



Aston University

# **Gender Identity Policy and Procedures**

## **Guidance for supporting trans and non-binary staff and students**

Should you or someone you know require this document in an alternative format, please contact the Director of Student and Academic Services, for students; your HR Business Partner, for staff (see Section 23 for contact information).

**Please note:** *Trans* is an umbrella term for people whose gender identity and/or expression differs from what is typically associated with the gender they were assigned at birth. Trans identity is not dependent upon physical appearance or medical procedures although some people may choose to alter their appearance (with or without medical assistance) to bring it in line with their gender identity; this may be continuous or it may be done intermittently.

*Non-binary* is used throughout this document to refer to anyone who identifies outside of the gender binary of male and female. It should be acknowledged that other terms such as agender, genderqueer and gender fluid may be used and that these are not necessarily interchangeable. However, for the purposes of this document, non-binary is intended to include all such identities. Some non-binary individuals may also consider themselves to be trans while others may not.

Please refer to Appendix 1 – Glossary for more information.

The following informal guidelines on how to treat people who are trans or non-binary may be helpful for their colleagues and fellow students.

- Listen to the person, and ask how you should refer to them.
- Think of the person as being the gender that they want you to think of them as.
- Use the name and pronoun that the person asks you to. If you aren't sure what the right pronoun is, ask. If you make a mistake, correct yourself and move on.
- Respect people's privacy. Do not ask what their 'real' or 'birth' name is. Trans people may not wish to reveal information about their past, especially if they think it might affect how they are perceived in the present.
- 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 (not just genitalia) and relationship status – past, present or future. Questions such as 'Are you on hormones?' can be considered personal.

**Based on The Equality Challenge Unit Guidance –  
Trans Students in Higher Education Revised 2010  
(Appendix C) Trans respect guidelines for staff and students**

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## **1. Policy Statement on Trans Equality**

- 1.1.** This policy should be read alongside the University's Equality and Diversity Policy Statement.
- 1.2.** Where this policy refers to 'trans and non-binary people', it is with reference to the definitions on page 2.
- 1.3.** The University is committed to removing any form of unlawful discrimination against people on the grounds of their gender identity, gender expression or gender presentation.
- 1.4.** The University celebrates and values having a diverse workforce that includes trans people, and intends to recognise role models for students and staff who identify as trans or non-binary.
- 1.5.** This policy aims to cover all areas concerning trans and non-binary individuals in relation to the University. This is in accordance with the current legislation, best practice and guidance by non-governmental organisations (as referenced), and values of the institution.

## **2. Legal Framework**

- 2.1.** Two key pieces of legislation have direct relevance to gender identity issues, the Equality Act (2010) and the Gender Recognition Act (2004). Further detailed information on the legal background can be found in the ECU guidance. This should be consulted alongside the following information.

### **2.2. Equality Act (2010)**

As part of the Equality Act (2010), people are protected from discrimination and harassment on the grounds of 'gender reassignment'. It protects a person at all stages, whether they are planning to undergo reassignment, are in the process of reassignment or have undergone gender reassignment. It includes those who are not under medical supervision; it also includes those who are discriminated against or harassed because they are perceived to be trans or because of their association with a trans person (for example the family/friends of a trans person).

### **2.3. The Gender Recognition Act (2004)**

The Act allows people who have completed their transition and meet certain criteria to apply for a Gender Recognition Certificate (GRC); this certificate allows them to change their identity, for example, by obtaining a birth

certificate or marrying in their acquired gender. The Act makes it a criminal offence to pass information about a person's trans status to a third party without the consent of the individual.

- 2.4.** This document will be made available to all academic and support staff to ensure due process is followed and no individual's trans status is disclosed to a third party without their consent. Furthermore the Equality and Diversity Training will be adapted to sufficiently cover trans issues, and more specifically, the relevant processes and procedures.

### **3. Communicating with others**

- 3.1.** It is important to agree with a trans or non-binary person how they want others to be informed of their self-identified gender. The person may want to lead this process themselves, or may wish the institution to lead. They should be consulted as to what people are told and the language that is used. The wishes of the person can be captured using the form at Appendix 2.

- 3.2.** When communicating an individual's gender identity to others, staff should aim to:

- Set a positive tone.
- Include sufficient information to convey the relevant facts as agreed with the person.
- Respect the person's right to confidentiality about medical and personal aspects.
- Provide them with this document.
- Emphasise the importance of using the correct name and pronouns.

- 3.3.** It is good practice to review how things have gone for the person over a 6 month period following the initial meeting, including discussion of any problems that may have arisen. This can be done by the same person or another mutually agreed individual.

### **4. Confirmation of Identity**

- 4.1.** Not all trans and non-binary people will hold a birth certificate that is reflective of their self-identified gender. Where the University requires official confirmation of a person's identity, staff and students should be given the option of providing more than one type of official identification, for example a driving licence, passport or birth certificate. If a person is transitioning at the University, their staff or student record will be changed at a mutually agreed time to reflect their affirmed gender and name. In some circumstances, specific criteria apply – particularly for degree certificates (see Section 14).

**4.2.** A person may use more than one name, for example one name for their bank details and another name as an employee or student of the University. This is not illegal as long as it is not used for fraudulent purposes.

## **5. Disclosing gender identity**

**5.1.** The University is committed to providing a supportive environment for staff and students who want to disclose their gender identity. We recognise that some people may decide to transition while working and/or studying at the University. We endeavour to provide a sensitive and supportive environment for those who transition at the University and to ensure that we meet their specific needs.

**5.2.** **Trans and non-binary students** are encouraged to discuss their needs with the University. This discussion should include if (and how) they would like the University to inform relevant staff and students of their gender identity and who they would like this to include. It should also include a discussion of amending University records if necessary. Only those who need to know about the change will be informed, and they will be given clear information about confidentiality.

If students would like to access support from the University, they can disclose to:

- *Their Personal Tutor*
- *The Director of Student and Academic Services*
- *The Students' Union Vice President (Welfare)*
- *The LGBT+ Liberation Officer*
- *The LGBT+ Student Society*

(See Section 23 for contact information).

The form at Appendix 3 can be used as a means to record the wishes of the student and capture their consent for appropriate disclosures to take place.

**5.3.** **Trans and non-binary staff** are encouraged to discuss their needs with their line manager or with Human Resources. This discussion should include who (if anyone) they would like to be informed of their gender identity and how they would like the University to inform relevant staff (and students if appropriate). It should also include a discussion of amending University records if necessary. Only those who need to know about the change will be informed, and they will be given clear information about confidentiality.

If staff would like to access support from the University, they can disclose to:

- *Their line manager*
- *Their Human Resources Business Partner*
- *The LGBT+ Staff Network*

(See Section 23 for contact information).

The form at Appendix 3 can be used as a means to record the wishes of staff and capture their consent for appropriate disclosures to take place.

## **6. Data Management**

- 6.1.** The personal records of a staff member or student must not be changed without the permission of the person. The University has a duty to agree the date from which a person's name and/or gender should be changed on all records should they desire to do this.
- 6.2.** Presentation of a new birth certificate or GRC is sufficient evidence to modify the name and gender on personal records. This process however is not applicable to the alteration of degree certificates (see Section 14).
- 6.3.** For the purposes of confidentiality, the University is prohibited from storing any data on a person's file that could disclose to a third person that a change in gender has occurred. Any information pertaining to a person's previous identity must be altered accordingly or destroyed. Certain ID files, such as passport or visa details which cannot be altered or destroyed must be kept confidential (see Section 15 on confidentiality for more information).
- 6.4.** Once a person has declared their chosen name, this name should be used in all circumstances. Similarly a person who identifies with a specific gender should be referred to by that gender at all times and using the pronouns that they have specified.
- 6.5.** If a student changes the name under which they are registered at the University, they should also do this with the student loans company, their local authority, any sponsor, and their bank to ensure payments are not delayed (see Appendix 3 – Consent Form).

## **7. Support Services for students**

- 7.1.** Advice and support for trans and non-binary students can be accessed through the contacts as listed in Section 5.2. Advice and support for any student experiencing harassment, bullying or discrimination is available from:

[Prevention of Harrassment Policy and Procedures](#)

**7.2.** The University Counselling and Mental Wellbeing Service is available to provide support for students should they need it (see Section 23 for contact information).

## **8. Support Services for staff**

**8.1.** Advice and support for trans and non-binary staff at the University is available from their HR Business Partner. This includes support for any member of staff experiencing harassment, bullying or discrimination

**8.2.** The University also has an LGBT+ Staff Network which can provide advice and support and an Employee Assistance Scheme (PAM Assist) which can provide access to Counselling services. Additionally the Birmingham LGBT+ Centre offers support services, advice and information, details in Contacts (Section 23).

## **9. Action Plans**

**9.1.** If a student or member of staff indicates that they will be transitioning, the first step will be to meet with them, and their trade union or student union representative if requested, to create an action plan with timescales. The discussion and resulting Action Plan should include:

- How information will be managed and by whom.
- Whether they wish to inform relevant line managers, co-workers, fellow students themselves or would prefer for this to be done for them.
- Use of any single-sex facilities.
- The process for changing records and other documentation.
- The expected timescale of any medical treatment (if applicable).
- Time off that may be required.

## **10. Time off for medical appointments**

**10.1.** Members of staff undergoing gender-affirming medical and surgical procedures may require time off from work. The University's policy of managing sickness absence should be used to manage time off. Where a person needs to take time off work for gender-affirming medical procedures, they should not be treated any less favourably than if the absence was due to sickness or injury. Other policies e.g. leave/flexible working and work/life balance policies may also be relevant to consider. Managers should try to be as flexible as possible to meet reasonable requests for leave or changes in working patterns within the needs of the service.



**10.2.** Students undergoing gender-affirming medical and surgical procedures may require time off from their usual study activities. Where a student requires time off for medical procedures the Attendance, Academic Progress Requirements and Absence Procedure will be used to manage time off. Where a student needs to take time off for medical appointments relating to their gender identity, they should not be treated any less favourably than if the absence was due to sickness or injury. Students are advised to inform their school of any relevant appointments that fall at the same time as scheduled learning activities, and are encouraged to arrange medical appointments outside of these times wherever possible. A student does not need to give specific details about the medical appointments (such as the procedure being undertaken) when informing the University of appointments provided that they can evidence appointment/surgery dates as appropriate.

## **11. Practical Considerations**

**11.1.** There are a number of practical considerations that may arise that relate to trans and non-binary people. These range from facilities and accommodation through to sports and dress codes. Guidance on all these matters is provided by the ECU.

### **Facilities**

**11.2.** The University shall endeavour to provide gender-neutral facilities going forwards, in the provision of new services and the construction or refurbishment of buildings, to ensure everyone has access to the appropriate facilities.

**11.3.** A person should have access to single gender areas – such as changing rooms and toilets – according to the gender with which they identify or in the case of non-binary individuals, the facilities they feel most comfortable using. This may mean that a person changes the facilities they use at some point but this should only be when they wish to do so. 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 individual, and if they want this conversation to take place. It is not acceptable to restrict a trans or non-binary person to using accessible toilets or other unisex facilities.

**11.4.** Staff and students will be encouraged to discuss any specific requirements that they may have relating to facilities with the Estates Helpdesk (see Section 23 for contact information).

**11.5.** If a student or member of staff is concerned that appropriate facilities are not available in their school or in another University building, they can discuss this

with the appropriate university department or one of the contacts in sections 5.2 and 5.3.

## Accommodation

- 11.6.** The University does not own any accommodation but does have a University Allocation Policy which endeavours to provide first year Undergraduates with firm choices on-campus accommodation, taking into consideration preferences (e.g. single-sex flats). The full policy is available on the [website](#), and this policy is not absolute, as space and resources are limited.
- 11.7.** A student's gender identity must be taken into consideration when they are allocated student accommodation. Students (living in single-sex accommodation) who begin to transition when living in accommodation should have flexible contracts to allow them to change accommodation when they begin to live in their chosen gender identity. Although this cannot be guaranteed, the University Accommodation Team will be on hand to advise on any issues facing trans people should they encounter any problems which limits their ability to live within their new identity.
- 11.8.** Support and advice is available to students across all years of their University degrees, however the University Allocation Policy (see above) only applies to first year undergraduates. Students are expected to organise their own accommodation in subsequent years (which may or may not be on campus).
- 11.9.** If at any point during a student's time at the University, they experience accommodation issues relating to their gender identity, they can speak to:
- University Accommodation Team
  - Advice and Representation Centre
  - Aston Student Homes

(See Section 23 for contact information).

## Sports

- 11.10.** The following information should be read together in accordance with British Universities and Colleges Sport (BUCS) regulation 6.11 Transgender Athletes (see Section 23 for contact information).
- 11.11.** All staff and students will be given the same access to sports clubs. However the Gender Recognition Act (2004) stipulates that in certain circumstances it may be appropriate to restrict a trans person from participating in competitive

sports that have a specific gender requirement. This is to ensure fair competition and the safety of all participants.

- 11.12.** The specific sport's governing body will be consulted in the event of confusion surrounding a person's eligibility for participation in a particular sporting activity. The governing body's ruling should provide the basis from which to allow or prevent a person's participation in a particular sporting activity on the grounds of gender.
- 11.13.** If the relevant National Governing Body (NGB) policy has not been reviewed in the last 3 years, the BUCS regulations may apply.
- 11.14.** BUCS, the NGB for university sport in the UK states that 'The participation of a transgender athlete in competitive sport must not be restricted unless it is proportionate to the aim of securing safe and/or fair competition'.
- 11.15.** BUCS have extensive resources available for supporting LGBT+ students, in this case trans individuals. Should such an issue or confusion arise regarding eligibility to participate in a sporting activity, a quick, efficient and confidential solution should be sought in liaison with BUCS and the respective NGB for the sport in question.

## **Dress**

- 11.16.** The University will support staff and students in their choice of dress in connection with their gender identity. At no point will it be required to dress in an ascribed gender during any point of your time at the University including graduations.

## **12. Professional Practice**

- 12.1.** The University acknowledges that in some specific courses, such as health and medicine, the process of gender reassignment may raise issues in relation to professional practice, for example if the process will result in time off for medical appointments/procedures. In a limited number of cases there may also be 'genuine occupational qualifications' (GOQ) for professional courses that involve placements in areas such as health and social care, counselling and youth work (see points 13 & 14 of Appendix 2 and advice in Appendix 4 for further information about Genuine Occupational Qualifications). This will need to be discussed with the NHS or other relevant professional bodies as necessary on a case-by-case basis. Students will always be advised before any such discussions take place and the student's consent will be required to discuss any information that will identify their trans or non-binary gender identity with a third party.

## **13. Applicants**

- 13.1.** Particular consideration should be given to agreeing the date from which a student applicant's name and/or gender will change at the pre-enrolment stage, ensuring that application forms (including UCAS), are amended. This will enable all subsequent identification to be produced accordingly. Applicants who have fully transitioned before joining the University will need to contact the Director of Student and Academic Services to verify their change in gender and, where relevant, name. The student will be treated thereafter as being of the affirmed gender. The applicant will need to notify the student loans company and other funding bodies to ensure payment and enrolment records match.

## **14. Graduates**

- 14.1.** A degree certificate is a legal document. Institutions will need to see relevant evidence before issuing or reissuing a certificate in a name different from that under which the student originally registered. Examples of documents the University could ask to see would be a statutory declaration of name change or a deed poll certificate. Asking students or alumni for evidence of medical supervision is not appropriate, as trans people do not have to be under medical supervision in order to be protected by the law. It is unlawful to ask a person for a gender recognition certificate.
- 14.2.** Any change of name on degree certificate as a result of gender reassignment will not incur any fee.
- 14.3.** Any records in relation to this process should be dealt with in accordance with Section 15 of this policy.

## **15. Confidentiality**

- 15.1.** The University will take all relevant steps to ensure that individuals' confidentiality is protected; this includes ensuring that information about their previous name and gender and/or the fact that they have transitioned is not disclosed to a third party unless agreed. An agreement will be reached with the person about who information can be disclosed to.
- 15.2.** 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 constitutes a criminal offence liable to a fine.

**15.3.** When a person has changed their gender identity with the University, they have the right to request that all references to their former name and gender are removed from records where possible.

**15.4.** The University will ensure that records are changed from the date agreed with the student or member of staff. Any records held which contain the student/member of staff's former name and/or gender will be appraised and destroyed if no longer required. Any documents which need to be retained (such as terms and conditions of contract or offer letter) will be reissued and replaced. Records which need to be retained but cannot be amended or replaced will be kept confidential.

## **16. Criminal Records**

**16.1.** The Disclosure and Barring Service (DBS) has implemented a process specifically for people who do not wish to disclose their trans status to their employer or placement provider. Trans applicants are not required to put their former names or gender on the DBS application form, but they must contact the DBS's sensitive applications team, ideally before their application is sent. The person will need to send evidence of their previous name and gender with a covering letter confirming their current name, full address and a contact telephone number. The sensitive applications team will then monitor the DBS application and deal with any queries that arise (see Section 23 for contact information).

**16.2.** Where a conviction or other relevant information has been recorded in a previous name, this will be revealed. The person's former name and gender should remain confidential as long as the DBS has been advised of the conviction, or other relevant information, in advance by the applicant.

## **17. Occupational Health**

**17.1.** Documents held for medical purposes may include information that could lead to the identification of an individual's gender identity. Any relevant records will be dealt with in line with Section 15.

## **18. Data Monitoring**

**18.1.** The University may collect equality monitoring data for staff and students as part of a wide range of procedures and activities.

**18.2.** Anyone asking equality monitoring questions should ensure they comply with Data Protection requirements of handling this data (see Paragraph 19.1 below).

**18.3.** If information about gender identity is collected, careful consideration should be given to the questions used and the intended use of any data gathered should be carefully explained. However, without gathering some form of data it may be difficult to monitor the impact of policies and procedures on trans and non-binary people.

**18.4.** If monitoring data is collected we recommend using the Equality and Human Rights Commission (EHRC) Guidance on collecting information on gender identity (see Section 23 for contact information).

**18.5.** The following questions (adapted from the EHRC Guidance) are recommended for use when asking about gender identity:

1. Gender identity: Which of the following describes how you think of yourself? Please tick one option.

Male

Female

In another way

2. Sex at birth: Is the way that you think about yourself now (see your answer to question 1 above) the same as the way you were described at birth?

Yes

No

Prefer not to say

## **19. Data Protection**

**19.1.** Under the Data Protection Act (1998), a person's trans or non-binary gender identity is information relating to their mental or physical state and would therefore constitute "sensitive data" for the purpose of the legislation. The conditions for processing Sensitive Personal Data must be adhered to (Schedule 3 of the Act). Normally explicit consent will be required before this data can be used in a manner that would identify the person.

## **20. Complaints**

**20.1.** Transphobic abuse, harassment or bullying (including name-calling/derogatory jokes) will be dealt with under the Complaints Procedure. To 'out' someone without their permission is a form of harassment and therefore protected against under the Equality Act.

**20.2.** If for the purpose of investigating a complaint it is necessary to make a disclosure of an individual's trans or non-binary gender identity, this will only be done with the written permission of the individual. If they feel unable to agree to such disclosure it should be explained to them how this will impact the investigation of the incidents and the limits on any actions that can be taken.

## **21. Monitoring and Review**

**21.1.** All aspects of this policy will be subject to on-going review and amendment as appropriate, in order to improve its effectiveness. This will include consideration of measures to assist in promoting an understanding of equality and diversity.

## **22. Acknowledgments**

**22.1.** This policy and procedure has been developed using the Equality Challenge Unit's Guidelines on Trans staff and students in higher education (Revised 2016).

**22.2.** Some of the contents of this document have been based on Cardiff University's 'Policy and Procedures for supporting Gender Reassignment and Equality for Trans Students and Staff' (2013).

## **23. Contacts and Further Information**

### **For Staff**

Director of Human Resources and Organisational Development  
Richard Billingham – [richard.billingham@aston.ac.uk](mailto:richard.billingham@aston.ac.uk)

### **For Students**

Director of Student and Academic Services  
Alison Levey – [a.levey@aston.ac.uk](mailto:a.levey@aston.ac.uk)

### **University**

#### **Accommodation Team**

Email – [accom@aston.ac.uk](mailto:accom@aston.ac.uk)

#### **Aston LGBT+ Staff Network**

Website - [www.aston.ac.uk/staff/lgbt](http://www.aston.ac.uk/staff/lgbt)

Network Committee – [astonlgbt@aston.ac.uk](mailto:astonlgbt@aston.ac.uk)

**Estates Helpdesk**

Email - [estates\\_helpdesk@aston.ac.uk](mailto:estates_helpdesk@aston.ac.uk)

**Human Resources – Business Partners**

Website - <http://www.aston.ac.uk/staff/hr/hr-contacts>

**University Counselling and Mental Wellbeing Service**

Website - <http://www.aston.ac.uk/current-students/health-wellbeing/counselling-and-mental-wellbeing-service/>

Email - [counselling@aston.ac.uk](mailto:counselling@aston.ac.uk)

**Students' Union****Advice and Representation Centre (First Floor, Students' Union)**

Website - <https://www.astonsu.com/support/arc>

Email – [advice@aston.ac.uk](mailto:advice@aston.ac.uk)

**Aston LGBT+ Student Society**

Website - <https://www.astonsu.com/society/7558>

Student Committee – [union.lgbt@aston.ac.uk](mailto:union.lgbt@aston.ac.uk)

**Aston Student Homes (First Floor, Students' Union)**

Website – <https://www.astonsu.com/housing/astonstudenthomes/>

**Aston Students' Union Vice President (Welfare)**

Website - <https://www.astonsu.com/voice/officers/executiveofficers/vpw>

VP Welfare – [union.vpw@aston.ac.uk](mailto:union.vpw@aston.ac.uk)

**External****Birmingham LGBT+ Centre**

Website – [www.blgbt.org](http://www.blgbt.org)

**British Universities and Colleges Sport**

Website - <https://www.bucs.org.uk>

**Disclosure and Barring Service**

Website - <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

**Equality and Human Rights Commission**

Website - <https://equalityhumanrights.com/en>

**Equality Challenge Unit**

Website - <https://www.ecu.ac.uk>

**Gender Identity Research & Education Society**

Website - <https://www.gires.org.uk>



## Legislation

### Data Protection Act 1998

Website - <https://www.legislation.gov.uk/ukpga/1998/29/contents>

### Equality Act 2010

Website – <https://www.legislation.gov.uk/ukpga/2010/15/contents>

### Gender Recognition Act 2004

Website – <https://www.legislation.gov.uk/ukpga/2004/7/contents>

### Human Rights Act 1998

Website - <https://www.legislation.gov.uk/ukpga/1998/42/contents>

## Version Control

Reference Number	Version Number	Date	Executive Lead	Author	Consideration By	Notes
TEP/2018/1	1	Feb 2018	HR & OD Director	Jordan Kirkwood & Lauren Morgan (LGBT+ Staff Network)	Executive Operations Group  Consultation with Trade Unions, Students' Union, Student and Academic Services, HR, Estates, Pensions,  Approval by Executive and Council	Enter approval date.

## Appendix I – Glossary

### Acquired Gender

A legal term used in the Gender Recognition Act 2004. It refers to the gender that a person who is applying for a Gender Recognition Certificate (GRC) has lived in for two years and intends to continue living in. Affirmed Gender may be used when a person has transitioned but has decided not to apply for a GRC.

### Cisgender

A term used to describe people who are not transgender. Cisgender is based on the Latin prefix cis which means 'on this side of'. The Latin prefix trans means 'across from' or 'on the other side of'. The use of cisgender is debated within the trans community and some people prefer the term 'non-trans' as it familiarises the use of the term 'trans'.

### Dual Role

A dual role person occasionally wears clothing, accessories and/or makeup that are not traditionally associated with the gender they were assigned at birth. Generally, dual role people do not wish to transition and do not necessarily experience gender dysphoria. Some people prefer the term alter ego.

Historically, the terms transvestite and cross dresser were used to describe dual role people, but they are now considered to be outdated. While some people may use the terms to describe themselves, other people may find the terms offensive.

### Gender

Gender refers to the cultural and social distinctions between men and women. It consists of three related aspects: society's constructed gender roles, norms and behaviours which are essentially based on the gender assigned at birth; gender identity, which is a person's internal perception of their identity; gender expression, which is the way a person lives in society and interacts with others. Gender does not necessarily represent a simple binary choice: some people have a gender identity that cannot be defined simply by the terms man or woman. It should be noted that currently, for the purposes of UK law, gender is binary – people can only be male or female. However, there is growing pressure from campaign groups for this to change in line with other countries including Australia, Bangladesh, Denmark, Germany, India, Nepal and New Zealand.

### Gender expression

While gender identity is subjective and internal to the person, gender expression refers to all the external characteristics and behaviours that are socially defined as either masculine or feminine, such as clothing, hairstyle, make-up, mannerisms, speech patterns and social interactions.

Trans people may seek to make their gender expression match their gender identity, but this is not always possible. It is best practice not to assume someone's gender

identity based on their gender expression. If you are not sure, it is best to ask a person how they would like to be addressed.

### **Gender incongruence**

Gender incongruence is a medical term used to describe a person whose gender identity does not align, to a greater or lesser extent with the gender assigned at birth.

### **Gender dysphoria**

Gender dysphoria is a term describing the discomfort or distress caused by the discrepancy between a person's gender identity and the gender they were assigned at birth (with the accompanying primary/secondary sexual characteristics and/or expected gender role) (**NHS, 2013**).

Gender dysphoria is not considered a mental health issue but unmanaged dysphoria or the social stigma that may accompany it and any changes a person makes to their gender expression can result in 'clinically significant levels of distress' (**NHS, 2013**).

To qualify for NHS medical assistance to transition, a person in the UK must have a diagnosis of gender dysphoria. As not all trans people have gender dysphoria this presents a significant barrier to accessing medical support and the provisions of the Gender Recognition Act.

### **Gender reassignment**

The legal term used in the Equality Act to describe the protected characteristic of anyone who 'proposes to undergo, is undergoing or has undergone a process (or part of a process) of reassignment of sex by changing physiological or other attributes of sex' (**Equality Act, 2010**).

This is the protected characteristic that protects trans people from discrimination, victimisation and harassment in employment, education and when using services. Importantly, the act requires no medical supervision or interventions for a person to be afforded protection.

### **Gender recognition certificate (GRC)**

GRCs are issued by the gender recognition panel under the provisions of the Gender Recognition Act 2004. The holder of a full GRC is legally considered in their acquired gender for all purposes. A full GRC is issued to an applicant if they can satisfy the panel that they fulfil all the criteria outlined in the Gender Recognition Act. Applicants can be UK residents or from recognised overseas territories who have already acquired a new legal gender. The Act requires that the applicant is over 18, has, or has had, gender dysphoria, has lived in their affirmed gender for two years prior to the application, and intends to live permanently according to their acquired gender status.

It is never appropriate to ask a trans person for a GRC and regarded as unlawful because it breaches their right to privacy, however a trans individual may provide a GRC as evidence should they wish to. Once a person has obtained a GRC their gender history can only be disclosed where there are explicit exceptions in law:

- In accordance with an order of or proceedings before a court or tribunal, when it is strictly relevant to proceedings.
- For the purposes of preventing or investigating crime, where it is relevant.
- For the purposes of the social security system or a pension scheme.

### **Gender variance**

Gender variance, also referred to as gender non-conformity is behaviour or gender expression that does not match socially constructed gender norms for men and women.

### **Intersex**

An umbrella term used for people who are born with variations of sex characteristics, which do not always fit society's perception of male or female bodies. Intersex is not the same as gender identity or sexual orientation.

Until recently, parents of intersex babies were encouraged to elect for surgery so that their child would conform to stereotypical male or female appearances. As a result, many intersex people can encounter difficulties as the gender assigned at birth may differ from their gender identity and surgery may have compromised sexual, urinary and reproductive function. Today, parents are advised to delay surgery until their child reaches puberty so that the child can inform decision-making. Some parents do not observe this advice and attitudes will vary country by country. Not all intersex people opt for surgery, and many will consider themselves to be intersex rather than male or female.

Some intersex people may decide to transition to their self-identified gender and start to identify as trans.

### **Legal sex**

A person's 'legal' sex is determined by the sex on their birth certificate and the assumption made at birth is that their gender status (boy, girl) matches. For higher education institutions (HEIs) a staff member's legal sex is only relevant for insurance, pension purposes and in rare cases occupational requirements.

For the purposes of everyday life (including banking, personal identification and travel), a person's legal sex may not be the same as their self-identified gender. For instance, a trans woman can have identity documents such as a passport, driving licence and employment records based upon her gender as female, but still have a birth certificate which states that she is male.

### **Lesbian, Gay, Bisexual, Trans plus (LGBT+)**

While being trans or having a trans history is different from sexual orientation, the forms of prejudice and discrimination directed against trans people can be similar to those directed against lesbian, gay, bisexual plus (LGB+) people and historically the two communities have coexisted and supported each other. As a result, advocacy and support groups often cover LGBT+ issues. Trans people, like any other people, can also identify as LGB+.

## **Non-binary**

Non-binary is used to refer to a person who has a gender identity which is in between or beyond the two categories 'man' and 'woman', fluctuates between 'man' and 'woman', or who has no gender, either permanently or some of the time.

People who are non-binary may have gender identities that fluctuate (gender fluid), they may identify as having more than one gender depending on the context (e.g. bigender or pangender), feel that they have no gender (e.g. Agender, non-gendered), or they may identify gender differently (eg. Third gender, genderqueer). Many people who identify as non-binary also identify as trans but others may not.

## **Pronoun**

A pronoun is the term used to refer to somebody for example she/her/hers/herself or he/him/his/himself. Gender neutral pronouns include:

- They/them/their/themselves
- Che/chim/chis/chimself
- E/Em/Eir/Eirs/Emself
- Per(person)/pers/perself
- Xe/hir/hirs/hirself

## **Real-life experience or experience**

'Real-life experience' or 'experience' are the terms used by the medical profession and refers to the period in which an individual is required to live, work and study full-time in their affirmed gender before they can undergo genital surgery. Previously the requirement applied to hormone replacement as well as genital surgery. Some trans staff and students may be asked by a gender identity clinic to provide confirmation from their institution that they are undertaking real-life experience or experience.

## **Self-identified gender**

The gender that a person identifies as. The trans community is campaigning for UK law to be based on self-identification as is currently the case in other European countries. *ECU recommends that colleges and HEIs recognise a student or staff member's self-identified gender.*

## **Sex**

Sex refers to the biological status of a person as male or female in their physical development. Sex is judged entirely on the genital appearance at birth but internal reproductive organs, skeletal characteristics and musculature are also sex-differentiated.

## **Sexual orientation**

Sexual orientation is different from gender identity. Trans people, like any other people, can have a wide range of sexual orientations beyond those recognised by the Equality Act including heterosexual, lesbian, gay, bisexual, asexual, pansexual, omnisexual and demisexual.

## **Trans and transgender**

Trans and transgender are inclusive umbrella terms for people whose gender identity and/or gender expression differs from the gender they were assigned at birth. The term may include, but is not limited to, trans men and women, non-binary people and dual role people. Not all people that can be included in the term will associate with it.

The term trans should only be used as an adjective, for example, trans people, trans man or trans woman. However, a trans person may say 'I am trans.'

## **Trans history**

A person with trans history will have transitioned to their self-identified gender. Consequently, they may no longer identify as a trans person, and simply see their transition as one part of their history.

## **Trans man**

A person who is assigned female at birth but identifies as a man or towards the masculine end of the gender spectrum. He usually uses male pronouns and is likely to transition to live fully as a man. The terms 'female-to-male' or 'FtM' are shorthand for indicating the direction of a person's transition but these terms can be seen as offensive. Other people may use these terms to describe themselves.

## **Trans woman**

A person who was assigned male at birth but identifies as a woman or towards the feminine end of the gender spectrum. She usually uses female pronouns and is likely to transition to live fully as a woman. The term 'male-to-female' or 'MtF' are shorthand for indicating the direction of a person's transition but these terms can be offensive. Other people may use these terms to describe themselves.

## **Transition**

Transition is the process of a person changing their social role to match their gender identity. This may include telling friends, family and colleagues, changing name, asking people to use different pronouns, and changing the way gender is expressed. For some people, this may involve medical assistance such as hormone therapy or surgery.

## **Transphobia**

Transphobia is a term used to describe the fear, anger and intolerance, resentment and discomfort that some people may have as a result of another person being trans. This can result in discrimination, harassment, victimisation and hate crime.

## **Transsexual**

Transsexual is a term that was traditionally used to describe a person diagnosed with gender dysphoria. Increasingly trans people are not comfortable with the use of the term, preferring trans or transgender. While some people may find the term offensive, others may use it to describe themselves.

## **Appendix 2 - Supporting a staff member or student during transition**

*Adapted from The Equality Challenge Unit guidelines – Trans Students in Higher Education Revised 2010 (Appendix D).*

### **Timetable**

1. What is the likely timetable for transition?  
Consider, for example:
  - 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
  - National Union of Students (NUS) card
  - Club and society cards
  - Trade Union membership badge
  - Professional/learned body membership cards
  - Gym membership card
  - Placement ID cards
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/enabling/counselling records
  - Volunteering and mentoring records
  - Course representative 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 (including Disabled Students' Allowance records where applicable)

## **Process**

4. Should the following people be informed? If so how?
  - Programme teams
  - Students and colleagues
  - Support departments (Finance, Enabling Team, Careers & Placements etc.)
  - Work placement providers, volunteer placements, Aston Futures
  - Students' Union membership system
  - 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?
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 where possible.

## **Training**

8. Will there be a need to arrange any training for managers, colleagues or fellow students?
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?  
Organisational development, trans people?
11. What will the training cover?
12. Will the trans student/staff member want to be involved to share their experience and expectations?



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 or rape crisis centres.

### **Ceremonies**

15. During ceremonies such as awards and degree ceremonies, what name will be used if a person's name has not been legally changed?  
Consider:
  - The certificate (where this is not a legal document as with degree certificates)
  - Ceremony programmes
  - When read out

### **Discrimination**

16. Are there clear guidelines and processes to deal with direct or indirect discrimination, victimisation or harassment of a trans student or member of staff?
17. Are there clear processes to deal with discrimination on work placements?
18. How is the student or member of staff made aware of these processes?
19. How are colleagues, other students, and work placement providers and contractors made aware of their responsibilities?

### Appendix 3 – Consent Form

#### Departments and other organisations to notify (with consent) regarding Gender Identity

Please tick as appropriate

	<b>Department</b>
<input type="checkbox"/>	Registry- Students Records update (for students)
<input type="checkbox"/>	Human Resources (for staff)
<input type="checkbox"/>	Counselling
<input type="checkbox"/>	The Hub
<input type="checkbox"/>	Careers & Placements
<input type="checkbox"/>	Current School(s) (Both Schools to be notified if Joint Honours programme). Please specify:
<input type="checkbox"/>	Former School(s) (For example if a student is undertaking postgraduate study within a different school to their Undergraduate course)  Please specify:
<input type="checkbox"/>	Other:

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**Disclosures to other organisations**

For staff/students who are undertaking or who wish to undertake a role which has a particular occupational requirement or where issues of professional practice arise.

	NHS
	Professional Body (Please Specify)

I hereby give consent for the above indicated departments within Aston University and any indicated third parties, to be informed of my affirmed gender identity.

Signed:.....

Print Name:.....

Date:.....

**To Note**

Ring Department(s)/School(s) prior to sending an email to confirm who should receive the information and to make them aware of the information being sent through. Only those who need to know about the transition should be informed and they should be given information about confidentiality (e.g. a copy of the Gender Identity Policy and Procedures).

**Schools**

When updating Schools, you must ensure that the following is highlighted for updating:

- Personal Tutors are updated to ensure that any documentation that they have is updated accordingly, in case they need to provide a reference.
- Any minutes from Examining Boards/Extenuating Circumstances Board are updated to reflect the change in name, if names are recorded in the minutes.

## **SITS**

Update name/ gender and title on SITS to reflect the name change.  
Issue new Certificate and Transcript to the student.

## Appendix 4 - Genuine Occupational Qualifications

In certain limited circumstances it is lawful to discriminate in employment on the grounds of sex (gender) if there is a Genuine Occupational Qualification (GOQ) for doing so. If a trans person has obtained a full gender recognition certificate (GRC), they are deemed in law to be of the gender to which they have transitioned, and must be treated in that gender with respect to jobs and course placements where GOQs apply.

Examples of grounds for applying GOQs are:

- Privacy and decency
- Personal welfare or educational services – e.g. requiring a counsellor in a rape crisis centre to be female.

Other GOQs may apply if:

- The job involves the holder working in a private home where the employer, because of intimate contact, can show a reasonable objection.
- The job involves the post holder sharing accommodation, and it is not reasonable on privacy or decency grounds for an individual to do so with either sex while in the process of undergoing gender reassignment.
- The job requires the post holder to provide vulnerable individuals with personal services promoting their welfare, or similar personal circumstances, and in the reasonable view of the employer, those services cannot be adequately provided by a person while undergoing gender reassignment.

In all of these cases, the employer/placement provider must be able to show that they acted reasonably.

As an employer, a HEI may need to apply a GOQ to certain posts in student services, for example, counsellors or for positions in single-sex halls of residence. The Equality Act makes it clear that an employer must act reasonably in claiming a GOQ, for example, by considering whether tasks could be carried out by someone else. The GOQ must be identified at the beginning of the recruitment and selection process, and be stated in the application pack. Best practice would then be to request to see a birth certificate for all shortlisted applicants to confirm their gender rather than enquiring about gender reassignment status which could be deemed as discriminatory.

If a trans person does not hold a GRC, or is transitioning while in post or on a course that involves placements where GOQs apply, it is essential that the institution and the individual meet to discuss the situation as soon as possible, with the person's Trade or Students' Union representative present, if required.

Where a trans person does not hold a GRC, the law allows employers, in very specific circumstances, to prohibit the trans person from taking up a post to which a gender-related GOQ applies. In such circumstances, the employer will need to demonstrate

that this restriction is a proportionate means of achieving a legitimate aim. The Equality and Human Rights Commission recommends that HEIs should assume by default that a trans person is eligible for a job or placement, and seek expert advice in rare circumstances where the institution thinks otherwise.

At present, there is no GOQ for a role to be performed by a trans person; an employer cannot specify that a post must be performed by a trans employee.