



University of  
St Andrews

# Policy and Guidance on Trans Staff and Students

<b>Document type</b>	<b>Policy</b>
<b>Scope (applies to)</b>	Staff and students
<b>Applicability date</b>	23/06/2020
<b>Review / Expiry date</b>	29/06/2021
<b>Approved date</b>	24/06/2020
<b>Approver</b>	Human Resources Officer
<b>Document owner</b>	Head of Equality and Diversity
<b>School / unit</b>	Human Resources
<b>Document status</b>	Published
<b>Information classification</b>	Public
<b>Equality impact assessment</b>	22/05/2020
<b>Key terms</b>	Staff/Equality, diversity and inclusion/Trans
<b>Purpose</b>	This policy provides guidance on supporting Trans staff and students.

<b>Version number</b>	<b>Purpose / changes</b>	<b>Document status</b>	<b>Author of changes, role and school / unit</b>	<b>Date</b>
2.0	For compliance with legislation, terminology, and institutional contacts.	Published.	Sukhi Bains, Head of E&D, EDI Team.	24 June 2020.

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## 1. Introduction

1.1 As part of the University's Equality, Diversity and Inclusion Policy, this policy provides guidance on supporting Trans staff and students.

## 2. Definition of Trans

2.1 Trans is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth, including people who are non-binary or otherwise gender non-conforming and women or men with a trans past.

## 3. Legal Framework

3.1 In addition to the [Equality Act \(2010\)](#) the other pieces of legislation that govern this area of equality are:

- **Gender Reassignment Regulations 1999** protect a trans person who intends to undergo, is undergoing or has undergone gender reassignment from the moment they decide to start the process. It is unlawful for the University to treat a person less favourably because of gender reassignment, or to harass them because of it. The person also must not be treated less favourably by reason of their absence from work or study while undergoing gender reassignment, in comparison to someone absent due to illness or for some other similar reason.
- Gender reassignment can involve several procedures, some of which are medical and others of which are changes in legal documentation, telling others etc.
- **Gender Recognition Act 2004** allows people who have completed the transition and meet certain criteria to apply for a Gender Recognition Certificate. This certificate allows them to change their identity, for example, by obtaining a birth certificate in their acquired gender, or marrying in their new gender. The Act makes it a criminal offence to pass information about a person's trans status to a third person without the consent of the trans person.
- **The Equality Act 2006** introduced the Gender Equality Duty, requiring institutions to have due regard to the need to eliminate unlawful discrimination and harassment, and to promote equality of opportunity between male and female. As a result, institutions had to set up a Gender Equality Scheme and include trans people in this scheme.

## 4. Policy Statement

4.1 The University recognises that there can be differences between physical/anatomical sex and gender identity/expression and, therefore, undertakes not to discriminate against trans staff or students. The University will treat all trans staff and students with dignity and respect and seek to provide a work and learning environment free from discrimination, harassment and victimisation.

4.2 The University will endeavour to undertake the following:

- 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, or because of their participation in any gender reassignment process.
- Staff will not be excluded from employment or promotion because of their gender identity, or because of their participation in any gender reassignment process.

- The curriculum contains no transphobic material, and awareness will be raised among teaching staff of the limitations of using binary gender categories.
- Respect for the confidentiality of all trans staff and students and that no information will be revealed without the prior agreement of the individual
- Transphobic abuse, harassment or bullying (e.g. name calling, derogatory jokes, unacceptable or unwanted behaviour, intrusive questions) is treated as a serious disciplinary offence and will be dealt with under the appropriate procedure
- Provide a supportive environment for staff and students who wish it to be known that they are trans people. It is the right of the individual to choose whether they wish to be open about their gender identity in the University
- Issues that are relevant to trans people will be included in all equality training
- In providing accommodation for students, special issues which may be raised by trans students will be treated sympathetically by accommodation services
- Staff and 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.

## **5. Student name change process**

5.1 Students in the process of transitioning and who wish to update the name on their student record must submit a written request to Academic Registry indicating the desired name(s), gender and title. The University does not request any formal legal documentation to be produced.

5.2 The student record holds both an “official” name and a “known as” name for each student and requests can be made to update either:

- Where a request is made for only the “known as” name to be updated the change will feed through to some internal university systems (e.g. MMS). With this type of update however, any official documentation issued to the student (e.g. degree certificate, academic transcript, verification letters) will continue to be bear the student’s official name.
- Where a request is made to update the official name, this change will feed through all University systems. With this type of update all official documentation issued to the student (e.g. degree certificate, academic transcript, verification letters) will bear the student’s updated official name.

## **6. Guidance to Staff and Students**

6.1 If a student or member of staff requires support and assistance regarding a gender identity or expression issue, or if they are considering or undergoing gender reassignment, they are encouraged to contact Student Services or Human Resources respectively, particularly if medical and surgical procedures are planned. A meeting will be arranged to discuss in confidence how the individual would like to be supported by the institution and to agree a process with which they are comfortable. A very important element of this meeting will be to determine who should be told what and when and how this should occur.

6.2 It can be helpful to draw up a confidential plan for the period of transition and thereafter. The implementation of the plan should be reviewed regularly and reassessed at each significant part of the process. The plan should include the following points:

- The individual and the University together consider that any adjustment to workloads or types of work undertaken or periods of leave should be considered during the gender reassignment process.
- Whether the period of transition will potentially impact upon the student's ability to study, for instance as a result of requiring time off for medical or surgical procedures, and whether any exam deferrals or extensions are required.
- The expected time scale of any medical and surgical procedures.
- The expected point or phase of change of name, personal details or gender.
- What time off will be required for treatment and/or possible side effects from any medication and how this will affect job/study.
- Whether the individual wishes to inform line managers, co-workers/fellow students themselves, or would prefer this to be done for them.
- What amendments will be required to records and systems.
- Whether training or briefing of co-workers, fellow students or service users will be beneficial, and at what point and by whom this will be carried out.

6.3 Appendix 2 provides a checklist that covers most of the issues that need to be considered when an individual is undergoing gender re-assignment.

6.4 It is important to understand that for many individuals one of the most significant moments will be when the individual wishes to start presenting in their preferred gender publicly. It is crucial that this is managed and communicated well to those that have a working or study relationship with the individual, in order to support and protect the rights of the trans individual.

## **7. Practical Considerations**

7.1 The University is fully committed to providing gender-neutral facilities where possible, that are suitable to Trans staff and students, and all equality groupings and protected characteristics. Improvements continue to be made in providing gender-neutral toilet and changing facilities across the campus. In the meantime, when a person who is transitioning begins to live in the gender in which they identify, they will normally start to use the facilities appropriate for their identified gender, and the University will support individuals wishing to use facilities of their chosen gender. After consultation with the person who is transitioning and if agreed with the individual, it may be necessary to explain the situation to work/study colleagues. Requiring the person to use traditional disabled toilet facilities is not acceptable unless the person is disabled.

7.2 Some additional practical considerations may arise when a person is transitioning, for instance, where certain roles require uniforms or dress codes. Flexibility on this and gender-neutral options is required from the University in such circumstances during the transition period, and this should be discussed with the individual undergoing gender reassignment.

7.3 Human Resources staff records and systems can provide the non-binary title 'Mx' for staff who wish to use this with their name, either in the short-term or permanently.

## **8. Review**

8.1 This policy will be reviewed to ensure consistency with best sector practice and updated terminology in 2020/21.

## 9. Contacts

### 9.1 For staff:

- HR Business Partners  
Web: <https://www.st-andrews.ac.uk/hr/businesspartner/>
- Sukhi Bains, Head of E&D  
Email: [sb104@st-andrews.ac.uk](mailto:sb104@st-andrews.ac.uk)  
Tel: 01334 461649

### 9.2 For students:

- Dr Lara Meischke, Director of Student Services  
Email: [ljm19@st-andrews.ac.uk](mailto:ljm19@st-andrews.ac.uk)  
Tel: 01334 462020
- Academic Registry  
Roger Sleigh, Registry Officer  
Email: [rns3@st-andrews.ac.uk](mailto:rns3@st-andrews.ac.uk)  
Tel: 01334 462155

<b>Version number</b>	<b>Purpose / changes</b>	<b>Document status</b>	<b>Author of changes, role and school / unit</b>	<b>Date</b>
2.0	For compliance with legislation, terminology, and institutional contacts.	Published.	Sukhi Bains, Head of E&D, EDI Team.	24 June 2020.

## **Appendix 1: Glossary of terms**

The following are terms collated from guidance by produced by external bodies (ACAS, Advance HE, Gender Identity and Research Education Society, LGBT Youth Scotland, Scottish Transgender Alliance and Stonewall Scotland).

### **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 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 and or makeup and accessories that are not traditionally associated with the sex 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 inappropriate.

### **Gender**

Gender refers to the cultural and social distinctions between men and women. It consists of three related aspects: a society's constructed gender roles, norms and behaviours which are essentially based on the sex 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 use of the terms woman or man. It should be noted that currently, for the purposes of UK law, gender is binary – people can only be female or male. However, there is growing pressure from campaign groups for this to change in line with other countries.

### **Gender expression**

While gender identity is subjective and internal to the individual, gender expression refers to all of 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.

Typically, trans people seek to make their gender expression match their gender identity, but this is not always possible. It is best practice to not assume someone's gender identity on the basis of their gender expression. If you are not sure, it is best to ask a person how they would like to be addressed.

### **Gender incongruence and gender dysphoria**

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 sex assigned at birth. Where this causes discomfort it

is known as gender dysphoria. Gender dysphoria 'is a term describing the discomfort or distress caused by the discrepancy between a person's gender identity (their psychological sense of themselves as men or women) and the sex they were assigned at birth (with the accompanying primary or secondary sexual characteristics and or expected social 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). In order to qualify for NHS medical assistance to transition, a trans 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) for the purpose of reassigning the person's 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 trans person to be afforded protection.

### **Gender recognition certificate**

Gender recognition certificates (GRC) are issued by the gender recognition panel under the provisions of the Gender Recognition Act 2004. The holder of a full GRC is legally recognised 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. 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 their sex on their birth certificate and the assumption made at birth is that their gender status (boy, girl) matches. For higher education institutions (HEI's) a person's legal sex is mostly 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 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 (genderfluid), 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.

Research by the Scottish Transgender Alliance (2016) found that 65 per cent of non-binary respondents identify as trans. Just as with trans men and trans women, non-binary people transition and live their lives in various ways – which may or may not include medically transitioning (i.e. taking hormones or having surgeries).

### **Pronoun**

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

- they or them or their or themselves
- che or chim or chis or chimself
- E or Em or Eir or Eirs or Emself
- Per(person) or pers or perself
- Xe or hir or hirs or hirsself

### **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 sex (male or female) 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 terms 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 a 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 was 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 seen as offensive. Other people may use these terms to describe themselves.

### **Transition**

Transition is the process of a person changing their social role in order to match their gender identity. Examples of transitioning include telling friends, family and colleagues, changing names, 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 and surgery.

## **Transphobia**

Transphobia is a term used to describe the fear, anger, 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.

Attitudes towards Trans people around the world can be very different from those in the UK. For guidance please refer to UK Government advice: <https://www.gov.uk/guidance/lesbian-gay-bisexual-and-transgender-foreign-travel-advice>

## Appendix 2: Checklist to consider when supporting a Trans staff or student

The following provides support for trans staff and students prior to, during or following their transition.

What will be the timetable of transition? What will be the date for name changes, use of facilities (toilets, changing rooms), and change of records?

### Name change

Which identification 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

Which documents and materials need to be replaced or altered?

- online records, e-portfolio/record of achievements, academic biographies
- all student/staff records and databases, enrolment forms, finance records
- programme and module lists
- personal tutor records
- welfare/disability/counselling records
- volunteering and mentoring records
- course representative posters and contact details
- committee minutes and records, e.g. boards of study, academic boards
- certificates, e.g. 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 loan company/local education authority

**Note: Any changes provided to Human Resources or Registry, must be provided separately for both staff and student purposes.**

### Process

Who 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?

If the student/staff member is, or will be, undergoing surgery, do they know when this will be?

If the student/staff member requires time off for surgery and recovery 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?

Are there any professional requirements or attendance requirements that may be affected by the person's absence for medical treatment? For example, 80% attendance rates, or number of hours in a school or on a hospital placement? How will students be supported to ensure they can complete their programme of study on time?

### **Awareness or training**

Will there be a need to arrange training?

Who should be trained, e.g. cleaners, catering staff, academic staff, finance staff, fellow students or colleagues?

Who will deliver this training (welfare department, trans people)?

What will the training cover?

Will the student/staff member be involved to share their experience and expectations?

### **Genuine occupational qualification**

Are 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? Are there any GOQ requirements on volunteer placements or work-based learning, e.g. women's refuges, rape crisis centres?

### **Ceremonies**

During awards ceremonies (volunteer/mentor awards, sports and societies awards, etc.), what name will be used if a GRC has not yet been granted or the person's name has not been changed legally?

During a degree ceremony, 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**

To ensure adherence to the Equality Policy to protect staff and students from discrimination, harassment or victimisation, refer to the:

- Staff Dignity & Respect at Work Policy <https://www.st-andrews.ac.uk/policy/staff-employee-relations-dignity-and-respect/dignity-and-respect-at-work-policy.pdf>
- Student Harassment & Bullying Policy <https://www.st-andrews.ac.uk/policy/student-administration-non-academic-discipline/student-harassment-and-bullying-policy.pdf>
- UK Government travel advice: <https://www.gov.uk/guidance/lesbian-gay-bisexual-and-transgender-foreign-travel-advice>