STUDENT TRANS EQUALITY POLICY

Purpose

This policy is designed to support any student who wishes to take, or has taken, steps to present themselves in a gender different to their gender assigned at birth.

This policy aims to provide general guidance and policy advice to students and staff about trans and gender reassignment matters. It seeks to mirror the Trans Equality Policy for staff and should be read in conjunction with it.

Scope

This policy covers all taught and research students at the University.

1. Introduction

1.1 This policy outlines the University’s commitment to providing an inclusive and welcoming environment where all students are treated with dignity and respect and are not disadvantaged during their studies.

1.2 The University will at no time discriminate against people on the grounds of their gender identity or gender expression. The University recognises that the terms ‘trans’ and ‘transgender’ are inclusive umbrella terms for people whose gender identity and/or gender expression differs from their sex assigned at birth. This includes those who have non-binary, agender or gender-fluid identities. Definitions and terminology used in reference to ‘transgender’ and ‘gender identity’ is evolving and highly personal. Appendix 1 provides guidance on some of the most commonly used terms.

2. The Legal Context

2.1 The Equality Act 2010 includes gender reassignment as one of nine protected characteristics. The Act offers far reaching protection from discrimination on grounds of gender reassignment and protects:

- a person who has proposed, started or completed a process to change their gender;
- trans people who are not under medical supervision;
- people who experience discrimination because they are perceived to be trans;
- people from discrimination by association because of gender reassignment, e.g. the parents of a trans child from being discriminated against because their child is transitioning.

The Act also makes it unlawful on the grounds of gender reassignment to:
• subject someone to harassment, unwanted conduct that violates a person’s dignity and creates an intimidating, hostile, degrading, humiliating or offensive environment
• victimise someone because they have made a complaint or allegation or have given evidence against someone else in relation to a complaint of discrimination
• discriminate against someone in some circumstances after the working relationship has ended.

2.2 Any discrimination, harassment, bullying or victimisation is a breach of the Student Regulations and such behaviour may result in action being taken under the Student Disciplinary Procedure. Any complaints of bullying and harassment are taken seriously and dealt with promptly.

Examples of harassment against trans people include:

• verbal abuse such as name-calling, threats, derogatory remarks or belittling comments about trans people;
• jokes and banter about someone’s gender identity or trans people generally;
• refusing to use the pronoun appropriate to someone’s acquired gender (for example, calling a trans woman “he”) or calling the person by the name they had before they transitioned;
• threatening behaviour or physical abuse;
• intrusive questioning about someone’s gender identity or transition;
• excluding a trans colleague from conversations or from social events;
• refusing to work with someone because they have transitioned; and
• displaying or circulating transphobic images and literature.

2.3 All students are made aware of the code of conduct in the Regulations for Taught/Research Students at the point of registration and re-enrolment. The Regulations for Taught/Research Students also outline the procedures in place for handling complaints of inappropriate behaviour by either staff or other students.

2.4 The Gender Recognition Act 2004 allows trans people who are able to satisfy the Act’s evidence requirements to apply to the gender recognition panel in order to seek full legal recognition of their acquired gender. If an applicant is successful they will be issued with a full or interim gender recognition certificate (GRC). A full GRC enables the person to obtain a new birth certificate which does not disclose the fact that they have changed gender. The Gender Recognition Act also makes the disclosure without permission by a third party of a student’s trans status potentially a criminal act.

3.0 Supporting Students

3.1 The University recognises that the process of transitioning can be an extremely difficult one and endeavours to provide the necessary support and understanding to students during the process.
3.2 A student is encouraged to seek support at an early stage whether they are planning to transition or already in the process of transitioning so that appropriate support can be provided. This may be provided by Student Services, the Students’ Union, their Personal Academic Tutor or someone else with whom they feel comfortable. The student and their supporter may find it beneficial to develop a confidential action plan, detailing all the steps to take before, during and after the student’s transition. Regular review meetings should take place to ensure the right support is in place. Effective support for someone who is transitioning requires dialogue, agreed action and respect. A template action plan is attached as Appendix 2. Transition notes should be destroyed once the student has successfully transitioned or left the university, whichever is first.

4.0 Confidentiality

4.1 The University of Huddersfield will respect the confidentiality of all trans students and will ensure that confidential and protected information relating to their gender identity is not disclosed without their prior written agreement. Student records should reflect their current name and gender.

4.2 All personal information gathered by the University relating to students is treated with the care and confidentiality required by the Data Protection Act 2018. The University will ensure compliance with section 22 of the Gender Recognition Act 2004, which makes it a criminal offence to pass information of a person’s trans status to a third party without the consent of the student concerned. It is unlawful to reveal that an student has, or may have, applied for a GRC unless permission has been given by that person.

5.0 Changing student records

5.1 Evidence of a formal name change and/or gender is required before the University can issue a certificate in the preferred name. Any certificate previously produced under the former identity must be returned before a replacement certificate can be issued. The University would not ask to see a GRC certificate as it breaches the individual's right to privacy and is regarded as unlawful. However, other permissible evidence could be requested which may take the form of a statutory declaration or deed poll for a change of name or if a student has changed their legal gender, an amended birth certificate would suffice.

5.2 If a student does not want to change their name by deed poll or statutory declaration of name change, but would like to be known by a different name/gender, they can inform the student records team, who will update their details on the Student Records system.

5.3 No records should be changed without the permission of the student concerned.

5.4 All electronic records will be updated, for example, in the VLE. If applicable, paper records will be updated where possible.
6.0 International Students

6.1 Some countries do not have a process in place to enable their citizens to change their gender on identification documents. Trans people can also experience societal hostility and persecution. Consequently, some international students may seek to transition while studying in the UK. Others may have had their self-defined gender legally recognised by another country and may be eligible to apply for a GRC. It is important to note that any such transition may impact on any future visa applications and/or immigration status and therefore we would strongly advise that students ensure their immigration documentation reflects their name and gender. Students with Tier 4 visas are required to report a legal name change to the UK Visa and Immigration authority.

6.3 Where a trans person applies to become a British citizen, they will normally be naturalised in the name and gender contained in their passport, home office travel document and national identity card. However, when they have been unable to obtain a passport from their country in their acquired gender and were issued with a BRP in their acquired name and gender they can be issued with a naturalisation certificate in the identity contained on their BRP.

6.4 Trans people who hold non-British passports and identity cards in their former name and gender will normally be expected to align their other passport(s) or identity card(s) to reflect their acquired name and gender, so that they are using one name for all purposes. Failure to align this documentation could impact on their immigration status and, as a consequence of this, their registration with the University if they are unable to evidence their identity matches their right to study in the UK.

6.5 International students who are only in the UK for a limited period may wish to use a preferred name and gender within the University, but make no changes to their documentation from their own country. The University will need to keep copies of official documents for visa purposes and University systems will retain the original name and gender.

7.0 Toilets and Changing Facilities

7.1 The University recognises that a trans person should have access to any single-sex facilities e.g. toilets, changing rooms, overnight accommodation on University Trips according to the gender by which they identify. Many of our toilets and all changing facilities on our campus are gender specific but gender-neutral toilets are available in some University buildings for students that prefer to use these. We appreciate that some trans people, including those who are non-binary prefer to use gender-neutral facilities. The student may find it useful to agree with their school when they wish to start using facilities appropriate to their acquired gender and how this should be communicated to others. A trans student should not be required to use disabled toilet facilities, nor facilities of their former gender.
8.0 Absence from the University

8.1 Any absence relating to gender reassignment will be managed in line with the University’s Attendance Monitoring regulations. The University will ensure that time off for these purposes will be treated no less favourably than time off for illness.

9.0 Recruitment and enrolment

9.1 Staff should not ask questions about an applicant's gender identity or gender history. If an applicant chooses to mention this during their application, they should be informed that the organisation supports trans students and assured that the disclosure will have no bearing on the outcome of their application.

9.2 The requirement to provide proof of identity at enrolment can be particularly sensitive for a trans applicant whose identification documentation may be in their previous names. The University will always ensure that a student is made aware of the full range of permissible identification documents and that the process of checking is handled sensitively and with respect for privacy of the individual.

9.3 Where a student’s documentation reveals their previous name and thereby their gender history, this information will be kept confidential and stored securely with the permission of the student and in accordance with the University’s data protection policy. The same approach will apply where an applicant is required to present qualification certificates and the certificates are in the applicant’s previous name.

10.0 DBS checks

10.1 For some of our courses that require a Disclosure and Barring Service (DBS) check, the DBS Service has a sensitive applications team in order to protect details of previous identity.

11.0 References

11.1 Reference requests made for current and former students who have transitioned should not make reference to the student’s former names, gender or pronoun, unless explicit permission has been obtained from the student. This is in compliance with the Data Protection Act 2018 and the Gender Recognition Act 2004. Reference requests for someone who has previously transitioned, which refers to them by a previous name or gender, will be treated as confidential.

12.0 Training and awareness raising

12.1 Transgender Awareness training is available to all University employees in order to increase the understanding of the diversities of trans students and raising awareness of the barriers they can face.

13.0 Sources of information and support

13.1 Please see appendix 3
Appendix 1

Glossary of Terms

**Acquired gender**: Used in the Gender Recognition Act 2004 to describe a person's gender after transitioning. As this is a legal term, many people now prefer to use the term "affirmed" gender.

**Assigned gender**: The gender assigned to someone at birth, based on their physical characteristics.

**Cross dresser**: Someone who chooses to wear clothes not conventionally associated with their assigned gender. "Cross dresser" is now used in preference to the term "transvestite", which is considered to be outdated and can cause offence. Cross dressers are generally comfortable with their assigned gender and do not intend to transition.

**Gender**: The socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women.

**Gender dysphoria**: A recognised medical condition where the individual experiences severe discomfort and anxiety because their gender identity does not align with their biological sex.

**Gender expression**: How someone manifests their gender identity in society, for example through their appearance and behaviour.

**Gender fluid**: Having a gender identity which varies over time

**Gender identity**: A person's internal perception of their gender, their sense of self. For transgender people, their gender identity does not match the gender they were assigned at birth.

**Gender reassignment (or transitioning)**: The process where an individual changes their expressed gender to live fully in the gender with which they identify. For example, a person who was born female decides to take steps to live the rest of their life as a man. Gender reassignment does not require medical treatment and is a protected characteristic under the Equality Act 2010.

**Gender Recognition Certificate (GRC)**: Issued by the Gender Recognition Panel – signifies full legal rights in acquired gender and allows the issuing of a replacement birth certificate.

**Intersex**: An intersex person is born with ambiguous genitalia and/or sex chromosomal variations, making it difficult to classify their biological sex. There are many different intersex conditions. An intersex person may self-identify as a man or a woman or neither.

**Non-binary**: An inclusive term to describe people whose gender identity is "fluid" and not exclusively male or female. A non-binary person may identify as neither male nor female
or may feel that they embody elements of both genders, or that they are something different. The terms intersex and non-binary are not interchangeable.

**Sex**: The biological and physiological differences that define men and women.

**Transgender (or trans)**: An umbrella term describing the diverse range of people whose gender identity or gender expression differs from the gender they were assigned at birth. The term can encompass individuals who are transsexual, cross dressers or non-binary.

**Transitioning**: The steps taken by individuals to live in the gender with which they identify. These steps will vary but may include choice of dress, changing names, medical procedures and telling other people.

**Transsexual**: A transsexual person has the protected characteristic of gender reassignment and is defined in the Equality Act 2010 as someone who is "proposing to undergo, is undergoing or has undergone gender reassignment". Gender reassignment is a protected characteristic under the Act. It is not necessary for a transsexual person to have to be under medical supervision to be protected in law from discrimination.

**Transphobia**: A fear of or a dislike of transgender people. It is based on prejudice and misunderstanding and can involve verbal abuse, physical violence and other forms of harassment.
Appendix 2
Template Transition Action Plan

Points to discuss:

Confirm the date for the change of gender presentation

Confirm dates of requests for absence (appointments, surgery, etc.)

Agree who needs to be informed, when and how confidentiality will be managed. This might include some academic and professional services staff.

Discuss options for communicating with others:

• How would the individual like others to be informed?
• Do they wish to inform others themselves?
• Would they like their school to do this?

Discuss and agree practical considerations, for example:

• A change in use of facilities (toilets, changing rooms) and dates when changes need to take effect
• ID and membership card/s to be amended
• Inform Student records team
• Amending records

Agree any next steps and set a date to review
Appendix 3

Sources of Information and Further Advice

**LGBTQI+ Society** can offer support, information and social activities.

**Stonewall** is a lesbian, gay, bisexual and transgender rights charity in the UK

[www.stonewall.org.uk](http://www.stonewall.org.uk)

**The Beaumont Society**: a support network that promotes better understanding of the conditions of transgender, transvestism and gender dysphoria.

[www.beaumontsociety.org.uk](http://www.beaumontsociety.org.uk)

**Depend**: Organisation that offers free, confidential and non-judgmental advice, information and support to all family members, partners, spouses and friends of trans people.

[www.depend.org.uk](http://www.depend.org.uk)

**Equality and Human Rights Commission**: a statutory body with responsibility for protecting, enforcing and promoting equality across all nine protected characteristics.

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

**The Gender Trust**: An authoritative centre for professional people who are dealing with gender-identity related issues during their time in work.

[www.gendertrust.org.uk](http://www.gendertrust.org.uk)

**Mermaids UK**: Provides support and information for children and teenagers who are trying to cope with gender identity issues, and for their families and carers.

[www.mermaidsuk.org.uk](http://www.mermaidsuk.org.uk)

**Transgender Zone**: is an online resource that covers all aspects of transgender issues, including a section specifically for female-to-male trans people.

[www.transgenderzone.com](http://www.transgenderzone.com)
### POLICY SIGN-OFF AND OWNERSHIP DETAILS

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