



## Trans Equality Policy

### 1. Policy Statement

As part of its wider Equality and Diversity strategy the University is committed to providing an inclusive and welcoming community where staff and students are enabled to meet their full potential and are treated as individuals. This includes providing support and understanding to those individuals who wish to take, or have taken, steps to present themselves in a gender different to their birth gender.

The University recognises that this can be a very difficult and complex time for an individual and would wish to act in a sensitive and supportive way by having helpful policies and practices in place to ease any transitional period. We fully recognise our legal responsibility to protect the rights of transgender people and to ensure that no individual is subject to discrimination or victimisation as a result of the gender in which they present themselves.

This statement should be read as part of the wider set of policies including Dignity and Respect.

External guidance produced by the Equality Challenge Unit can be found at <http://www.ecu.ac.uk/guidance-resources/inclusive-environment/providing-support/trans-people/>

### 2. Scope and Purpose

This policy is designed to focus on the support and advice that the University can offer to both staff and students who are undergoing any form of gender reassignment. It also aims to offer advice and guidance to managers or others who are helping to manage the support process at an individual level.

### 3. Principles of the Policy

- 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 University will respect the confidentiality of all trans staff and students and will not reveal information without the prior agreement of the individual.
- Staff will not be excluded from employment or promotion because of their gender identity.
- The University will provide a supportive environment for staff and students who wish their trans status to be known.
- The University welcomes, and will provide, appropriate facilities for trans student and staff groups.

- Transphobic abuse, bullying or harassment will be treated very seriously and dealt with under the appropriate procedures.

#### **4. Legislation**

The Equality Act 2010 has strengthened and streamlined previous equalities legislation. Gender reassignment is one of the nine protected characteristics within the Act and is also included in the Public Sector Equality Duty.

The definition of gender reassignment within the Act gives protection from discrimination to a person who has proposed, started or completed a process to change their sex. The Act also protects:

- trans people who are not under medical supervision;
- people who experience discrimination because they are perceived to be trans people; and
- people from discrimination by association because of gender reassignment.

The Human Rights Act 1998 provides protection to trans people, principally under the right to a private life.

#### **5. What is 'trans'?**

Trans is a term used to describe people whose gender identity or gender expression differs in some way from the gender assumptions made about them when they were born.

A full list of useful terminology is available in guidance produced by the Stonewall Scotland at: <https://www.stonewallscotland.org.uk/our-work/community-resources/transgender/key-trans-related-terminology-use-scotland>

#### **6. Gender reassignment ('transitioning')**

##### **What is gender reassignment?**

There are a small number of people in the UK whose gender identity does not match their appearance and/or anatomy. This is sometimes called gender dysphoria. People who decide to adopt the opposite gender to the one assigned at birth are known as 'transgender people'.

Some transgender people want their bodies to match their gender identity. The process is known medically as 'gender reassignment' or 'gender transition'. However, the term transgender also includes persons who cannot, or have decided not to undergo medical treatment.

##### **How is gender transition achieved?**

Transition is achieved by the person undergoing gender reassignment. The process consists of counselling, followed by medication to alter the body and physical characteristics. During the early part of the process it is possible the individual may display characteristics of both genders.

The final stage for some individuals is to undergo surgery. Not all persons going through gender reassignment undergo surgery; it is a personal choice and not a key criterion in the process of definition to gender change. Indeed, much of the transition process is more about social aspects such as name, clothes, appearance and personality rather than the medical aspects that are often associated with it.

At some point the person will want to start to live full time in their 'new' gender and their name and other records (such as their driving licence, birth certificate and passport) may be formally changed. The person is expected to live and work in their new gender role for a minimum period of one year (in Scotland) prior to any irreversible surgical intervention. This period is often referred to as the 'real life experience' or 'real life test'.

Every individual may choose a wide and differing set of options in the way that they wish to shape their future lifestyle and the choices they wish to make. The most important role that we can play as the employer and University is to offer support and guidance at any or all stages of an individual's journey and to facilitate any procedures or processes as appropriate.

### **Intersex**

Intersex is a biological condition that people are born with. Intersex people can have a combination of male and female anatomy; as a result, their biological sex cannot easily be classified as either male or female. Until recently, the medical profession encouraged surgery on intersex babies so that the child would conform to stereotypical male or female appearances. Subsequently, many intersex people encountered difficulties later in life as the gender prescribed by the medical profession and society was different from the gender with which they associate. The advice now is to wait until an informed choice can be made.

Not all intersex people opt for surgery, and many will consider themselves to be intersex rather than male or female. While trans issues are different from intersex issues, intersex people who had their gender incorrectly prescribed at birth may decide to transition to the gender with which they identify later in life.

### **Glossary**

A glossary of key trans-related terminology use can be found on Stonewall Scotland website at: <https://www.stonewallscotland.org.uk/our-work/community-resources/transgender/key-trans-related-terminology-use-scotland>

## **7. Trans respect guidelines**

The following informal guidelines on how to treat people who are transitioning may be helpful for a trans person's colleagues and fellow students.

- Use the name and pronoun that the person asks you to. If you are not sure what the right pronoun is, then simply ask. If you make a mistake with pronouns, correct yourself and move on. Do not make a big deal out of it.
- Respect people's privacy. Do not ask what their 'real' or 'birth' name is. Trans people may be sensitive about revealing information about their past, especially if they think it might affect how they are perceived in the present.
- Similarly, respect their privacy. Do not tell others about a person's trans status. If documents have to be kept that have the person's old name and gender on them, keep them confidential.
- Respect people's boundaries. If you 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 and relationship status – past, present or future.
- Listen to the person, and ask them how they want to be regarded and referred to.

## 8. Support

**Employees:** An employee going through the process of gender reassignment can seek support from their manager, local College/Support Group Head of HR or HR Advisor or Occupational Health. Self referrals can also be made to the University's Counselling service.

**Students:** A student going through the process of gender reassignment can seek support from Student Services or their equivalent.

It is a matter of choice who should be contacted but it is recommended that the contact person works with the employee to agree an action plan to cover the period of their transition. It is imperative that confidentiality is maintained at all times, for staff and students who may be going under transition or have in the past undergone gender reassignment.

## 9. Transition Action Plan

The employee or student and their main contact should write an action plan together for managing their transition whilst at the University. This will include agreeing dates of transition and communication plans, the University being guided at all times by the individual's preferences. Under no circumstances should any communication or actions be taken without the explicit consent of the individual. These action plans must be kept strictly confidential and any records destroyed after the person has successfully transitioned.

Sample action plans are contained in the Equality Challenge Unit's [Trans staff and student in HE](#) guide and a framework for transition can be found at Appendix A of this policy.

## 10. Identification

### Name changes

A trans person can ask their employer to change their full name, appropriate pronouns and gender on their personnel/organisational records simply by notifying them of:

- their intention to transition, and
- their name change (this is usually done by providing a Statutory Declaration of Name and Gender Change<sup>1</sup>, but this is not a legal requirement).

However, some do not choose to change their name immediately or at all. They may wish to use a shortened version of their name or a nickname. If this is the case it is preferable that tutors or managers are advised of the preferred name in advance so that the legal name is not used in error. Once a trans person has made known their chosen name, this name should be used in all circumstances, rather than their birth name. Also a person who identifies with a certain gender, whether or not they have had surgery, should be referred to using the pronoun they have a preference for (this could be he, she or they).

### **Identification**

A full gender recognition certificate (GRC) gives a trans person the means to obtain a new birth certificate but other official identification and services reflective of their preferred gender can be gained without a full GRC including a passport, driving licence and the ability to change bank details. The University has no right to ask for or see this certificate. However, it may ask for a statutory declaration of name change or other official identification.

It is important to recognise that there can be very real cost implications in changing identity documentation and this may not be accomplished all at once especially by students and lower paid employees. The University should be prepared to be flexible wherever possible and to be very clear about what information is required as well as any alternatives that can be offered.

If an employee changes their gender the University will inform HM Revenue and Customs (HMRC) in case there are state pension implications.

## **11. Practical support**

### **Staff and Students:**

#### **Time Off**

Trans staff and students will require time off work or study for a wide variety of medical appointments. Appointments to see a specialist may involve travelling long distances.

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<sup>1</sup> Most use Statutory Declaration because it has a legal standing with Government Bodies such as HMRC. Deed Poll can also be used but has cost implications.

The amount of time off required following surgery will vary greatly from 1 to 12 weeks depending on the nature of the surgery and the physical demands of the person's work or study. In all cases the member of staff or student should not be treated any less favourably than if they were absent due to sickness or injury.

There may be a need for close relatives of trans staff or students to have time off to care for them in the same way this would be necessary for parents or carers in other circumstances. There should not be any less favourable treatment in such cases.

### **Criminal record checks**

Where these are required, Disclosure Scotland has implemented a process specifically for trans people who do not wish to disclose their trans status to their employer or placement provider:

<https://www.disclosurescotland.co.uk/publications/documents/ARTICLE-TRANSGENDER.pdf>

### **Single sex facilities**

A trans person should have access to 'men-only' and 'women-only' areas according to their gender identity. Ideally there should be access to gender neutral toilet facilities wherever this can be reasonably accommodated. The University and the individual will agree the point at which the use of facilities such as changing rooms, shower rooms and toilets change from one sex to the other. Requiring the person to use accessible toilet facilities is not acceptable unless the individual is disabled.

### **Records**

If a trans employee or student is transitioning at the University and following their statement of intent to transition, their staff or student record should be changed at a mutually agreed time to reflect their preferred gender and name. This must include all paper records which must be replaced with a full set of new ones in the new name and gender. No records should be changed without the permission of the employee or student concerned. With the exception of degree certificates and pensions, a written note of intent to transition is sufficient for the gender and name on staff and student records to be changed.

Staff records can be changed through the local College/Support Group HR teams and student records through [Student Systems](#).

### **References**

References for current or former students or staff who have transitioned must make no reference to the person's former name or gender, and must use the appropriate pronoun.

### **Recruitment**

Where formal documents are required before commencing employment or enrolment, confidentiality should be emphasised when asking for a birth certificate or passport as if the person has not yet been issued with new identification, the birth certificate will clearly show the person was born with a different name and gender. The same situation can arise with a passport from another country that does not have the same legislative provision as the UK. Therefore, some flexibility may be required in what is asked for.

### **Students Only:**

#### **Accommodation**

When a student applies for accommodation and advises that they are transitioning or intend to transition once at the University, it is advisable to formally agree the point at which they will begin to live day-to-day in their acquired gender. This will enable the correct form of accommodation to be allocated from the start. Students are encouraged to discuss their personal requirements in confidence and in person with relevant staff in accommodation services. The University will ensure as much flexibility and discretion as possible when dealing with student requests in relation to transgender.

For students who begin to transition when living in accommodation, contracts should be flexible to allow students to leave single-sex accommodation when they begin to live in their chosen gender. For further advice and support contact [Accommodation Services](#)

#### **Degree certificates**

The university has undertaken to provide students who have transitioned whilst studying or after studying with replacement degree certificates in the acquired gender names or titles. This can be done through [Student Administration](#).

### **Staff Only:**

#### **Pensions**

Record changes for pensions differ slightly and members of staff who are in the University pension scheme will need to send their birth certificate to the Pensions manager to ensure their gender is changed on pension records. Only people with a full Gender Recognition Certificate (GRC) can have their pension records changed by HMRC.

## **12. Support and Advice**

[Equality and Human Rights Commission \(EHRC\)](#) is a statutory body with responsibility for protecting, enforcing and promoting equality across all protected characteristics

[The Gender Trust](#) is recognised as an authoritative centre for professional people who encounter gender identity-related issues in the course of their work.

[The Beaumont Society](#) is a support network that promotes better understanding of the conditions of transgender, transvestism and gender dysphoria

[Gender Identify 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.

[Scottish Transgender Alliance](#) offers guidance to employers on transgender equality issues and good practice in Scotland and provides information to support transgender people in understanding and accessing their human rights.

#### [LGBT Youth](#)

<http://www.lgbt-helpline-scotland.org.uk/> provides a range of services for professionals and young people in Scotland.

**Stonewall** is a charity that works with organisations to support LGBT staff by offering inclusive, equal and inspiring working environments, see [Supporting Trans Staff in the Workplace Guidance](#).

### **13. Review**

This Policy was originally produced by University HR Services in February 2011, approved by the Equality & Diversity Committee and the Senate Quality Assurance Committee with final ratification by the Central Management Group in May 2011. It was reviewed in June 2016 and in January 2017 for accuracy of terminology. A web link to the Stonewall website was added in August 2017/18. Changes were agreed with the HR Policy Development Group. A few language changes were applied in June 2019 and a full review will take place by December 2019.

### **14. Alternative Format**

If you require this document in an alternative format, please contact [UHRS@ed.ac.uk](mailto:UHRS@ed.ac.uk) or telephone 0131 650 8127



### Transition process

The chart below provides an overview of a typical transition and may prove useful for those managing or representing staff or students throughout the process whether it involves medical intervention or social orientation. It is important to note that every individual's situation will vary depending on a wide range of factors that can come into play.

A person identifies that their attributed gender is not consistent with their gender identity.
The person is diagnosed with gender dysphoria.
The person informs their institution that they want to transition to their preferred gender and will commence a real-life experience.
After at least three months, the person begins hormone therapy.
At the person's request, the institution updates its records to reflect any name change and their new gender.
A new staff or student file is created and any documents revealing their former name and gender that must be kept (for example, pension records) are marked 'confidential'.
If the person is a student and they have changed their name, they are informed that they must legally change their name before a degree certificate can be issued in their new name.
After at least 12 months, the person may undergo reassignment surgery.
After two years of living in their chosen gender, whether or not they have undergone surgery, the person applies for a gender recognition certificate.
A gender recognition certificate is awarded and the person is issued with a new birth certificate.
The person is now legally recognised in their chosen gender – all documents and references that have not already been changed must now be changed.
If the person is a staff member who is a member of the institution's pension scheme, they must send their new birth certificate to the appropriate person to ensure their gender is changed on pension records.

**Action Plan for Transition Period**

**Example of Action Plan to support staff**

Action Plan to support staff transitioning gender
Does the employee feel comfortable continuing in their current role? Are there any temporary or permanent changes to the role which should be considered to support the employee? Considerations should include security aspects such as lone working, night working.
What is the expected timescale of the medical and surgical procedures, if known?
Is any time off required for medical treatment? If so how will this be dealt with?
What will the employee's new title and name be?
When do they wish to start using this name and title? Will there be any phasing?
When do they wish to start dressing and presenting as their gender identity? Again will this be phased? (This may not necessarily be the same date as above.)
Are there any dress codes which need to be considered? Do new uniforms need to be ordered?
When does the employee wish to use toilet and changing facilities appropriate to their gender identity? Please note accessible toilets should not be suggested as an alternative.
When, how and which Human Resources records and or systems will need amending?
When and how should colleagues be informed of the transition?
Is there any education material which could be used?
If this action plan is not drawn up with input from line manager/and or Human Resources consider how and when they might need to be involved.
If any bullying or harassment occurs how will it be dealt with?
Actions Agreed:
Date of next meeting:

### Example of Action Plan to support students

Action Plan to support students transitioning gender
Does the student feel comfortable continuing with their current course/cohort? Are there any temporary or permanent changes to the student's experience and obligations which should be considered to support the student? (Consider security aspects.)
What is the expected timescale of the medical and surgical procedures, if known?
Is any time off required for medical treatment? If so how will this be dealt with?
What will the student's new title and name be?
When do they wish to start using this name and title? Will there be any phasing?
When do they wish to start dressing and presenting as their gender identity? Again will this be phased? (This may not necessarily be the same date as above.)
Are there any dress codes which need to be considered?
When does the student wish to use toilet and changing facilities appropriate to their gender identity? Please note accessible toilets should not be suggested as an alternative.
When will the Director of Studies be informed and what records and or systems will need amending? When should other members of academic staff/student support staff be informed, and how should this happen?
When and how should other students be informed of the transition? Is there any education material which could be used?
When should other University departments be advised of the transition? What other University departments need to be made aware? E.g. Students Union, Sports Centre, Accommodation and Residential Staff.
If any bullying or harassment occurs how will it be dealt with?
Actions Agreed:
Date of next meeting: