

# THE UNIVERSITY OF BIRMINGHAM

## Guidance on Supporting Transgender Staff and Students

### 1. Introduction

- 1.1 The purpose of this guidance is to set out the University's approach to gender identity and transgender issues and to detail our framework for managing gender transition for staff and students. The document explains the support that will be provided for people who are transgender and provides advice and guidance for all members of our community, in order to help them improve their understanding of gender identity issues and support transgender colleagues and students.

### 2. Our approach

- 2.1 The University is committed to ensuring that all members of its community are treated fairly and have the opportunity to thrive and reach their full potential, regardless of their gender identity. This commitment is underpinned by the Equality Act 2010, which protects individuals who are planning, undergoing or have had a gender transition process from discrimination.<sup>1</sup> We take incidences of discrimination or harassment on the grounds of gender identity very seriously and will take action against such incidences under the relevant staff and student complaints policies and disciplinary codes.
- 2.2 We are committed to supporting staff and students who are undergoing a gender transition process, both on an individual level and in terms of increasing understanding of gender identity and transgender issues amongst our community, through promotion of this guidance. We recognise that transitioning is a very significant step in a person's life, and will work with staff and students to put an action plan in place to help manage this process. We also recognise that some members of our community have a gender identity outside of the traditional male-female binary and who therefore cannot transition but who may also require support.

### 3. Terminology

- 3.1 Gender identity and transgender identities can be complex concepts to understand for people not directly affected by these issues. Whilst we recognise that these are very personal matters, and definitions and terminology will vary, the guidance below is provided to help improve understanding of gender identity and transgender concepts amongst our University community.

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<sup>1</sup>The law regarding gender transition is detailed in appendix 1.

- 3.2 **Sex** - a person's sex is biological and determined by their organs, hormones and chromosomes. Biological sex will typically be male or female. A small proportion of the population are intersex, which means that their sex cannot be biologically defined as fully male or female.
- 3.3 **Gender** - gender is distinct from biological sex and is socially constructed. It describes the identities (or 'gender norms') that society expects us to conform to, on the basis of our male or female biological sex. For example, the differences in how women and men are expected to behave, dress and interact.
- 3.4 **Gender identity** – gender identity describes the gender a person identifies as and feels themselves to be. This is an innate and deeply felt sense of self. For a majority of people, their biological sex and their gender identity are aligned, e.g. male biological sex and male gender identity. For some people, their gender identity differs from their biological sex. They may identify as the 'opposite' gender or have an identity on the gender spectrum other than male or female, (see below). The difference between someone's biological sex and their gender identity can be a source of significant psychological distress and is medically recognised as gender dysphoria.<sup>2</sup>

#### **Gender binary or gender spectrum?**

Gender identity is often viewed in terms of a male/female binary, (i.e. you identify as one or the other). A binary approach, however, is not reflective of everyone's gender identity. Gender can also be viewed as a *spectrum* of many identities, ranging from male to female and including non-binary identities such as genderfluid, genderqueer and agender. Identities on the spectrum may be fixed, or people may move up and down the spectrum over time. Equally, some people reject the concept of gender labels and categorisation altogether, on the grounds that this perpetuates oppressive stereotypes and roles.

- 3.5 **Transgender** - anyone whose gender identity is different from their biological sex – which includes non-binary people - may identify as trans or transgender. Transgender is also used in a more specific context to describe individuals whose sex and gender identity are significantly different (gender dysphoria), and who undertake a process to live permanently as the gender they identify as.
- 3.6 **Gender transition process**- this describes the personal, social and sometimes medical process by which a transgender person seeks to live permanently as the gender they identify as.<sup>3</sup> For some transgender people, this will mean permanently living as the gender they identify as without undergoing any medical procedures. For

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<sup>2</sup>Having a matching sex and gender identity is sometimes referred to as cisgender or cis. Both cis and trans are Latin-derived, with cis meaning 'on this side of' and trans meaning 'on the other side of'.

<sup>3</sup> This process is sometimes referred to as 'gender reassignment' or 'gender affirmation', but transitioning is generally the preferred term.

others it will be a longer transition process, requiring first living as the gender they identify as (known as 'real life experience') for a significant period of time, before beginning hormonal and/or medical procedures to change their physical appearance permanently.

3.7 Whilst a person's appearance may change considerably during a transition process, it is polite and respectful to acknowledge them as the gender they identify as from the start of the transition process. There is no set time period for a transition process to be 'completed' by, or an arbitrary date at which gender formally changes.<sup>4</sup>

#### **4. Supporting staff and students through a gender transition process**

4.1 Making the decision to transition is a very significant step in a person's life and not something they will have undertaken lightly. For most transgender people, reaching this point will be the culmination of years of seeking to reconcile the person they are seen to be with the person they feel themselves to be. Feeling supported as they develop their new identity is key.

4.2 The University is committed to supporting staff and students through their transition process. Sections 7 and 8 below set out the staff and student processes for letting the University know you are going to transition. This includes the development of a transition action plan to capture key transition points and to agree and record how issues such as updating records and informing others will be addressed.

4.3 Whilst an individual's specific needs will be reflected in their action plan, there are some general principles that should always be followed:

- Acknowledge a person as the gender they identify as from the outset of the transition process. This means, for example, using their chosen name and pronouns from the day they begin transitioning
- Respect people's boundaries. Transitioning is a very personal and individual experience. Some people may choose to talk openly about their transition, whilst others may choose to keep the experience private
- Respect a person's privacy. Do not tell others about a person's transgender status or transition process unless you have permission to do so
- If you are not sure how to address or refer to someone, politely ask them how they would like to be addressed, including which pronouns they would prefer to be used.

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<sup>4</sup> Some transgender people will apply for a Gender Recognition Certificate (GRC) to gain full legal recognition of their new gender. However, it is important to note that applying for a GRC is not a legal requirement and is not necessarily the 'end goal' of a transition process. Not all transgender people will choose to apply for a GRC.

## **5. Supporting staff and students who are non-binary**

- 5.1 As discussed in the terminology section above, some people will have identities on the gender spectrum other than female and male, for example, gender fluid (gender identity varies over time), gender queer (an umbrella term for non-binary identities or which can be an identity in and of itself) or agender, amongst others. People with non-binary gender identities will not necessarily undergo a formal, permanent gender transition process, but may choose to express their gender identity by the way they present themselves, such as through their dress and appearance. It is polite and respectful to accept a person's gender identity as a legitimate expression of who they are, even if that identity is hard for you to relate to or understand.
- 5.2 The University is supportive of different gender identities and gender expression and is adapting its systems to recognise a wider range of gender identities and titles.

## **6. Use of facilities**

- 6.1 The University provides single sex, inclusive and gender neutral toilet and changing facilities to provide choice and privacy for trans and non-trans students, staff and service users. In addition, our new Sports Centre will have village changing and showering facilities with gender-neutral private cubicles in the wet area, and single sex facilities and inclusive and gender neutral changing and showering facilities in the dry area.
- 6.2 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, (appendices 2 and 3). The University Sports Centre guidance for transgender users (including use of changing facilities), is also attached as appendix 4.
- 6.3 We recognise that, even if an action plan is in place, issues can sometimes arise over the use of single sex facilities when a person's physical presentation and gender identity differ. For example, users of a female-only changing room may raise concerns with staff about the presence of someone they perceive as male. If concerns are raised by other users about the presence of an individual in a single sex facility, the University has a duty of care to all service users to investigate those concerns. This will be done in a sensitive manner with a view to ensuring the use and enjoyment of our facilities by all.

## **7. Staff process**

### Letting the University know

- 7.1 Making the decision to transition and begin changing your gender presentation will impact on all areas of your life, including your work. As soon as you feel comfortable sharing this information, please let the University know you will be transitioning by

contacting your line manager, HR or the Staff Diversity Adviser. Letting us know that you plan to transition will help us support you more effectively, and enable us to plan with you how this change is managed in the workplace. Information about your transition will be treated in confidence as sensitive personal information.

#### Initial meeting

- 7.2 If you notify us that you intend to transition, a face-to-face meeting in a private space will be arranged. The purpose of this - and subsequent meetings - will be to discuss and identify what support you will need during your transition and to agree how the practicalities of your workplace transition process will be managed. The meetings will usually be with your line manager and the Staff Diversity Adviser. You can also bring someone with you to the meeting for support if you wish to.

#### Agreeing an action plan

- 7.3 The meeting attendees will want to gain an understanding of your planned transition process and any significant timelines, such as when you will start presenting at work in your new gender, and also to discuss practicalities such as when and how your colleagues can be made aware of these changes. This is also an opportunity for you to raise any questions that you may have. The University will seek to accommodate your needs.
- 7.4 The outcome of these discussions should be captured in an action plan. The purpose of the action plan is to detail your workplace transition and when and how actions will be taken to reflect your new identity. An example of what the action plan should address is included in appendix 2.

### **8. Student process**

#### Letting the University know

- 8.1 Students thinking about transitioning may contact their Welfare Tutor, or a member of staff they feel comfortable with, and arrange an initial meeting to discuss their transition. All parties are encouraged to contact the Student Diversity Adviser, who will help them develop an action plan setting out how their transition will be managed at the University.

#### Developing an action plan

- 8.2 An action plan may be agreed, including timescales, to ensure appropriate steps are taken during the student's transition. The action plan should be treated as a confidential document, and discussions should take place to agree where copies will be kept, who should have access to it and with whom information about the transition can be shared according to the student's wishes.

- 8.3 The action plan will enable the University to ascertain in advance any necessary arrangements for time off study and when changes to records are likely to be required. The action plan and timescales will need to be reviewed periodically with the student concerned and particular attention will need to be given to students in programmes of study that require them to undertake course placements. What the action plan could cover is outlined in appendix 3.
- 8.4 As part of the action plan, it is appropriate to discuss how members of staff and other students will be informed about the student's transition. The student may want to do this themselves, or may want it done for them. If it is the latter, it is important that the student still has control over what people are told and the language that is used.

## 9. Confidentiality

- 9.1 Information on a person's gender identity will be treated as sensitive personal information under the Data Protection Act (1998). As part of the transition action plan, it will be agreed with the member of staff or student with whom information on their status can be shared.

## 10. Further information and resources

- Equality Challenge Unit guidance on supporting trans staff and students: <http://www.ecu.ac.uk/guidance-resources/inclusive-environment/providing-support/trans-people/>
- LGBT Rainbow Staff Network: <https://intranet.birmingham.ac.uk/rainbownetwork>
- Student support groups – LGBTQ Association ([lgbtq@guild.bham.ac.uk](mailto:lgbtq@guild.bham.ac.uk)) or Guild of Students Welfare Officer ([welfare@guild.bham.ac.uk](mailto:welfare@guild.bham.ac.uk)).
- Confidential staff and student Harassment Service: <https://intranet.birmingham.ac.uk/hr/wellbeing/employeesupportservices/harassment/index.aspx>
- Staff and Student Diversity Advisers: [equality@contacts.bham.ac.uk](mailto:equality@contacts.bham.ac.uk) (This email address is accessed by the University Diversity Advisers. Queries sent to this address regarding transgender issues and transitioning will be treated in confidence).

## Appendix 1 - Legislation

The following legislation is relevant to issues affecting transgender staff and students:

### 1. Equality Act 2010

1.1 Gender reassignment is one of nine protected characteristics within the Act. The definition of gender reassignment within the Act gives protection from direct and indirect discrimination, harassment and victimisation to a person who has proposed, started or completed a process to change their gender or sex.

1.2 The Act protects:

- trans people who are not under medical supervision
- people who experience discrimination because they are perceived to be trans
- people who experience discrimination by association because of gender reassignment. For example, it would protect the parents of a trans person from being discriminated against because their child is transitioning.

1.3 The Act also places a duty on public sector bodies to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

### 2. Gender Recognition Act 2004

2.1 The Gender Recognition Act 2004 allows transgender people who are able to satisfy the Act's evidence requirements to apply to a Gender Recognition Panel to seek full legal recognition in their gender. A Gender Recognition Certificate (GRC) is then issued and, if the person's birth was registered in the UK, they will be able to obtain a new birth certificate which does not disclose the fact that they have changed gender.

2.2 It is important to note that applying for a GRC is not a legal requirement and is not necessarily the end goal of a transition process. Not all transgender people will choose to apply for a GRC and having/not having a GRC should not necessarily be used as a 'marker' of a person's gender or of the completeness of a transition process.

2.3 A transgender person can also obtain other forms of official identification that reflect their preferred gender without a GRC, by providing a doctor's letter stating their intention to permanently transition. This includes a passport and driver's licence and changing bank details.

2.4 The Gender Recognition Act provides that, in certain circumstances, it may be appropriate to restrict transgender people from participating in competitive sports in their acquired gender. This is to ensure fair competition and the safety of other competitors as well as the trans person; however the Act makes it clear that a transgender person should be given the same access to sports clubs as anyone else. In addition, single-sex clubs should admit trans members, provided they can show identification in the appropriate gender. The implications for each sport will differ, and the relevant governing body's guidance on transgender should be used as a point of reference where there is some dispute about who can play in what team.

**3. Data Protection Act 1998**

3.1 Under the Data Protection Act, transgender identity and gender reassignment constitute 'sensitive personal data' for the purpose of the legislation and must be processed as such.

**4. Human Rights Act 1998**

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



## Appendix 2 - Developing an action plan for supporting staff transition

Below are examples of what should be discussed and detailed in a staff member's transition action plan. These are not intended to be exhaustive examples and can be added to in order to reflect the staff member's role and circumstances. Any actions should have a named person responsible for them and a timeline for completion as appropriate.

The action plan should be treated as a confidential document and agreement reached with the staff member as to where it will be stored and who it will be shared with.

### Key issues:

1. What is the likely timetable for the transition and any key dates? In particular, when will the member of staff begin their gender presentation in a different manner, (their workplace transition date)?
2. What gender, name, title and pronoun does the staff member want to be known by from their workplace transition date onwards?
3. Consider what information needs to be updated by the workplace transition date to reflect the staff member's identity? Who will be responsible for arranging these changes? For example:
  - a) Staff records (held by HR)
  - b) Email and telephone systems
  - c) University I.D. cards\*
  - d) Gym membership cards
  - e) Staff contact lists
  - f) Office door names
  - g) Intranet and internet references to the staff member\*
  - h) Course handbooks\*
  - i) Any information provided to students
  - j) Prospectuses
  - k) Membership lists of groups and committees

\* Where this includes photos of the member of staff, these may need to be updated at a later stage and/or on more than one occasion as the person's appearance changes.

4. Who needs to be made aware of the transition, to ensure the staff member is addressed and treated according to their gender? For example:

- Team members
- Wider department
- Regular email and telephone contacts
- Students they teach or supervise
- Staff who will implement the changes noted in this document

Does the staff member give their permission for information to be shared with these people?

5. How would the staff member like the above people to be made aware of their gender?

For example, this could simply be a short email from the member of staff (or their line manager) stating that from date x they will be presenting at work according to their gender and will be known as [new name], or the staff member could draft a more personal message. Other options could include speaking directly to individuals, holding a team meeting or a mix of all of these.

The staff member might also want to consider this as an opportunity to set expectations/boundaries with individuals about what they are comfortable discussing, or how they would like to deal with any questions other people may have. It can also be an opportunity to educate people about transgender issues, for example by circulating this guidance document but this a matter for the individual concerned.

6. What arrangements are in place at the staff member's place of work in terms of single gender (i.e. male or female) and gender neutral toilet and changing facilities? Will the staff member be making use of other facilities at the University (e.g. the Sports Centre), and does the staff member wish to have a discussion with managers at those facilities?

7. Are there dates for appointments relating to the transition process, or will time off for procedures be needed? (These will be treated and recorded as per the usual process for medical appointments. If time off for procedures is needed, this will be treated and recorded as either compassionate leave or sickness absence as appropriate). Will any temporary adjustments be needed on their return to work from any procedures, such as reducing hours/phased return? Will the person be taking any medication that may affect their performance?

8. Are there any other issues that the staff member would like to discuss?

A copy of the action plan should be circulated on a confidential basis to the member of staff and the other people present at the meeting for review and correction as appropriate. The member of staff must give their written agreement to the final version of the action plan for it to be implemented.

The group should come to an agreement as to future meetings, how to maintain contact with each other outside of those meetings (e.g. emails marked as confidential), ensuring that the action plan is implemented to time and that the staff member has an appropriate support system in place should any issues arise during the course of their transition.

## Appendix 3 – Developing an action plan for supporting student transition

Below are examples of what should be discussed and detailed in a student's transition action plan. These are not intended to be exhaustive examples and can be added to in order to reflect the student's particular circumstances. Any actions should have a named person responsible for them and a timeline for completion as appropriate. It is essential that the action plan is led by and reflects the student's intentions and that the student agrees to all of the action points.

The action plan should be treated as a confidential document and agreement reached with the student as to where it will be stored and with whom it will be shared.

### Key issues:

The action plan should address:

1. The date when the person intends to commence any 'real-life' experience, which may include the expected point or phase of a change of name, title, personal details and stated gender, and the steps that need to be taken to prepare for that point or phase and what amendments will be required to records and systems.
2. What time off the student will need for medical appointments or procedures and whether the student needs to apply for a period of absence from their studies.
3. The potential side-effects of medication and the impact this may have on their studies.
4. What supportive arrangements and adjustments are needed regarding the students programme of study.
5. When to inform their department and whether the student wishes to inform fellow students in person, or would prefer this to be done for them.
6. If and when there is a likely impact on study or a requirement for leave.
7. What emotional support can be put in place for the student if they feel that they require it, i.e. counselling, mental health support, Guild's LGBTQ Association, referrals to other agencies etc.
8. Name change and photo records. Transition will not be instantaneous, so it may be necessary to update photographic identification throughout this period; in some cases the person may require identification in their former gender as well as their new gender. Identify which of the following cards/name badges will need to be changed:
  - University Smart Card
  - Library card

- National Union of Students (NUS) card
- Club and Society cards
- ID badges
- Gym membership cards
- Catering/food meal card
- Placement ID cards
- Course representative card

9. Replacing the following documents if appropriate:

- online records, e-portfolio/record of achievements, academic biographies
- UCAS forms
- all student records and databases, enrolment forms, finance records
- programme and module lists
- personal tutor records
- welfare/disability/counselling records
- volunteering and mentoring records
- club and society membership records

10. Where appropriate, and with the agreement of the student, if the following people need to be informed:

- Programme teaching teams such as tutors, academics, seminar leads and support staff
- Admissions
- Registry
- International Student Advisory Service (for international students)
- Home Office for a Tier 4 student visa
- Fellow students and colleagues
- Finance
- Exams Office
- Student Wellbeing
- Accommodation

- Library
- Sports Centre
- Volunteer placements
- Work based study placements

## **Appendix 4 - University of Birmingham Sport**

### **1. Our position**

1.1 University of Birmingham Sport (UBS) believes that everyone deserves to have access to the very best sporting opportunities. Sport has an important role to play in meeting national health targets and in improving quality of life for all. In support of this commitment, a range of sports and leisure services and facilities are provided for everyone in the community. We are committed to supporting transgender people in making use of and enjoying our sports facilities. In particular, we will:

- Provide a mixture of changing and showering facilities, including accessible gender neutral private cubicles and inclusive facilities
- Ensure our staff are informed and aware of transgender issues and the needs of transgender service users
- Deal with queries from transgender users and transgender issues in a sensitive way
- Not tolerate transphobic behaviour or abuse by service users.

### **2. Changing facilities**

2.1 The University's position on use of changing facilities is stated in section 6 of these guidelines. In line with this approach, the Sports Centre provides accessible and gender neutral changing facilities to offer all users privacy and a sense of personal safety.

2.2 The Sports Centre would welcome staff, students and other service users who are transgender or transitioning to contacting the Sports Centre to discuss their needs, which will be dealt with in a sensitive manner.

2.3 If managers or staff are approached by other users of changing facilities with concerns, our approach in such a situation is as follows:

- 1) Approach and explain to the person that concerns have been raised and ensure that they know which changing-room they are in.
- 2) Make them aware of the accessible and gender neutral changing facilities available that offer greater privacy.
- 3) Make it clear that we will need to make the trans person aware of the needs of all service users and emphasise that our primary purpose is to facilitate the continued safe enjoyment of the facilities and services by all.

- 4) If there are still concerns from other service users, we will offer alternative changing facilities if available. If the trans person would rather not use such alternative facilities, it would be appropriate to discuss this with them.
- 5) We will emphasise that we are not enquiring into their private medical details and do not require those details, rather that we are attempting to maximise everyone's comfort in using the facilities.
- 6) If the trans person does not wish to use alternative facilities, we will explain that we may have to refer the matter to a senior officer to seek advice as to their continued access to the facilities.
- 7) Staff will always show respect and seek to help a trans person using the facilities with a view to encouraging their participation in activities.

### **3. Participation in competition**

- 3.1 Please see appendix 1, section 2 for further information.