

**Equality Policy Unit**

HUMAN RESOURCES



**UNIVERSITY OF LEEDS**

# Guidance to Support Trans Staff and Students

February 2018

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## 1. Introduction

The University's [Trans Equality Policy](#) sets out our commitment, intent and principles for trans equality and it applies to all our prospective applicants for employment and study, employees and students, contractors, visitors and partners.

This guidance document has been developed to provide practical guidance, particularly in respect of staff and students, to support the implementation of the Trans Equality Policy.

Key aspects that this guidance covers include:

- Underlying principles to provide a welcoming and supportive environment;
- Practical guidance to support staff and students such as how to change name, gender and title and overseas travel, facilities, recruitment etc;
- Supporting staff and students through transition, recognising that individual circumstances will vary and ensuring staff and students are provided with appropriate support.

Where this guidance document refers to the word 'Trans people', it has in mind everyone whose gender identity is not expressed in ways that are typically associated with their biological or sex assigned at birth. This includes those who have non-binary, non-gender, agender or gender-fluid identities.

## 2. Key guiding principles

The University celebrates and values the diversity of its staff and students and believes that the employment and inclusion of trans people at all levels of responsibility and trans students within our community enriches our University environment. The University will treat all trans employees and students with respect and strive to provide a positive working and learning environment free from discrimination, harassment or victimisation, to enable them to achieve the best outcomes.

While the University Trans Equality Policy sets out the specific University undertakings for a trans friendly and inclusive environment, the guiding underlying principles are:

**Demonstrating a sensitive approach.** It is important to provide support to everyone, whether trans or not, to express their gender in the way they are most comfortable. Think of people as being the gender that they self-identify as. Listen and politely ask how someone wishes to be referred to.

**Respect.** It is important to respect people's privacy and boundaries – people may not want to reveal information about their past and anything to do with their relationship status (past, present or future) and other personal questions. If you feel it is appropriate to ask a question, consider asking if it is OK to do so first.

**Challenge.** If you hear, or see transphobic abuse, harassment or bullying, for example in the forms of derogatory jokes, graffiti, name-calling, inappropriate music, intrusive questions, unacceptable or unwanted behaviour, speeches and writings, challenge it and/or bring it quickly to the attention of your manager or tutor.

**Confidentiality.** Do not tell others about a person's trans status unless permission has been obtained. Assurance is given that as far as is possible any documents that have to be kept that have a person's previous name and gender will be kept confidential.

**Support.** Provide positive support to those who wish their trans status or gender identity to be known and for those undergoing or considering undergoing gender reassignment to meet the individuals' particular needs and agree with them how to manage this.

### 3. Practical guidance for staff and students

This part of the document provides guidance on how an individual student or staff member should change their name and gender on University systems. One of the key aspects is an individual change of name, title and gender.

#### 3.1 *How do I change my name, gender marker and title?*

Any requests will be actioned as sensitively, swiftly and as seamlessly as possible, in agreement with the student or staff member. Once the changes have been made, as far as is possible, there should be no records which would disclose the individual's trans status to a third party.

##### **Students**

Changes should be requested in person through the Student Services Counter. You should complete a Student Notification of Change Form to confirm you wish to make changes and if you wish provide documentation of change of name by deed poll, statutory declaration, birth certificate, passport or driving licence. You will need to provide photo ID when requesting this change.

The Student Services team will provide information about other considerations for students following this change for example:

- the need for the student to manage the name or gender marker change for any external partners or agencies such as UK Visa and Immigration (UKVI), student loans, sponsors, banks. Appendix 1 provides details of other cards, documents and materials which the student may need to consider changing;
- please be aware, students will be contacted prior to award ceremonies to confirm the name to appear on certificates: therefore if there is a requirement for a different name, you can request this, for example, if there is a need for this to match other documentation such as sponsor records. Students at award ceremonies will be referred to by the name on their award certificates;
- if you are an international student on a tier 4 visa you should be aware that University student records are required to match UK Visa and Immigration (UKVI) records. If this situation applies, please contact the [Equality Policy Unit](#).

With your consent the Student Services team will update our student record systems and liaise with University staff on a confidential basis, to request updates to other databases used by the University. Requested changes will be completed within a reasonable timeframe.

## Staff

Staff are asked to contact the [Human Resources Information Officer](#) (telephone: +44 (0)113 343 4129). You should complete a Staff Notification of Change Form to confirm you wish to make changes and if you wish provide documentation of change of name by deed poll, statutory declaration, birth certificate, passport or driving licence. You may need to provide photo ID when requesting this change.

The Human Resources Information Officer will:

- provide information about other considerations following this change, for example, whether you wish for your email address to be changed and the updating of staff ID cards. Appendix 1 provides details of other cards, documents and materials which you may need to consider changing;
- Update SAP and liaise confidentially with key University staff with your consent to request updates to other databases used by the University. Requested changes will be completed within a reasonable timeframe.
- Please be aware to change University pension schemes details you will need to provide a statutory declaration or deed poll.

See section 5.3 for further guidance on supporting staff and students wishing to change their records.

### **3.2 Staff recruitment**

If you are applying for a role at the University and are concerned that you may be 'outed' by the recruitment process (for example by providing P45, academic biography or photo ID) you should contact the [Human Resources Information Officer](#) who will be able to support you, particularly with regards to documentation and references, through the recruitment process. The University is required to carry out right to work checks in the UK before employment commences which necessitates checking photo identification however applicants only need to provide these documents to HR. Strict confidentiality will be maintained.

### **3.3 Student applications**

If you are applying for a place at the University and you do not wish to disclose your trans status for a programme of study contact the relevant Admissions team either [Undergraduate](#) or [Postgraduate](#) and they will be able to support you through the application and admissions process. Admissions staff may be required to advise the relevant Faculty Admissions Manager in order to facilitate removal of any previous documentation. The University will be required to carry out identity checks as part of the registration process however these will be undertaken confidentially and with sensitivity.

### **3.4 Use of pronouns/nouns**

A person should be addressed and referred to using the pronouns which make them feel comfortable. This could be he, she, they, per, hir or other pronouns. If you are uncertain, either listen to what pronoun others are using or politely ask what they prefer, for example "Hi, I'm xxx and I use the pronouns he and him. What about you?" Encourage others to use these pronouns too and if the wrong pronoun is used, apologise quickly and move on. This can be more uncomfortable if a bigger deal is made of the situation. This is also a partnership therefore the trans person can inform of changes in pronouns and mistakes to colleagues who are unaware.

When referring to people by nouns as well as pronouns you should also refer to them in gender neutral terms for example person, student, visitor, customer or partner rather than for example lady, gentleman, husband or wife.

### **3.5 References**

For current or former staff or students who are trans, references should make no mention of trans status. The appropriate pronouns should be used and no mention will be made to your former names, or out you as trans. Any reference requests received for someone who has transitioned, which refers to a previous name or gender, will be responded to that the University has no record.

If a student or staff member has left the University and then later transitions, they can request their name to be changed on University systems for students through the [graduation team](#) and for staff through the [Central HR Team](#) (proof of ID will be required).

### **3.6 Occupational requirements**

In rare circumstances, being a particular sex can be an occupational requirement. Equality law makes clear an employer must be reasonable in claiming an occupational requirement and this must be identified at the beginning of the recruitment process.

For students, if a placement is identified with an occupational requirement for a particular sex and a student does not have a changed birth certificate, a meeting should be held with the student as soon as possible to discuss whether the University can inform placement providers of their trans status and to identify the most suitable placement for the student.

### **3.7 Overseas travel and field trips**

In some countries trans people may experience societal hostility, there are legal implications and/or societal attitude challenges. Consideration needs to be given to this in planning of trips for example for Study Abroad opportunities or teaching/researching abroad. There would be implications if a student or staff member were to be hospitalised or searched at the airport. Also consideration needs to be given to whether the person has the necessary documentation in their self-identified gender to travel.

Students are advised to contact the Study Abroad Office or School Support Officers for more information, advice and guidance.

Staff are advised to contact their local Human Resource Manager for more information, advice and guidance.

Faculties and Services can seek further help and advice from Equality Policy Unit or Leeds University Union (LUU).

### **3.8 Facilities**

Trans people can use single-sex facilities (such as toilets and changing rooms) according to their self-identified gender. There are also a number of gender neutral facilities across the University (details to be included on Campus Map in due course). Non-binary people can use the facility that seems most appropriate to them.

### **3.9 Confidentiality**

Confidentiality of information relating to a person's trans status is essential.

## 4. Reporting transphobia

The Dignity and Mutual Respect Policy sets out the procedure for making complaints of bullying, harassment and victimisation and the support that will be provided.

For Staff - Incidents should be raised through your Faculty or Service line manager or directly to your [local HR Manager](#).

For Students – Incidents should be raised either through your personal tutor, the Student Advice Centre at Leeds University Union, the University's Complaints Officer or your residences warden.

## 5. Supporting staff and students going through transition

If a student or member of staff is considering or undergoing the process of transition, students should contact their personal tutor or local School office and for staff their local Human Resources team. A meeting will be arranged to discuss the situation in confidence and to agree the process for supporting the student or staff member with their transition. Anyone has the right to live as if they had always been of their chosen gender.

A very important element of this meeting will be to determine who should be told what and when and how this should occur. This decision should be led by the trans staff member or student.

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

- Confidentiality – the University will respect the confidentiality of all trans staff and students and will not reveal information without their prior agreement;
- Whether the individual wishes to inform line managers, co-workers/fellow students themselves, or would prefer this to be done on their behalf. When and how this should be done;
- Whether training or briefing of co-workers, fellow students or service users will be necessary, at what point and by whom this will be carried out. HR staff, managers and colleagues may require additional training when working with a colleague who is transitioning. Contact your local HR team or Equality Policy Unit if this would be useful;
- The trans person's preferred time for change of name and/or title (Miss/Ms/Mrs/Mr/Mx) and personal pronouns (he/she/they etc.), personal details, gender and other relevant required amendments to records and systems. After which point they should be referred to solely in their chosen name and by their preferred pronoun;
- The expected timescale of any medical and/or surgical interventions and procedures and the time off required (please be aware that a person at the beginning of their transition is unlikely to know this information);
- Any time off required for appointments and/or treatment and/or possible side effects from any medication and how this will affect job/study;
- Signposting to additional services at the University such as staff and student network groups, Occupational Health and the Counselling Service.

- For a student, whether they want to continue their course of study, defer for a set amount of time or come to some other arrangement;
- Whether a member of staff wishes to stay in their current post or be redeployed and if the latter, whether redeployment is possible;

Appendix 1 provides a useful checklist that covers most of the issues that need to be considered when an individual is going through this process. Section 6 provides details of key sources of support and their contact details.

**It is important to understand that one of the most significant moments will be when the individual wishes to start presenting in their preferred gender publicly. It is crucial that this is managed and communicated in an appropriate manner to those that have a working or study relationship with the individual.**

### **5.1 *Practical considerations***

Some practical considerations will arise when a person is transitioning, for example, single gender facilities and dress codes. When a person transitions, they usually start to use the facilities that are appropriate for their gender identity, e.g. trans women use the female facilities, trans men use male facilities. It may be necessary to explain the situation carefully to work/study colleagues after consultation with the trans person. Suggesting that the trans person use the disabled toilet is not acceptable unless the person is disabled, requires the use of those toilet facilities, or prefers to do so. There are a number of toilets and changing facilities across campus that are both gender neutral and accessible. Details will be added to campus map as soon as possible.

Flexibility is required in dress codes while someone is early in transition, as they will often have to buy new clothes, and this should be discussed with the individual, taking into account what they are required to wear to work and in line with any health and safety dress codes that the university has which are applicable to staff and students.

### **5.2 *Managing absence***

The Equality Act (2010) states it is discrimination to treat a trans person less favourably in work or study because they require absence for any part of the medical processes involved with gender reassignment than someone who is absent from work for another reason, for example, due to recuperation, counselling or medical appointments. This includes all related treatments (e.g. hormone therapies, surgical procedures), and also extends to any rectification of related surgical procedures if these are required.

Staff undergoing medical and surgical processes related to gender reassignment will be appropriately supported to enable them to attend their appointments whilst meeting their workload commitments and priorities. Early discussions should take place with the relevant line/HR Manager to facilitate absence from work and minimal impact on workplace priorities and teams.

Other policies such as the Flexible Working and extension of study period may also be helpful to consider. As with all cases, managers or tutors/student support staff should be as flexible as possible to meet requests for leave or changes to working patterns and study, being mindful to operational needs and study commitments including the submission of assignments and completion of examinations.

### **5.3 Records**

No records should be changed without the permission of the staff member or student concerned. An agreed date should be planned on which appropriate records are changed.

Trans people can change their legal name by making a deed poll or statutory declaration of name change. However, some trans people choose not to change their name immediately or have no intention of changing their name. It is never a requirement for a staff member or student to present a Gender Recognition Certificate to change their name.

Some records can be changed at the request of the individual (HR/student records, e-mail, staff directory, occupational health etc) without a statutory declaration or deed poll needed. A written request ie staff or student notification of change form is sufficient. Other records (for example University pension) can only be changed once a statutory declaration or deed poll has been received (see section 3.1). Under the Data Protection Act/General Data Protection Regulation (GDPR), trans identity and gender reassignment information constitutes 'sensitive data'.

A person's file or record should always reflect their current name and gender. Where any documents need to be kept related to the person's trans status these should be kept confidentially in a sealed envelope and only be viewed when required and with the permission of the individual concerned. If a trans person obtains a Gender Recognition Certificate (GRC), they have the right to request that all references to their former name and gender are removed from old records. In this case all past records must be updated and replaced in their file. For example, their old birth certificate should be replaced with their new one; any letters for offers/acceptances should be replaced reflecting their new name. Nothing should remain in the file that would reveal to a third party that a change has occurred. Any person handling this data has a responsibility to keep it confidential, comply with data protection regulations and to ensure the individual is not 'outed'.

## **6. Additional support for staff and students**

### **6.1 Internal Support for Students**

Your personal tutor and/or your School or Faculty office

[Student Counselling and Wellbeing](#)

[Leeds University Union LGBT\\* Society](#)

[Leeds University Student Advice Centre](#)

[Leeds University Student Welfare Officer](#)

### **6.2 Internal support for staff**

Your line manager, [local HR team](#), the [Equality Policy Unit](#)

Trade Unions: there are three official campus trade unions: [UCU](#), [UNISON](#) and [Unite](#).

[Staff Counselling and Psychological Support Service \(SCPSS\)](#): Line managers supporting trans staff can also consult with SCPSS for psychological perspective and support.

[LGBT Staff Network](#)

### [Occupational Health](#)

Information and training for colleagues – contact your local HR team or Equality Policy Unit for more information.

## **6.3 External support:**

[The Equality Challenge Unit](#)

[Gender Identity Research and Education Society](#)

[Trans\\*formation](#)

[Gendered Intelligence](#)

[Trans Leeds](#)

## **6.4 Related policies:**

[Policy on Dignity and Mutual Respect](#) - the University's Policy against bullying, harassment and victimisation, together with complaints procedures for staff and students.

[Equality and Inclusion Framework](#) – sets out the vision for the University to be a beacon of excellence in the sector, promoting a culture of inclusion, respect and equality of opportunity for all.

[Flexible working Policy](#) - explains what flexible working is and how to ask to work flexible hours to help fit your work hours around your personal commitments.

[Extending your study period](#) - explains the process if you wish to extend your study period.

## **Acknowledgements**

This policy and procedure has been developed using the Equality Challenge Unit's Guidelines on Trans Staff and Students in HE and colleges: improving experiences (2016) and with thanks to the University of Manchester for enabling us to develop our guidance based upon their document but adapted to fit our institutional context.

The University recognises that this guidance will not cover every eventuality and individual complexities will need to be worked through. We will review the guidance in 12 months and any feedback to the [Equality Policy Unit](#) will be welcomed during this period.

Further information, advice and guidance on the Trans Equality Policy and this guidance is available from the [Equality Policy Unit](#).

Please also contact the Unit if you require this document in an alternatively published format.

**Equality Policy Unit  
University of Leeds  
February 2018**

## Appendix 1

# Suggested checklist when discussing a student or staff member's transition

For each section of this suggested checklist timescales and dates and who is responsible should be considered.

### Name change

Identification cards/name badges that may need changing (including, but not limited to):

- Staff ID card \*\*
- Student ID card \*\*
- National Union of Students card
- Trade Union membership card
- Club and society cards
- Professional membership cards
- Accommodation access card \*\*
- Volunteer or mentor identification

Documents/materials that may need to be replaced or altered (including, but not limited to):

- Online records, academic biographies, staff & student directory\*\*, email and user names
- All student/staff records and databases, enrolment forms, finance records\*\*
- Programme and module lists\*\*
- Personal tutor records\*\*
- Occupational health/disability/counselling records
- Committee minutes and records, e.g. boards of study, academic boards
- Certificates, e.g. council tax exemption, training attendance\*\*, degree\*\*
- Club and society membership records
- Payroll \*\* (and banking details)
- Pension: death in service and dependents' benefits\*
- Student loan company/local education authority
- Company insurance
- Volunteering or mentoring records

Those marked with a \* require legal proof (statutory declaration, deed poll or birth certificate) of name change before amendments can be made.

Those marked with \*\* indicate staff and student records that will be updated through the process of changing name, gender marker and title (see section 3.1).

When a trans person has received a Gender Recognition Certificate, they have the right to request that all references to their former name and gender are removed and replaced with their current name and gender. Given that it takes time to obtain a Gender Recognition Certificate, it is good practice to regard those who have changed their gender as if a GRC was held, from the date of transition onwards (subject to any other legal requirements).

### Process

You should also think about who should inform the following:

- students and other colleagues

- Human Resources
- support departments (finance, student records, accommodation, etc.)
- committee chairs/secretaries
- club and society members
- Volunteer or mentor groups

### **Questions to consider:**

If the student/staff member is, or will be, undergoing surgery or other treatment, do they know dates?

If the student/staff member requires time off for surgery and recovery, what process/support/adjustments are needed to ensure the student/staff member remains on their programme of study/in employment, or can return when they have recovered? Will it have any impact on their studies or work?

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

Will additional cover be required during times of absence?

A person who is absent because of gender reassignment must not be treated less favourably than another person who is absent due to sickness or injury.

### **Training**

Will there be a need to arrange training for fellow students, immediate team members and other university colleagues?

Who will deliver this training and what will the training cover?

Will the individual wish to attend the training?

### **Genuine Occupational Requirements (GOR's)**

See section 3.6 for more details. Are there any genuine occupational requirements during the student's programme of study or staff member's work, e.g. counselling, social care, NHS, charities, schools?

Are there any GOR's volunteer placements or work-based learning?

### **Ceremonies**

During awards ceremonies...if the individual has not legally changed their name or is not out to everyone, which name would they prefer to be used?

### **Discrimination and harassment**

Are staff and students aware of the Dignity and Mutual Respect Policy? Does everyone understand their responsibilities and how to deal with any transphobic incidents?

## Appendix 2

### Legal context

#### Previous Legislation

The Gender Reassignment Regulations 1999 was replaced by the Equality Act 2010.

#### Current Legislation

##### Gender Recognition Act 2004

Gender Recognition Act 2004 allows people who meet certain criteria to apply for a Gender Recognition Certificate. This certificate allows people to obtain certain specific legal documentation, for example birth, death, and marriage certificates, in their new legal gender. The Gender Recognition Act makes it illegal to disclose someone's trans status to someone else without explicit permission from the trans person in question.

##### The Equality Act 2010

Gender reassignment is one of the distinct protected characteristics covered under the Equality Act. A person has the protected characteristic of gender reassignment if that person is proposing to undergo, is undergoing or has undergone a process for the purpose of reassigning the person's sex by changing the physiological or other attributes of sex.

Such a person is referred to under the act as a transsexual person and it is unlawful to discriminate against such a person in work and in the provision of goods, facilities, services and public functions.

It is not necessary to be under medical supervision and those perceived as people who have undergone/are undergoing gender reassignment along with those associated with people who have undergone/are undergoing gender reassignment such as family, friends and colleagues are also protected from unlawful treatment. Under the Equality Act, it is unlawful for an employer to:

- Discriminate directly by treating a job applicant or employee less favourably than others because of gender reassignment;
- Discriminate by treating an employee less favourably in relation to absences from work because of gender reassignment;
- Discriminate indirectly by applying a provision, criterion or practice (PCP) that disadvantages trans job applicants or employees without objective justification;
- Subject a job applicant or employee to harassment related to gender reassignment, to harassment of a sexual nature, or to less favourable treatment because they reject or submit to harassment;
- Victimise a job applicant or employee because they have made or intend to make a discrimination complaint, or because they have done or intend to do other things in connection with the Equality Act.

In addition, the public sector equality duty under the Equality Act requires public authorities to have due regard to the need to eliminate discrimination, harassment and victimisation against transsexual people, to advance equality of opportunity and foster good relations between transsexual people and others.

## Appendix 3

### Glossary of terms

**Cisgender**, often shortened to 'cis', is a word to describe people whose gender is the same as the one they were assigned at birth, i.e. people who are not trans.

**Dual role** is a person occasionally wearing clothing and/or makeup and accessories that are not traditionally associated with the sex they were assigned at birth. Generally they do not wish to transition and do not necessarily experience gender dysphoria.

**Gender Reassignment** is the legal term used in the Equality Act, 2010 to describe the protected characteristic of anyone proposing to undergo, undergoing or who has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

**Gender Recognition Certificate (GRC)** is issued to those who are legally recognised in their acquired gender for all purposes. It is NEVER appropriate and is unlawful to ask a trans person for a GRC. Where a GRC is obtained a person's gender history can only be disclosed in very explicit exceptions in law.

**Intersex** refers to people who are born with variations of sex characteristics, which do not always fit society's perception of male or female bodies.

**Non-binary** is a term used by those whose gender does not fit with the expectation that people should be either men or women, also known as gender binary. Other terms used by people who do not identify as male or female include genderqueer, genderfluid, agender and bigender.

**Transgender**, often shortened to 'trans', is a term that describes people whose gender is different to the one they were assigned at birth. For example, a trans man is a man who was assigned female at birth.

**Transition** refers to the steps that a trans person takes so that their presentation or body better reflects their gender. Transitioning can, but does not need to, include the following: using different pronouns, choosing a different name, wearing different clothes, using different gender facilities, changing gender or sex markers on official records, taking hormones or having surgery. Not all trans people choose to transition.

**Transmisogyny** is the intersection of transphobia and misogyny that is experienced by trans women and other trans people who were not assigned female at birth.

**Transphobia** is used to refer to hatred, prejudice and acts of violence towards trans people by individuals.

**Social Transition** may be the first step, which means a person makes changes in their appearance and social situations to reflect a change of gender, they may change their name and pronoun and use different gendered facilities.