

Policy on support and procedures for transgender, gender diverse and non-binary staff and students

Purpose

To ensure minimum standards of support, clarify expectations for all and establish consistent approaches across the University in respect of individuals wishing to discuss their gender identity.

Principles

- In line with our values and beliefs and in order to empower people to be the best they can, we expect all members of the University community to respect individual difference and promote inclusion.
- The University will not tolerate bullying, harassment, or any form of intimidation or discrimination of those working, studying or engaging with the University. This applies to all characteristics including gender identity (which includes gender fluidity and non-binary).
- We recognise that people of trans experience do not form a homogenous group and therefore employ the terms trans, gender diverse and non-binary throughout to outline our desire to respect individual difference and be inclusive.

Scope

- This policy applies to trans, gender diverse and non-binary students and staff (and potential students/staff) and is not restricted to those planning, going through or having been through a process of gender confirmation.
- 'Trans' is an inclusive term for people whose experienced gender is different from that which they were assigned at birth. It is an umbrella term that covers many different trans identities. The list of terms used in this document is following the guidance of www.trans.ac.uk.
- Whilst the policy does not directly cover visitors and contractors, all those who engage with the University should be treated with the same respect we provide to students and staff within an environment free from any form of bullying, harassment, intimidation or discrimination.

Expectations

- The University must support staff and students to live in their gender identity, regardless of gender assigned at birth.
- The University must protect the rights of trans, gender diverse and non-binary people to confidentiality, and handle all data sensitively and in accordance with the legislative requirements as in Appendix 1.
- The University should provide easy to locate information to guide staff and students in their rights regarding the above (for instance on how to change their records within the University following a change of name by deed poll or how to access support).
- The University should ensure that staff receive relevant training to ensure they can deal sensitively with any request for assistance.
- The University should allocate a named contact for each individual needing support in respect of their gender identity.

The Legislative Framework

Trans, gender diverse and non-binary people receive protection from the Equality Act 2010 and the Gender Recognition Act 2004, alongside data protection and human rights legislation. More information on the legislative framework can be found at the Equality and Human Rights commission resources at:- <https://www.equalityhumanrights.com/en>

Changing Records

The University will provide one point of contact to enable easy access to changing of records kept on University systems. When requested, these points of contact will liaise with the individual and ensure that appropriate data and email addresses are changed without undue delay wherever possible. The point of contact will also help to arrange changes to identity cards and name badges if appropriate.

Permission will be required from the individual to enable the one point of contact to liaise with other University staff as appropriate in order to make the requested changes. The staff members informed will be limited to those essential to making changes to records and systems, and all information will be treated in the strictest confidence.

Individuals choose which name/pronoun/gender to identify with and do not need to provide proof of this for any informal purpose within University however the University's systems hold legal data and so may not be able to update some confidential records (such as an individual's pension record) however a 'Known as name' can be added; graduation certificates will be provided in the legal name only.

Reasonable costs such as new identity cards and re-issuing degree certificates will be met by the University.

Access to Facilities

Staff and students should use the single sex facilities according to the gender they identify with. Gender neutral changing facilities are also available in the Sports Centre and gender-neutral toilets are available in locations across the campus. It is the intention that the University will create more gender-neutral facilities as it carries out refurbishments to the campus.

Support

All staff within the University are expected to support trans, gender diverse and non-binary staff and students to enable a supportive working and studying environment.

Named contact

The named contact to enable changes will ordinarily be:-

- For Students: Inclusion Coordinator, Student Support
- For Staff: their People Advisor or the Director of People & Organisational Development

However the individual may wish to request another staff member to carry out this function on their behalf (for example a Personal Tutor, Programme Leader or Line Manager) and this may be agreed on an individual basis with the named contacts above.

Study and work abroad

Legislation protecting the rights and freedoms outside of the UK may differ to that which exists in the UK. Individuals will need to consider how they will approach study and work abroad, particularly in relation to their passport and visa and may wish to discuss options further with the one point of contact.

Professional placements

The University will expect all partner institutions including placement providers to respect the identity of the individual and to hold similar principles respecting individual difference and promoting inclusion.

Appendix 1 – the legislative framework

Appendix 2 – Guidance for staff on managing the processes for those requesting support

Appendix 3a – Change form (Students)

Appendix 3b – Change form (Staff)

Appendix 4 – Sources of Support

Appendix 5 – BUCs rules on competitive sport

Document Reference Grid

Document Title	Policy on support and procedures for transgender, gender diverse and non-binary staff and students
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Appendix 1 – Legislative Framework

Rights regarding transgender and gender are outlined mainly within:-

The Equality Act (2010) – the original act uses terms such as transsexual and gender reassignment but it is largely agreed that these terms are outdated and misleading. The umbrella term ‘trans’ was suggested to be used for those who are interpreting the Equality Act. In any case ‘trans’ is one of nine protected characteristics that the law seeks to protect from unlawful treatment. The law provides protection in work, in education, as a consumer, when using public services and in many other areas of life. The following provides more information on your rights:-

<https://www.equalityhumanrights.com/en/advice-and-guidance/your-rights-under-equality-act-2010>

It is unlawful to discriminate (treat someone differently) either directly or indirectly, harass or victimise an individual based on the fact that they are trans. An example of treatment that would be considered unlawful with regard to trans might be threatening to out a person’s identity as a trans person or harassing someone because of their perceived gender.

For a definition of trans in regard to the EA please refer to this video:-

<https://www.youtube.com/watch?v=HHzBoQJgHoc&list=PLrE6Pzde0sajeHI50yUgGYlrQ95CSLz2C&index=4&t=0s>

The Human Rights Act (1998) – this legislation gives effect to the rights contained within the European Convention on Human Rights – these rights include for instance the right to life, the right to respect for private and family life. The act provides a means to seek justice through British courts when rights have been violated and requires public bodies to respect and protect individual rights. Find out more about the Human Rights Act here:-

<https://www.equalityhumanrights.com/en/human-rights/human-rights-act>

The Gender Recognition Act (2004) – this piece of law provides the means for someone with gender dysphoria to change their legal gender (after 2 years of ‘transitioning’) and obtain a Gender Recognition Certificate. Transitioning has a wide understanding and does not necessarily mean that the individual would have to have undergone reassignment

surgery. If a person's birth was within the UK, a GRC signifies that they can then go on to obtain a Birth Certificate in their recognised legal sex.

It is also worth noting that Data Protection legislation (the **GDPR and the Data Protection Act 2018**) also protect the rights of individuals in terms of how their personal data is handled and secured. Data related to trans status or gender reassignment is considered as 'special category' data and therefore necessitates additional safeguards in the way in which the data is handled, stored and shared. Data regarding an individuals' trans or gender status therefore must only be shared as appropriate to effect changes or provide services with the written consent of the individual.

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Appendix 2 - Guidance for staff managing the processes

- 1) Ask the individual to complete a change form, link here:- <https://forms.office.com/Pages/ResponsePage.aspx?id=zvgbpOZMq0Oajn1mQwRzvvcYiPNpk1BCjvE7XS6a5xRUNTIJTlpWVlhQSVNCNUtYMIpGQVVTSTBWMi4u> or provide them with a printed version (Appendix 2). Make sure their form is ready for you to use during your discussion but keep it confidential, if you have a hard copy, hold it in a locked cabinet until you can meet with them.
- 2) Review the information you have so far and contact the individual to agree a day/time to meet. Consider where the individual would prefer to meet and how you can maintain confidentiality. Do not suggest anyone else to accompany you however they may wish someone to accompany them. Before you meet with the individual, ensure you understand the policy and read the rest of this guidance. Also read the information under the LGBT/gender diversity section of the Inclusivity Toolkit which you can find here:- <https://sites.marjon.ac.uk/inclusivity/> - use the resources in the toolkit to make yourself aware of terminology that may be used in your discussion but don't worry – you aren't expected to be an expert.
- 3) Do not break the individual's confidentiality at this point if you need to speak to others to clarify processes. You can do this without sharing their personal details.
- 4) Greet the individual and allow them to explain in their own words what they currently need. Do try to take a few brief notes (action points) if it feels appropriate. Do not make any assumptions – people will be different in their needs and may not be ready to make significant changes, they may just want to explore what is possible at this point. Others will have already attempted to make changes but may have come to you now as it has been stressful for them to navigate the University's systems and processes or they may have come across 'blockers' or painful situations. Use open questions to elicit if they are struggling with particular issues right now (eg bullying and harassment).
- 5) If other issues arise such as bullying, be prepared to deal with these if time/expertise permits or arrange to discuss those points at another meeting with others involved if required. Focus on what you can affect for them today but when you summarise, clarify what will happen with the other points raised.
- 6) If the individual can provide legal evidence of the change, take a copy of the original documentation and note on the copy that you have seen the original (sign and date it too). Let the individual know where this copy will be stored and who will have access to it (usually in the People team – Personnel file for staff, and in the Student Support – Inclusion file for students).
- 7) UnitE changes – the Registry contact will be asked to make appropriate changes by you directly. If the individual is not yet making a legal change to their data, advise them of the limitations of the change (reporting within and outside of the University

with bodies such as SFE, SFW, SFNI, SLC, HMRC, DBS checks and DfE will be in their legal name only). If the change is official, ask them if they have also notified their funding body etc, advise them accordingly and note.

- 8) Email identity – the Computer Service contact will be asked to make appropriate changes by you directly if appropriate. This will be useful particularly if the change is informal and UnitE and other systems won't naturally force this change.
- 9) Graduation – students nearing graduation should be asked what name they want used at the graduation ceremony. Please take a note of their response and ensure this is notified to the Registry contact as soon as is reasonable if their ceremony is soon. Certificates can only be printed in legal names however if a student wishes to have their certificate re-issued after a legal name change, this can be arranged.
- 10) ITrent – the People Advisor will be asked to make appropriate changes. If the individual is not yet making a legal change to their data, advise them of the limitations of the change (I-Trent, payroll, pay slips, HMRC). If the change is official, ask them if they have also notified any other relevant bodies such as the HMRC. Explain how changes will be made to their physical Personnel file to protect any deadname.
- 11) Library/ID card – the Library contact will ensure that all library lists data are changed and can arrange for them to have a new ID card printed with no cost to the individual. If they are comfortable doing so (when on campus) they can contact them directly and have a new photo taken at an agreed time. If the individual does not wish to have a photo taken, they can provide one of their own either directly to the Library contact or you can arrange to send this on their behalf with the request.
- 12) Futures Online and Advisors – the Futures contact will ensure their workshop lists and any staff working with the individual is notified of the change.
- 13) Student Support/DIAS – whilst the SS database is changed automatically from UnitE, there may be other records within the team and particularly if they are registered with DIAS, these can all be changed.
- 14) Sports – engagement can be a tricky area for the individual but is something we should encourage for health and wellbeing. Sports centre membership cards can be easily replaced with new names/photo through the Sports Centre contact. If the individual is a member of a gendered sports team (or wishes to be), this is a complex and sensitive area and advice should be sought from our Sports Team contact/Inclusion Coordinator before further advising the individual. To summarise in non-competitive sports teams within University, the individual can self-define gender, however in BUCs¹ and other competitions there are rules and regulations which must be adhered to. The individual should be reminded however that there is a zero tolerance policy toward any bullying and harassment based on any of the protected characteristics.
- 15) Peers, colleagues, staff at the University and elsewhere such as at placement – have a discussion about how the individual would prefer to let people know about the changes. At this point they may need further time and space to consider their

¹ BUCS guidance on sport participation can be found in Appendix 5

options but ensure they are aware we can help advise and share in their communications when they are ready.

- 16) Support – ensure you signpost the individual to sources of support. Internally, there is support for students through wellbeing and counselling services within Student Support and for staff through their People Advisor and Balance. Externally, there is a wealth of support and information which could prove vital to the individual. Provide them with the ‘Sources of Support’ document.
- 17) Facilities – the University respects every individual’s right to use the facilities such as toilets and changing rooms in the space that they feel is appropriate for them and will support them to do so. It is not appropriate to suggest individuals use the accessibility or gender neutral facilities. Do confirm they should use the facilities appropriate to them and point out that ADDITIONALLY they may wish to note the campus has gender neutral toilets in several buildings (South – first floor opposite the View; West – ground floor near Student Support; Kirby Cudmore – ground floor near main door; Sports Centre – family and mixed changing rooms).
- 18) If a hard copy form (appendix 3 a or b) has been used to aid the discussion get the individual to sign this to ensure you capture their permission to share data with other relevant parties. (They may have already provided permission through the electronic form completion).
- 19) Summarise your discussion and the action points before the individual leaves and provide them with a copy of this (using a carbonated notes form or appendix 2 is ideal). Afterward, ensure you complete your actions (for instance:- email all relevant points of contact asking for changes to be made; put in further meetings with you or others as agreed; discuss any difficulties arising with the Inclusion Coordinator, the People Advisor or the Sports Team contact). Follow up to the individual within 3 days outlining what changes you have made for them and what else is still to be considered/completed. Provide an opportunity for them to come back to you again should they need further advice.

Checklist for actions taken (staff use)

Required action	Point of contact	Date completed
UnitE records/Registry team	Karen Barnfield	
Marjon email	Darren George	
I-Trent	People Advisor	
Library/ID card	Jo Irwin-Tazzar	
Futures/Abintegro	Sarah Stevenson	
Student Support/DIAS	Lynda Tout	
Sports Centre	Simon White	
Sports Teams/BUCS	Kathryn Kearney	

Policy on support and procedures for transgender, gender diverse and non-binary staff and students

Appendix 3a – Enabling Change of Identity at University – Students

IN CONFIDENCE

The attached policy has been written to ensure that the University effectively supports individuals wishing to make changes to their name, gender and other identity fields as a result of their transgender, gender diverse or non-binary identity.

This appendix is to be used to gain permissions so that the authorised changes can be made efficiently and in confidence. It should be used with reference to the ‘Appendix 2 - Guidance for Staff’ and ‘Appendix 4 – Sources of Support’ – a copy of the further resources should be provided to the individual.

Name (known as): Student Number:																																	
I give permission for to share information with essential staff in order to effect the following changes:-																																	
Change of name/title/pronoun/gender/other (please state) as described here -																																	
I would like this change effected immediately on University systems/processes as indicated below:-																																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #4F81BD; color: white;"> <th style="text-align: left;">System/Process/Area</th> <th style="text-align: left;">Effective date</th> <th style="text-align: left;">Office use (action taken)</th> </tr> </thead> <tbody> <tr> <td>Registry/Admissions/Exams (UnitE)</td> <td></td> <td></td> </tr> <tr> <td>Library loans and fines (Symphony)</td> <td></td> <td></td> </tr> <tr> <td>Student Support & Disability databases</td> <td></td> <td></td> </tr> <tr> <td>Futures (Abintegro)</td> <td></td> <td></td> </tr> <tr> <td>Check-in (historical info)</td> <td></td> <td></td> </tr> <tr> <td>University email (changes learning space)</td> <td></td> <td></td> </tr> <tr> <td>Library card – is new photo required? Y/N</td> <td></td> <td></td> </tr> <tr> <td>Sports Centre membership</td> <td></td> <td></td> </tr> <tr> <td> </td> <td></td> <td></td> </tr> <tr> <td> </td> <td></td> <td></td> </tr> </tbody> </table>	System/Process/Area	Effective date	Office use (action taken)	Registry/Admissions/Exams (UnitE)			Library loans and fines (Symphony)			Student Support & Disability databases			Futures (Abintegro)			Check-in (historical info)			University email (changes learning space)			Library card – is new photo required? Y/N			Sports Centre membership								
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Appendix 3a – Enabling Change of Identity at University – Staff

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Name (known as): Employee Number:		
I give permission for to share information with essential staff in order to effect the following changes:-		
Change of name/title/pronoun/gender/other (please state) as described here -		
I would like this change effected immediately on University systems/processes as indicated below:-		
System/Process/Area	Effective date	Office use (action taken)
i-Trent		
Personal file held in People Team		
University email		
Library card – is new photo required? Y/N		
Sports Centre membership		
This form continues overleaf...		

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Appendix 4 – Sources of Support

University Support – Students - Wellbeing support through the Student Support team email studentsupport@marjon.ac.uk or self-refer for counselling services at counselling@marjon.ac.uk . General advice through the Inclusion Coordinator. You may also wish to talk to the SU for general advice or contact Kathryn Kearney in regards to BUCS sport etc. For general wellbeing advice and crisis support Student Space is also very helpful:- <https://www.studentminds.org.uk/studentspace.html>

University Support – Staff – Occupational health support and access to Counselling services through the People Team, contact your People Advisor.

External sources of support and guidance which may be useful

Specific to trans/gender issues:-

Stonewall - <https://www.stonewall.org.uk/truth-about-trans>

Mermaids - <https://mermaidsuk.org.uk/>

Trans.ac.uk – <https://www.trans.ac.uk/>

Gendered Intelligence - <http://genderedintelligence.co.uk/>

Sports guidelines

BUCS guidance and advice is available as a separate appendix (5) and further information can be found here:- <https://www.bucs.org.uk/compete/rules-and-regulations/general-regulations/reg-4-individual-eligibility.html>

Where BUCS is not appropriate there are many individual policies that are sport specific which the University would follow. For instance, we are aware of the following bodies that have transgender policies:-

- Football Association
- British Swimming
- England Hockey
- England Netball
- Basketball England
- England Rugby

- LTA
- England Lacrosse
- Volleyball England – They don't have their own policy, instead they use the 'Pride in Sport' for their guidance: http://www.prideinsport.info/wp-content/uploads/prideinsport-volleyball_guidance.pdf

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Appendix 5 – BUCS guidance on competitive sport in Universities

Whilst Sports Centre membership cards can be easily replaced with new names/photos, it is more difficult to navigate participation in team sports for individuals who identify as trans, gender diverse or non-binary. The University recognises this and welcomes conversations to support you to continue sport engagement wherever possible which in turn will promote your well-being.

If you would like to speak with someone about the particular issues you are facing, please contact the Lynda Tout (Inclusion Coordinator) at ltout@marjon.ac.uk or Kathryn Kearney (Student Sports Officer) at kkearney@marjon.ac.uk for a confidential discussion.

Competitive sport in Universities is often driven through BUCS (British Universities and Colleges Sport). Brief information is provided below however you will find the most up to date and sport specific information on gendered sport participation here:-

<https://www.bucs.org.uk/compete/rules-and-regulations/general-regulations/reg-4-individual-eligibility.html>

BUCS outline above that where other rules are appropriate to be followed (for instance where the sport being played has an International or National Governing Body that has a policy on transgender participation according to the Sport Specific Regulations) these should be followed but also sets out in the absence of the above, transgender participation is on the basis of:-

- **REG 4.3.2 Transgender athletes not taking hormone treatment** Any transgender athlete who is not taking hormone treatment related to gender transition may participate in BUCS competitions in accordance with their gender as assigned at birth.
- **REG 4.3.2.1** A trans male (female to male) who is not taking testosterone relating to gender transition may participate in male or female competition. However they may not compete in both categories within 1 BUCS season. For example, if a trans male chooses to compete in male competition, they may not compete in any female competition in any sport in the same season.
- **REG 4.3.2.2** A trans female (male to female) who is not taking hormone treatment related to gender transition may not compete in female competition, but may participate in a male competition.
- **REG 4.3.3 Transgender athletes undergoing hormone treatment for gender transition** The following will determine in which category a transgender athlete is eligible to compete.

- **REG 4.3.3.1** A trans male (FTM) who has received medical treatment with testosterone related to gender transition may compete in male competition but is no longer eligible to compete in female competition.
- **REG 4.3.3.2** A trans female (MTF) being treated with testosterone suppression medication related to gender transition is eligible to compete in male competition and is not eligible to compete in female competition until completing 1 calendar year of testosterone suppression treatment.
- **REG 4.3.4 Mixed events** A transgender athlete will be eligible to compete in mixed competitions in their affirmed gender, subject to REG 4.3.2 through to REG 4.3.3.

Where BUCS is not appropriate there are many individual policies that are sport specific which the University would follow. For instance, we are aware of the following bodies that have transgender policies:-

- Football Association
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- England Lacrosse
- Volleyball England – They don't have their own policy, instead they use the 'Pride in Sport' for their guidance: http://www.prideinsport.info/wp-content/uploads/prideinsport-volleyball_guidance.pdf

Where campus sport is not governed by BUCS or other regulatory bodies, we encourage all students to participate in gendered sport as they feel is appropriate for them.

In addition, the University is encouraging and promoting the creation of mixed team sports which do not require a binary gender identity. If you would like to create a team/sport society for this purpose, please contact Kathryn Kearney at kkearney@marjon.ac.uk who will be able to offer you advice and support.

As set out in the '[Policy on support and procedures for transgender, gender diverse and non-binary staff and students](#)', the University will not tolerate bullying, harassment, or any form of intimidation or discrimination within our Community. If you experience any transphobic or other discrimination or harassment please report the behaviour to provide us with an opportunity to take action. Students can report any form of discriminatory behaviour informally here: <https://sites.marjon.ac.uk/handbook/report-support/> Students can make anonymous reports however we would urge you to also reach out for support if you have been subject to transphobic or other discrimination or harassment.