Procedure for Supporting Transgender Students

December 2017
Statement

The University of Derby is committed to creating a welcoming and positive environment where everyone is treated with dignity and respect for who they are. The University is proud of the diverse community of students, staff and visitors that it serves and actively promotes an inclusive community.

The University of Derby recognises and supports the right of an individual to change their gender expression; and that there may be differences between a person’s biological sex and their gender identity, expression, or presentation.

The University of Derby will not discriminate against a person because of:

- dress
- gender identity, expression or presentation;
- being transgender identified;
- being transsexual;
- any intention to undergo, or their undergoing or their having undergone gender reassignment;
- non-binary, or non-traditional gender identity, expression or presentation;
- gender variance, or variant identity;
- intersex condition;
- any other process of part thereof, of gender reassignment treatments, begun or completed.

The University of Derby respects the right of the individual to choose whether or not to be open about their trans status. When a person wishes their trans status to be known, the University will provide a supportive and inclusive environment. To reveal a person’s trans status without their permission constitutes a form of harassment (Equality Act 2010), may be a criminal offence (Gender Recognition Act 2004) and will be treated as such by the University of Derby.

Acts of discrimination or harassment relating to a person’s trans status are unlawful and will not be tolerated or condoned. Abuse, harassment or bullying, including via social media, will be treated as a serious disciplinary offence.
Definitions

**Trans** is an inclusive term for those who identify themselves as transgender, transsexual or transvestite. The word ‘trans’ can be used without offence to cover people undergoing gender transition; people who identify as someone with a different gender from that in which they were born, but who may have decided not to undergo medical treatment; and people who choose to dress in the clothing typically worn by the other sex. This term should only be used as an adjective

**Gender reassignment** refers to a process by which someone changes gender. It is not necessary for a person to undergo surgery to be legally reassigned to a different gender.

**Gender identity** expression of a person’s internal and deeply held sense of their own gender. Examples of this include non-binary, man or woman.

**Gender expression** ways in which people may manifest their gender, for example through how they dress and how they behave.

**Sexual orientation** different from gender identity. Sexual orientation is a person’s romantic and/or sexual attraction to another person, for example heterosexual, bisexual or homosexual.

**Biological Sex** objectively measurable organs, hormones and chromosomes of a person, with the two main categories being male and female, with “intersex” being a combination of the two.

**Transgender** an umbrella term for people whose gender identity, gender expression or behaviour is not aligned to that typically associated with the sex to which they were assigned at birth.

**Non-binary** an umbrella term for a person who does not identify as only male or only female, or who may identify as both.

Procedure for Supporting Transgender Students

The University of Derby recognises and respects that the definition of transition may vary from person to person and the University of Derby will support the needs of the individual in relation to gender identity and gender reassignment.

The University will be guided by the wishes of the individual in terms of the speed at which the transition will progress, in addition to agreeing the steps to be taken, the timing, and which and when other relevant parties should be notified.
As any transition will be led by the individual, the University will discuss and agree what support can be provided on an individual basis based on the needs and preferences of the individual.

**Disclosure**

If a student wishes to change their gender identity within the University, they may approach their course tutor, The Student Wellbeing Service or the Student Union.

The student will then be allocated a key contact, who should provide a copy of this document to the student.

If the key contact feels they need additional advice and guidance from another person, they should explain this to the student and gain their permission for this discussion to take place.

**Transition Planning Meeting**

A planning meeting is usually held between the student, their key contact and their tutor (there may also be other people agreed by the individual that are more appropriate to attend). The student may bring a supportive person to this meeting if they wish. Further meetings and communications should occur as needed. Items that discussed within this meeting may include:

- **Anticipated timescales or timetable** for the transition process
- **Dates of any appointment with Doctors or Specialists**, to plan wherever possible for time off from study (which should be treated in line with normal procedure)
- **Procedures for amending any official documentation** with the University with the new name. This may include ID cards or online systems.
- **Agreeing a communication plan** including when and how to inform relevant people of the change (possibly including drafting of communications documents). Alternatively, it may be agreed that communications are undertaken jointly. A mutually acceptable strategy should be discussed and decided upon prior to any announcement being made. Should an individual withhold consent to communicate the University will be limited in the support that it can provide to the individual in communicating about the transition or managing practical difficulties that may arise.
- **A discussion as to whether any support/education or information may be required for other individuals** to assist them with
understanding the transition and to enable them to support the person transitioning.

- **Agreement in relation to any other support** that the individual may need that can be provided by the University.

- **Use of facilities** (e.g. toilets). The use of toilets and changing facilities during transition may be discussed and agreed in advance, as part of the staff and student transition action plan. It is the policy of the University that individuals are able to use the toilet facilities that reflects their gender presentation during and after transition and the University provides single sex and (in many buildings) gender neutral toilets.

The Day of Transition

On the day of transition everything should be in place to avoid any contradictory information. All University, Halls and Student records should be changed to reflect the new gender.

The student should receive a new ID card. It may be preferred by the student, as their appearance changes, to update their ID cards.

If living in university halls of residence, and if required, the student should be relocated to suitable alternative accommodation on or before the day of transition.

The student union should ensure that membership of gender-specific sports clubs and societies are handled with care and consideration.

Changing of Personal Information

Once the transition period has been confirmed the individual is able to change their name and gender. This enables all identification to be updated.

Pre-award, the process of changing records in the University of Derby context will be treated no differently than if a student had changed their name. Evidence of their name change and new identity must be presented to the students agreed representative at the University as appropriate. This should include evidence of a change of name which may be in the form of any of the following:

- A Name Change Deed (e.g. Statutory Declaration)
- Driving licence
- Passport
Once an award has been issued a change a name on a certificate can only be made to correct an administration error or due to name change following gender reassignment.

Please note that the University of Derby does not have a legal right to request a student to provide a Gender Recognition Certificate (GRC) in respect of changing records at the University. The documentation outlined above is sufficient for this process. On receiving this documentation, the University of Derby will take all reasonable and practicable steps to ensure that all relevant records are updated as soon as is possible to reflect the acquired gender identity and to protect confidentiality. All University systems will then be able to be updated, including those regarding issuing a degree certificate in the change of name.

Once a student/graduate informs the University of their gender reassignment, all academic records will be changed to ensure that academic references do not refer to the previous gender. Any reference to the previous gender would constitute a breach of confidentiality and could be a criminal offence.

**Criminal records checks.** Where criminal records checks are a prerequisite for a programme of study, there is a specific procedure. The Disclosure and Barring Service (DBS) has created a process especially for trans applicants, enabling them to leave sensitive details, such as birth sex, off their application form. It should be noted that where a conviction or other relevant information has been recorded in a previous name, this will be revealed and details of any previous identity may be revealed.
Appendix 1

Supporting Information for Staff

Language

It is good practice, and respectful, to use a trans person’s chosen name, not their birth name.

A person who identifies as a certain gender, whether or not they have taken hormones or had surgery, should be asked what pronoun they preferred to be addressed by.

It may not be appropriate to use the terms ‘sex change’ or ‘pre-/post-operative’. These imply that the process of transition must involve some form of surgery, which may not necessarily be the case.

It is never appropriate to put quotation marks around either the trans person’s chosen name or the pronoun that reflects their gender identity.

The Legal Framework

Equality Act 2010

The Equality Act 2010 prohibits discrimination and harassment on the grounds of nine protected characteristics, including gender reassignment. This includes transgender people, people who are proposing to undergo, are undergoing or have undergone the process of changing their sex. To qualify for protection, a transgender person does not have to show that they are under medical supervision or inform the University of Derby regarding their gender reassignment status.

The Equality Act makes the following conduct unlawful:

- Direct discrimination. This occurs when a person is treated less favourably than another person because of gender reassignment.
- This definition is broad to cover perceptive discrimination (i.e. a person may not be transgendered but they are treated unfairly because they are perceived or believed to be) and associate discrimination (a person is treated less favourably because they are closely associated or connected with a trans person.)
- Indirect discrimination. This occurs a policy or practice applies in the same to everyone but has an effect which particularly disadvantages trans people.
- Harassment. This is defined as unwanted conduct which has the purpose or effect of violating an individual’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. This definition is also broad enough to cover harassment by perception and association. Which means this sort of behaviour is unlawful even if the person is not actually transgendered but they are wrongly perceived as being so or are closely associated with a transgender person.

- The Equality Act includes a general duty for Universities and other public sector institutions to have due regard for advancing equality for people with a protected characteristic, such as being transgendered. They must do this by having due regard to: (i) removing or minimising disadvantages experienced by trans people; (ii) taking steps to meet the needs of trans people where these are different from the needs of other people; (iii) encouraging trans people to participate in public life or in other activities where their participation is disproportionately low.

**Gender Recognition Act 2004**

The Gender Recognition Act 2004 enables people to change their legal gender. The person must be regarded as their acquired gender in all aspects of life. Under the Act, adults can apply for a Gender Recognition Certificate (GRC) if they have:

- been living full-time in their acquired gender for over two years and intend to do so permanently, and
- been diagnosed as having gender dysphoria
- Surgery, or other treatment such as hormone therapy, is not a pre-requisite to obtaining a GRC. The GRC is a legal document issued by the Gender Recognition Panel, which is part of the tribunals’ service and includes legal and medical professionals.

A person born outside of the UK can also apply for gender recognition in the UK. They may be able to change their birth certificate in their home country, but in about half of the world’s countries this is still not possible. Many trans people do not apply for gender recognition for various reasons.

Many organisations and institutions wrongly assume that GRCs are required as ‘proof’ of gender reassignment. This is not the case and students should not be asked for one at the University of Derby.

**Privacy Rights**

Section 22 of the Gender Recognition Act 2004, gives extended privacy rights to anyone who has a GRC or has applied for one. Knowledge about gender recognition is protected information and it is a criminal offence to pass it on without the trans person’s consent. This applies to anyone in the course of official duties including employment, service provision (including education), union organisation or representation.
It means that if a member of staff or another student informs anyone that a student ‘used to be a man/woman’ or ‘had a sex change’ then they are at risk of prosecution. It is imperative that anyone who may acquire such knowledge understands this. People have no obligation to disclose whether they have a GRC.

Sources of information and support

**Internal Support**

Assistance and support will be available to individuals before, during and after the transition and for the people that they work and study with as and when appropriate. Internal sources of support at the University of Derby include:

**The University of Derby Student Wellbeing Team**

[studentwellbeing@derby.ac.uk](mailto:studentwellbeing@derby.ac.uk)

The Student Wellbeing Centre is situated in T block, ground floor, next to the GP surgery.

Telephone: 01332 593000 or ext 3000

**LBGTQ+ Society**

The aim of the University LGBTQ+ Society is to provide a safe and welcoming space for all University of Derby students who self-identify as lesbian, gay, bisexual, transgender, asexual, queer and/or unsure/undecided, and for anyone who experiences any sort of homophobia, biphobia and/or transphobia.

**External Support**

**Derbyshire LGBT+**

Derbyshire LGBT+ is Derbyshire’s only LGBT specific support service, we are here to support anyone who is Lesbian, Gay, Bisexual & Transgender or anyone who is having issues with their sexual identity or gender identity, this includes family and friends.


Telephone: 01332 207704
Email: info@derbyshirelgbt.org.uk

Stonewall
Stonewall is a LGBT rights charity that works for acceptance without exception for lesbian, gay, bisexual and transgender people.

www.stonewall.org
Telephone: 020 7593 1850
E mail: info@stonewall.org.uk

Gendered Intelligence
Gendered Intelligence is a not-for-profit Community Interest Company, established in 2008, who work with the trans community and those who impact on trans lives; we particularly specialise in supporting young trans people under the age of 21. Their mission is to increase understandings of gender diversity.

Genderedintelligence.co.uk