

Trans Policy and Procedure

This Policy aims to provide general guidance and policy advice to employees, students and managers about trans and gender reassignment matters. The Policy provides information about gender reassignment/transition, the relevant legislation and how employees and students can be advised when transitioning to a gender different to that which they were assigned at birth.

Contents

1. Introduction

1.1. This policy has been formulated to provide general guidance and policy advice to employees, students and managers about trans and gender reassignment issues.

1.2. This policy applies to Staff, students, alumni and governors of the University; consultants, contractors and contracted representatives of the University, Visitors/external organisations engaged with the University, including those contracted to conduct their own business on the University premises (e.g. building contractors); those hiring University facilities for the provision of services or activities that may involve children or vulnerable adults; Associate Lecturers, casual workers, temporary workers from Employment Agencies and contractors working on campus.

1.3 Transgender is an inclusive term for people whose gender identity differs from that which they were assigned at birth, or those whose gender expression or presentation differs from the typical, and who self-define as trans. Trans is correctly used as an adjective, rather than a noun e.g. 'a trans person', not 'a trans'.

2. Aims

2.1. Bath Spa University is committed to being a fair and inclusive employer and will not discriminate against an applicant, employee or student who identifies as trans.

2.2. Trans employees and students are entitled to be treated with respect and permitted to perform their roles free from harassment and unfair discrimination. Bath Spa University views harassment or discrimination against any student or employee on any grounds as a serious disciplinary offence.

2.3. People are protected against harassment or discrimination in the workplace because of their gender identity under the Equality Act 2010. The University is committed to complying with relevant legislation and codes of practice. Wherever possible we strive to exceed legislative requirements by developing policies and procedures that help us to achieve our aim of being a working environment that is fair and supportive to individual needs and one which expects all staff and students to be treated with fairness, dignity and respect.

3. Responsibilities

3.1. All staff and students are responsible for helping to ensure that individuals do not suffer any form of discrimination as a result of their gender identity, and that they are supportive of individual needs. Every person working for the University will be accountable for the operation of this policy as they carry responsibility for their own behaviour and actions, on and off site during working hours or any activity associated with their employment at the University.

3.2. All employees in a managerial position are responsible for helping to prevent any infringement of the policy amongst the employees in their area and taking action where appropriate.

3.3. Human Resources will be responsible for ensuring that appropriate advice and communication on this policy is available to staff, and Student Support Services will provide appropriate advice and guidance for students.

4. What is Gender Reassignment/Transition?

4.1. Gender reassignment/transition is often used for people whose gender identity does not match that which they were assigned at birth. There is no requirement for trans people to undergo any surgical procedures in order for their gender identity to be recognised.

5. What is the Gender Recognition Act?

5.1. The Gender Recognition Act 2004 allows trans people (who are able to satisfy the necessary evidential requirements) to apply for full legal recognition of their gender. Following a successful application, through the issuing of a Gender Recognition Certificate, the law regards the trans person, for all purposes, as being of their gender.

6. Relevant Legislation

6.1. The Equality Act 2010 has strengthened and streamlined previous equalities legislation. 'Gender reassignment' is one of the nine protected characteristics within the Act and is also included in the Public Sector Equality Duty. The Equality Act 2010 provides protection against direct and indirect discrimination, discrimination by association, discrimination by perception, discrimination in cases of related absence from work, and all forms of harassment and victimisation. Those protected include:

- * Actual and prospective employees.
- * Ex-employees.
- * Apprentices.
- * Some self-employed workers.
- * Contract workers.
- * People seeking or undertaking vocational training.

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

- * To trans people who are not under medical supervision.
- * To people who experience discrimination because they are perceived to be trans people (for example: a member of staff refuses to serve a customer because they believe the customer to be a trans person, whether they are or not).
- * To people from discrimination by association because of gender reassignment (for example: a member of staff is spurned by their colleagues because their partner has undergone gender reassignment).

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

7. What is 'Discrimination on the Grounds of Gender Reassignment'?

7.1. It is unlawful to discriminate against someone if they:

- * Intend to undergo gender reassignment, or
- * Are undergoing gender reassignment, or
- * Have at some time in the past undergone gender reassignment.

The University commits to extending this protection to all trans people, as defined in 1.3.

7.2. Discrimination in this context means treating a trans person less favourably than you treat (or would treat) another applicant/employee/student who is not trans, which includes harassment and victimisation.

7.3. Formal complaints from employees relating to Harassment and Bullying on grounds of their trans identity will be dealt with under the Grievance procedure.

8. Complaints

8.1. The University aims to provide all staff and students with a high quality level of service. We recognise though that there may be occasions where expectations are not met and on these occasions we encourage staff and students to provide feedback. This includes inappropriate behaviour or treatment by a staff member, student or individual associated with the University (including contravening the University's Grievance policy which relates to Harassment or Bullying on the grounds of trans identity (or any other protected characteristic) under the Student Complaint Framework). Staff and students can also submit a grievance if the level of service that the University provides falls significantly short of what might reasonably be expected.

9. Supporting Employees

Bath Spa University is committed to ensuring that students and staff have the right to be treated with fairness, dignity and respect during the process of transition.

9.1. An employee going through the process of transitioning can seek advice from their line manager, HR Business partner or Occupational Health Adviser. Self-referrals can also be made to the University's Counselling service. It is a matter of personal choice as to who should be contacted, but it is recommended that the contact person works with the employee to agree an action plan to cover the period of their transition. It is imperative that confidentiality is maintained at all times.

9.2. All members of the University and University staff must refer to the trans person by their preferred name and pronouns.

9.3. If an employee is in possession of a gender recognition certificate, it is unlawful to disclose their trans status without their consent. The University commits to extending this protection to all trans people.

9.4. If the University holds any records which include a trans individual's former legal name and gender/pronouns, the trans individual concerned may request that all instances of them are deleted from the University's records as much as is reasonably practicable.

10. Supporting Students

10.1. A student going through the process of transitioning can seek advice from the Student Support Service. It is a matter of personal choice as to who should be contacted, but it is recommended that the contact person works with the student to agree an action plan to cover the period of their transition. It is imperative that confidentiality is maintained at all times.

10.2. All members of the University and University staff should refer to the trans person by their preferred name and pronouns.

10.3. If a student is in possession of a gender recognition certificate it is unlawful to disclose their trans status without their consent. The University commits to extending this protection to all trans people.

10.4. If the University holds any records which include a trans individual's former legal name and gender/pronouns, the trans individual concerned may request that all instances of them are removed from the University's records as much as is reasonably practicable.

11. Transition Action Plan

11.1. The student or employee and their main contact should write an action plan together (see Appendices A and B) for managing their transition whilst they are at the University. This will include agreeing dates of relevant transition milestones and communication plans, the University being guided at all times by the individual's preferences. Under no circumstances should any communication or actions be taken without the explicit consent of the individual. These action plans, together with any other notes of the meeting, must be kept strictly confidential in the individual's personnel file or student support case file, as appropriate. After a person has successfully transitioned, or obtained a gender recognition certificate, these records should be destroyed. The trans person may request that such records are destroyed at any time.

12. Use of Single Sex Spaces

12.1. The University is committed to supporting the right for trans people to use the appropriate facilities for their gender identity, including changing rooms and toilet facilities.

12.2. A trans person should not be required to use disabled toilet facilities, nor facilities of their former assigned gender.

12.3. Where female/male - only spaces exist within the University, they should be open to all who self-define as women/men, including trans women/men.

13. Sickness and Absence from the University

13.1. In putting together the transition action plan, the time the student or employee will need in order to undergo any transition related treatment should be discussed. When the individual is absent for treatment or surgery, and then normal sick pay arrangements or absence arrangements should apply. The normal policy for medical appointments should also apply. Flexibility should be offered in taking holiday or rearranging working hours or academic commitments (including examinations and re-sits) in order to attend medical appointments. Where a sick note is required, it does not need to state the procedures performed.

14. Disclosure and Barring Service (DBS) Checks

14.1. The DBS has developed a separate application procedure, which allows trans applicants to exclude previous names from the Disclosure Application form. However, applicants will still be required to send details of their previous legal identity in a separate correspondence directly to the 'Sensitive Casework Team'.

15. Changing Name and Gender

15.1. In order to change the name held on record with the University, an individual should present a deed poll or statutory declaration. No further documentation will be required.

15.2. No documentation is required in order to change the title & gender held on record for an individual with the University.

15.3. No charge will be levied for updating University documentation, such as employee or student cards. A substitute university card can be issued at an agreed date, once all the appropriate data systems have been updated with the new information.

16. Certificates

16.1. Bath Spa University has undertaken to provide students who have transitioned whilst studying or after studying with replacement degree certificates in their new legal names and titles.

17. Gendered Language

17.1. Wherever an individual's title is requested, and where practicable, the options 'Mx' and no title should be considered.

17.2. Wherever the gender identity of an individual is requested, the options 'Other' and 'Prefer not to say' should be included.

17.3. Whenever possible all official University correspondence should use non-gendered terminology when referring to a group of individuals or an individual of unspecified gender identity. For example, instances of 'he/she' should be superseded by 'they'.

17.4. All members of the University and University staff must refer to trans individuals using their preferred name and pronouns.

18. Accommodation

18.1. Trans individuals applying for University accommodation have the option to apply for en-suite accommodation. Where the individual expresses a desire to accept the offer, en-suite accommodation will be allocated whenever possible dependent upon availability. (It should be noted that accommodation staff do not have knowledge of personal disclosures of any protected characteristics). To be prioritised for en-suite accommodation trans individuals can seek advice from Student Support (add link)

18.2. Where women-only/male-only spaces exist within University accommodation, they will be open to all who self-define as women/men, including trans people.

19. Pre-Employment

19.1. Individuals who have already adopted their new social and/or legal gender have no obligation to inform the Bath Spa University of their change. Job applicants and interviewees should not be asked their trans status.

20. Contacts and Further Information

20.1. Further information is available from an HR Business Partner and Student Support

20.2. If you require this publication in hard copy or in an alternative format please contact HR.

21. Review

21.1. This policy will be monitored and reviewed on a regular basis by HR.

APPENDIX A

Practical issues

There should be a single point of contact that can support the individual and provide a positive and supportive environment where issues connected to their gender transition can be discussed. The main point of contact should work in partnership with the individual to develop a plan of support needed and how it might be provided in order to assist in the transition process. Any information disclosed must be treated in the strictest of confidence and must not be shared without the express consent of the individual concerned.

Planning Support for Staff

Successful support and management of a person's transition depends crucially on taking account of their views on how to proceed. Sensitive and considered discussions can identify and resolve potential areas of difficulty and conflict before they arise. It is therefore important at an early stage to agree an 'action plan'. Key elements of any plan may include answering the following questions:

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

Resources consider how and when they might need to be involved.

- If any bullying or harassment occurs how will it be dealt with?
- Actions Agreed
- Date of next meeting

APPENDIX B

Planning Support for students

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

- Date of next meeting

Appendix C

Glossary of Terms:

Affirmed gender - The 'new' gender of a person who has had their gender reassigned and or/legally recognised. A person can transition fully to an affirmed gender without surgical intervention

'Ask. Listen. Respect'

Journalist and campaigner Jane Fae suggests it doesn't have to be complicated dealing with transgender terms. "People are individuals," she says. "Ask politely, listen to what individuals have to say and respect what they tell you.

"It's a principle and an approach to life that will take you a long way - and not just with the transgender community."

Cisgender

This describes someone who is not transgender. For instance, someone who is named a boy at birth and continues to live as a man would be cisgender. This covers the majority of the population.

FtM - Female to male trans person. A person who is changing, or has changed, their gender role from female to male. Also described as a 'trans man'.

Gender - sex is the biological difference between men and women, however gender includes socially constructed roles.

Gender identity - is a person's internal perception and experience of their gender.

Gender Dysphoria - The medical term for people who are uncomfortable with the role they are expected to fulfil because of their physical sex at birth

Gender reassignment - A process which is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex, and includes any part of such a process.

Gender Variance – a more neutral term than 'Gender Dysphoria' when individuals experience a mismatch between the way they look on the outside and the gender identity they feel inside or denoting a departure from stereotypical gender experience and expression e.g. dressing or behaving in a way which is perceived by others as being outside cultural gender norms

Non-binary

Non-binary people are those who don't feel male or female. They may feel like both or like something in between. They may have a gender that changes over time or they may not relate to gender at all.

Transgender man/transgender woman

People assigned female at birth but living as a man may describe themselves as a "transgender man", while those assigned male at birth but living as a woman may call themselves a "transgender woman". These terms can be shortened to "trans man" or "trans woman".

Some may also use the acronyms FtM (female-to-male) and MtF (male-to-female). Many prefer simply to be identified simply as a "man" or a "woman"

Transvestite – A person who dresses in the clothing of the opposite sex. Generally, these people do not wish to alter their body and do not necessarily experience gender dysphoria.

Version control

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Document name	Consultation	Date VCG/VC approved	Date BOG approved	Date implemented
Trans Policy 2017	EDSG reviewed – April 2017	N/A	September 2017	Placed on webpages October 2017