opposite sex. Whenever possible, workplace benefits will apply equally to same sex and opposite sex partners.

The University will provide reasonable administrative assistance to a member of staff when dealing with outside agencies regarding name or legal status change, for example in relation to pension schemes, DSS, Inland Revenue, etc., where the University will, as required, assist with verifying any alteration to gender information.

STUDENTS

Students will not be denied access to courses, progression to other courses, or denied fair and equal treatment while on courses or as alumni because of their gender identity.

The University welcomes and will provide appropriate facilities for transgender students. In providing accommodation for students, special issues which may be raised by transgender students will be treated sympathetically by the Accommodation Office. Students undergoing medical and surgical procedures related to gender reassignment will receive positive support from the University to meet their particular needs during this period.

GUIDANCE TO STAFF AND STUDENTS

If a member of staff or student is considering undergoing gender reassignment, they should contact the Equality and Legal Manager. Students may also wish to contact Student Support Services and/or the Students' Union. A meeting can be arranged to discuss, in confidence, how the individual wishes to deal with their transition and agree to follow a process with which they are comfortable. An important part of this meeting will be to draw up a confidential plan for the period of transition and thereafter.

Appendix 2 provides a useful checklist that covers most of the issues that need to be considered when an individual is going through this process.

CONFIDENTIALITY

The University will provide a supportive environment for staff or students who wish it to be known that they are transgender people. However, it is the right of the individual to choose whether they wish to be open about their gender identity. There is no compulsion on staff or students to neither reveal their transsexual status, **nor can anyone insist** they show a Gender Recognition Certificate.

The Gender Recognition Act makes it a criminal offence to pass information of a person's transsexual status to a third party without the consent of the transgender person. The University will respect the confidentiality of all transgender staff and students and will not reveal information without the prior agreement of the member of staff or student.

COMPLAINTS

Transphobic abuse, harassment or bullying (name-calling/derogatory jokes, unacceptable or unwanted behaviour, and intrusive questions) will be dealt with under the Bullying and Harassment Policy, which states that the University has a zero tolerance attitude to such behaviour. It will be treated by the University as a disciplinary offence, which may include gross misconduct warranting suspension, dismissal or expulsion.

To disclose someone's transgender status or history, whether staff or student, without their permission is a form of harassment and, possibly, a criminal offence, and will be treated as such. If, in the interests of investigating a complaint, it is necessary to make disclosure of the person's transgender status to particular named persons, that will only be done with the written permission of the transgender person. If the transgender person feels unable to agree to such disclosure it must be explained to them as to how this will impact the investigation of the incidents and the limits on any actions that can be taken.

Transphobic propaganda, in the form of written materials, graffiti, music or speeches, will not also be tolerated. The University undertakes to remove any such propaganda whenever it appears on the premises.

RECORD KEEPING AND DATA PROTECTION

A person who has undergone gender reassignment has the right to live as if they had always been of the chosen gender. If an individual discloses their status as a transgender person, or if they undergo a transition during their employment or studies, the University will need to identify the point at which their gender is changed on all personnel/student records and public references. The point at which these changes are made should be agreed with the individual. The name and pronouns on staff or students' records will be changed on receipt of either:

- a statutory declaration of name change accompanied by a doctor's letter asserting that the person is intending to undergo gender reassignment and has commenced living permanently in their preferred gender role; or
- a Gender Recognition Certificate (GRC), or a birth certificate containing their new name and gender. Whilst a GRC is acceptable if the individual volunteers it, it should never be asked for, nor its existence queried (see Appendix 1 for further details).

Once records have been changed nothing should remain on file that would disclose to a third person that a change has occurred. All material that cannot be disposed of will be placed in a sealed envelope and attached to file with the instruction 'Confidential: Personnel Manager Only'. This envelope should be countersigned and dated by at least two signatories, one of whom should if possible be the transgender individual him/herself. The envelope should only ever be opened with the express permission of the transgender individual.

Once a person has obtained a Gender Recognition Certificate, they can have their degree certificate and transcript issued in their new name. If a person has changed their name by deed poll or statutory declaration and is already living in that name then the University will

also provide any new documents. There will be no mention of a person's transsexual status in references, reports or assessments.

Under the Data Protection Act, transgender identity and gender reassignment would constitute "sensitive data" for the purpose of the legislation and must be processed as such.

MONITORING

There is no legal requirement to monitor transgender staff and students. The University currently monitors staff and students on their gender by asking them to state if they are male or female. A separate question asks staff to state whether their gender identity is the same as was assigned at birth.

Acquired/Affirmed gender

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.

Cis-gender

At birth we are assigned a sex (male or female) and from that moment on we are expected to adopt the expected gender role and expression that society assumes appropriate for that sex. Additionally, there is a general expectation that we will be attracted to individuals of the “opposite” sex. When all of these expectations are fulfilled a person may be described as Cis-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 express 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, people can only be male or female.

Gender Binary

The idea that there are only two genders or sexes – male/female or man/woman, and that a person must be strictly either/or.

Gender queer / Non-binary

Gender Queer, also termed non-binary is a “catch all” category for gender identities/expressions that are not exclusively masculine or feminine; identities which are thus outside the gender binary.

Gender queer individuals may identify as one or more of the following;

- Having an overlap of gender binary identities
- Having two or more genders (being bi-gender, trigender or pangender)
- Having no gender (being a-gender, non-gendered, genderless, gender-free or neutrons)
- Moving between genders or having a fluctuating gender identity (gender-fluid)
- Being third-gender or other-gendered (a category which includes those who do not place a name on their gender).

Gender dysphoria / gender identity disorder (a term no longer used as most transgender people regard it as offensive) /Transsexualism

The medical term for the condition in which a person has been assigned one gender (usually at birth on the basis of their biological/chromosomal sex), but identifies consistently as belonging to another gender, or does not conform to the gender role society ascribes to them.

Gender Dysphoria is characterised by dissonance between the internal sense of gender identity and external genitalia and it is extremely important to understand it is not a form of sexual deviancy or a sexual orientation. Those who experience consistently severe dissonance to the extent that they wish and need to make a permanent transition to the “opposite” gender are ascribed the term “transsexual” by the medical profession.

The condition currently sits within the category of mental health conditions described in ICD10 (International Classification of Diseases) and DSM10 (Diagnostic Statistical Manual). Of itself, Gender Dysphoria is not a mental illness. However, 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 acquired gender.

Gender Expression/Presentation

Gender expression is a spectrum and each of us (in addition to our own gender identity) has a personal way of expressing our gender along a spectrum from “ultra- male” at one end to “ultra-female” at the other, and anything in between.

Gender expression can include the way we move, dress, wear our hair, our mannerisms, our physical characteristics, our voice, our choice of words etc. 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, transgender 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 (GRP), part of the Royal Courts of

Justice and consisting mainly of legal and medical experts, set up under the **Gender Recognition Act 2004** which enables the holder of a full Gender Recognition Certificate (GRC) to be legally recognised in his or her acquired gender for all purposes including pensions, employment, Social Security, Tax (contributions and benefits) etc.

The GRC is a personal document issued to the individual, its main purpose being to enable the individual on its production to their local Registrar of Births, Deaths and Marriages to have a new Birth Certificate issued in their acquired gender.

The GRP may also by application, notify all relevant Government Departments and Agencies of the issue of the GRC thus triggering the update of all personal data held in respect of contributions to HMRC, Social Security Agency (both in respect of payments and contributions) and the lockdown of all previous information.

It is important to note that **a GRC is not a proof of an individual's transgender status and as such it should never be asked for, nor even its existence queried.** A GRC can only be demanded by Police on foot of a Magistrate's warrant, and only then, if the individual is the subject of a criminal investigation.

The GRC will be issued to an applicant if they can satisfy the panel that they fulfill 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 acquired gender for two years prior to the application, and intends to live permanently in the acquired gender.

Gender Variance/ Gender Non- conformity

Gender identity is not determined by physical sex characteristics. Gender variance or gender non-conformity, is about behaviour or gender expression which doesn't match with masculine or feminine norms considered appropriate by general society. Individuals who exhibit these variances may be described as gender variant, gender non-conforming, gender diverse, gender atypical or gender queer; they may be transgender or otherwise variant in their gender identity. Some intersex individuals may also exhibit gender variant behaviour.

Intersex

Intersex conditions are a range of medical conditions where the individual may have genitalia which are at variance with generally expected norms or possess chromosomal /hormonal abnormalities.

The conditions may be recognised at

- (A) Birth - It is estimated that 1 in every 2000 live births have some form of intersex condition.
- (B) Puberty - Intersex conditions may be diagnosed around this time when secondary sex characteristics do not develop along the expected path.
- (C) Adulthood - Intersex conditions may be diagnosed when difficulties surrounding fertility/reproduction are being investigated.

It is now emerging that as many as 1 in 500 of the population may have some form of intersex condition. Some intersex individuals may experience Gender Dysphoria and identify as transgender.

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.

MtF

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

Phenotype

The set of physical characteristics of an individual resulting from their genetic make-up.

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 diagnosed as having an intersex condition, 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 consistently in their acquired gender and during which certain medical procedures may be carried out.

Sexual orientation

Sexual orientation is an entirely separate issue from that of gender identity. Many people in society confuse the issues of sexuality and gender. Transgender individuals, just as everyone else, may be attracted to men, women, both or neither in the same way as the remainder of society. Therefore, transgender individuals may experience sexual orientation as heterosexual (attracted to members of the opposite sex), gay (normally, but not exclusively, used to describe men attracted to other men), lesbian (women attracted to women; on occasion however, some such women may also prefer the term gay), bi-sexual (used to describe those attracted to both males and females) or asexual (used to describe those who don't experience attraction to either sex). Their sexual orientation may remain the same during and after the transition process, for some however, it may alter.

Transgender

An adjective which includes transsexual individuals, but is scoped much wider to embrace a wider variety of gender expression including those who do not intend to permanently change gender.

Transgender people may or may not choose to alter their bodies hormonally and/or surgically. It is **never** acceptable to use the term as a noun.

Transsexual

An adjective used to describe a person who feels a consistent and overwhelming desire to transition and fulfill their life as a member of the opposite sex. Someone in this position will have the medical condition Gender Dysphoria (see above). It is **never** acceptable to use the term as a noun.

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

Checklist to consider when discussing a student or staff member's transition.

It may come as a shock to be told that a member of staff or student that you know intends to undergo gender reassignment. It is important to have a formal meeting with the transgender student/employee and write an **action plan** with **agreed** timescales, which should be countersigned by both parties.

The action plan should include;

- How, when, and if colleagues/fellow students will be told,
- What they will be told, and the language that will be used and by whom,
- How sensitive information will be managed and by whom,
- The start date for living full-time in new role,
- When to use single sex facilities,
- When formal documentation will change,
- When/if time off may be required for medical/ counselling/other therapy appointments (e.g. speech therapy, laser treatment etc.),
- When/if time may be required off for surgery.

Telling colleagues/fellow students/staff

1. It is appropriate to discuss how other colleagues/students will be informed. The individual should never feel coerced into a decision with which they feel uncomfortable and should always feel supported.

Should they wish to share the information themselves or want it done on their behalf, it is important that the transgender person maintains and feels in control of what people are told and the language that is used. It is extremely important that this forms an integral part of the action plan.

Name change

2. Identify which of the following cards/name badges will need to be changed:
 - University ID card
 - library card
 - student union card
 - National Union of Students card
 - club and society cards
 - volunteer/mentor ID badges
 - trade union membership badge
 - professional/learned body membership cards
 - fitness centre/gym membership card
 - accommodation access card
 - catering/food meal card
 - placement ID cards
 - course representative card

3. Replace or alter the following documents and materials:

- on-line 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, e.g. boards of study, academic boards
- certificates, e.g. training attendance, degrees, transcripts
- course results sheets and conferment lists
- club and society membership records
- payroll (and banking details)
- pension: death in service and dependents' benefits
- insurance policies
- student loan company/local education authority.

Process

4. As appropriate, line managers, People and Culture or Student Support will inform programme teams, students and other colleagues, support departments (finance, student records, accommodation, etc.), work placement providers, volunteer placements, committee chairs/secretaries, club and society members.
5. Find out if the student/staff member is intending to undergo gender reassignment surgery and when this will be.
6. If the student/staff member requires time off for surgery and recovery discuss what process/support/adjustments are needed to ensure the student/staff member remains on their programme of study/in employment, or can return when they have recovered.
7. Discuss any professional requirements or attendance requirements that may be affected by the person's absence for gender reassignment treatment. For example, 80% attendance rates, or number of hours in a school or on a hospital placement. Students should be supported, as any other student who has time away from the University due to sickness, so to ensure they can complete their programme of study on time.

Training

8. Ulster University will regularly offer short introductory training sessions on Transgender Awareness to all staff (including those of third party contractors) and students on all campuses.
9. Decide if there is a need for additional specific training for departments or staff and who should be trained and who should deliver this training (Staff Development, People and Culture, transgender organisations such as 'Press for Change' (pfc.org.uk) or the local support group 'focus: the identity trust' (thefocustrust.com/)).

Genuine occupational qualification

10. Find out if there any genuine occupational qualification (GOQ) requirements during the student's programme of study or staff member's work, e.g. counselling, social care, NHS, charities, schools.
11. Find out if there are any GOQ requirements on volunteer placements or work- based learning, e.g. women's refuges, rape crisis centres etc.

Ceremonies

12. During awards ceremonies (volunteer/mentor awards, sports and societies awards, etc.), agree what name will be used whether or not a GRC has been granted or the person's name has not been changed legally.
13. During a degree ceremony, decide what name will be used if a GRC has not yet been granted or the person's name has not been changed legally (on certificate, in ceremony programmes, name read out, etc.).

Discrimination and harassment

14. Ensure there are clear guidelines and processes to deal with direct or indirect discrimination, victimisation or harassment of a transgender student or member of staff.
15. Develop clear processes to deal with discrimination on work placements.
16. Make sure the student is made aware of these processes.
17. Make sure members of staff, other students, work placement providers and contractors are made aware of their responsibilities.