

SOAS Trans, Non-binary & Intersex Inclusion Guidance for Staff

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gendered intelligence
increasing understandings of gender diversity



Trans, Non-binary and Intersex Inclusion Guidance for Staff

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Introduction

SOAS recognises that all aspects of the University play a part in supporting trans, non-binary and intersex inclusion. People are more likely to excel if they can be themselves at work. When all staff and students work together to create a respectful and nurturing environment for trans, non-binary and intersex people this improves the workplace for everybody.

This guidance seeks to establish the wider context that trans, non-binary and intersex people engage with at work. The aim of this guidance is to encourage and promote a holistic inclusive approach across all policies and practices. As such it provides a 'one stop shop' for the inclusion of trans, non-binary and intersex staff at SOAS.

This guidance is primarily aimed at members of staff who are supporting trans, non-binary and intersex staff members at SOAS. This includes line managers, HR, equalities teams, as well as other colleagues.

It will also be useful for trans, non-binary and intersex staff members to read this guidance to understand what to expect from SOAS and how SOAS can support you.

Some trans, non-binary and intersex members of staff may choose not to share their identity at SOAS because they fear a negative reaction from their managers, colleagues and other individuals at SOAS, including students. As a result, such staff members may be under considerable stress. This may lead to people needing time off from their work to take care of their mental health and more generally not feeling able to study to their full ability.

If someone tells you they are trans, non-binary or intersex it is important to make sure they feel included and supported. We will do all we can to make trans, non-binary and intersex staff members feel comfortable and included at SOAS.

About Trans, Non-binary and Intersex People

Trans, non-binary and intersex people have things in common, because of the huge cultural pressures stemming from binary notions of sex and gender that affect trans, non-binary and intersex people, hence this guidance covers all three.

Our Trans, Non-binary and Intersex Inclusion Policy and Guidance use the term 'trans, non-binary and intersex' in a broad and inclusive way. However, trans, non-binary and intersex people are diverse and each of the three groups have specific experiences and needs that the others do not. We will therefore use those more specific terms individually where necessary to highlight and address those experiences and needs.

For instance: The visibility and awareness of trans and non-binary people has increased significantly over recent years. The visibility and awareness of intersex people, however, continues to be low. Non-binary people often cannot get documentation with an appropriate gender marker on it (such as 'X') whereas trans men and trans women can get an 'M' or 'F' designation respectively. Intersex children are vulnerable to non-consensual and medically unnecessary surgeries / interventions, whilst trans and non-binary people are not at risk of this.

Being trans, non-binary or intersex is simply a part of the ordinary diversity of life experiences - it's thought that around 1 in 100 people fall under the wider trans umbrella and around 1 in 60 are intersex (of which about 1 in 1,500 - 2,000 are noticed at birth).¹ Please note that no stats in the LGBTQI+ field are wholly robust for a wide range of reasons, so these should be regarded as indicative figures.

Being trans or non-binary is not a mental illness. But bottling up those feelings, or experiencing stigma, harassment or discrimination can cause distress to the point where people *become* ill. Some trans and non-binary people will know from as early as they can remember that they are not the gender other people assumed them to be. Others may question their gender for a period of time before coming to an understanding of who they are. Sometimes a person may experience a process of development and change in their gender identity. People who come to realise they are trans or non-binary, can do so at any age.

Being intersex is only occasionally inherently associated with physical ill-health. However, as mentioned above, intersex people are often at risk of non-consensual and medically unnecessary surgeries / interventions during childhood, which can cause a wide range of physical problems as well as shame and trauma. Some intersex people will have become aware of their bodily variation at a younger age; others may discover it when they engage with their medical histories as (young) adults, or later in life. People can discover they have an intersex variation at any age.

We have chosen these terms because they are amongst the broadest and most widely accepted words in current use and which are typically used by organisations which are of and for the communities themselves. However, we recognise that these terms are not what everyone uses, and we recognise and respect everyone's right to choose how they are described as individuals.

We also acknowledge those who are exploring their gender identity and may describe themselves as gender questioning. Likewise, cisgender people may experience discrimination on the basis of gender expression. The good practice set out in this guidance, and alongside our policy, will benefit these wider groups of people.

These and other terms are described in Appendix 3 - Glossaries of terms

Trans people

People who feel that the sex they were assigned at birth, and the corresponding gender they were assumed to have, does not match or sit easily with their own sense of gender (their *gender identity*) may use the term 'trans' to describe themselves.

This includes people with a very wide range of different experiences, such as:

- People assigned male at birth who recognise themselves to be women (who may describe themselves as trans women, women of trans history or simply women);
- People assigned female at birth who recognise themselves to be men (who may describe themselves as trans men, men of trans history or simply men)
- People who do not recognise themselves as either men or women (who may describe themselves as *non-binary*)

- People who may experience different genders at different times (who may describe themselves as *gender fluid*).
- People who don't experience a sense of gender at all (who may describe themselves as *agender*)

There are also people who may express (through cultural cues such as clothing, name, speech, mannerisms etc) different gender-related aspects of themselves at different times or in different places. They may use terms such as 'cross-dresser' or 'dual role'.

People who have a fixed gender identity, may also change expression depending on where they feel safe or at risk.

People may also be 'gender questioning' – exploring their gender with a view to understanding it more fully.

Non-binary people

Non-binary people are often included under the trans umbrella. Equally non-binary people may be named separately in order to bring their experiences more substantially to people's attention. It is important to note that whilst some non-binary people may describe themselves as trans, others may not.

Non-binary describes the wide range of identities which may involve being both male and female, or neither male nor female or take other approaches to gender that don't align with traditional binary ideas and may be thought of as between or beyond that binary. Those who use terms such as 'gender fluid' or 'agender' may also situate themselves under the non-binary umbrella.

Intersex people

The UN Office of the High Commissioner for Human Rights (<https://www.unfe.org/wp-content/uploads/2017/05/UNFE-Intersex.pdf>) states:

'Intersex people are born with sex characteristics (including genitals, reproductive organs and/or chromosome patterns) that vary from typical binary notions of male or female bodies.'

Intersex is an umbrella term that encompasses a wide range of different traits (such as PAIS/CAIS, CAH and 5 alpha reductase deficiency as well as chromosomal variations, such as Turner's and Klinefelter's syndromes and lots more). These are all natural bodily variations, most of which do not essentially require any medical intervention.

Intersex traits are often not noticed or apparent at birth as all that is typically looked at is whether a person's external genitalia broadly look like what's generally expected.

Intersex traits may become apparent later in life e.g. at puberty if secondary sexual development does not occur as expected; during fertility investigations; or accidentally during unrelated surgery or other investigations. Some people will spend their entire lives unaware they have an intersex trait.

Intersex is the term most widely used by the people themselves and is widely seen in documents authored / co-authored by intersex people, and in the names of community organisations (OII etc)

Some people prefer the term VSD (Variation of Sex Development) or DSD (Difference of Sex Development). DSD (meaning Disorder of Sex Development) is generally considered a medical / pathologising term, however it will still be some people's term of choice. Hermaphrodite is a dated and misleading term.

Intersex people lack legal and other protections in most countries, meaning that despite there being few instances where it is medically necessary, intersex children are vulnerable to non-consensual surgeries and interventions designed to make their bodies 'fit' culturally determined binary norms and ideas. This is sometimes described as IGM (Intersex Genital Mutilation).

IGM can sterilise people / affect fertility, reduce or eliminate sexual pleasure, cause ongoing pain, and compromise urinary function. People sometimes endure many interventions causing (and associated with) significant trauma, sometimes experienced as child abuse / sexual abuse.

However, there are some intersex people who are happy that procedures were carried out at a younger age, regarding it as a medical 'problem' to be 'fixed'. As with many things there are multiple perspectives.

It's also important to know that sex characteristics (e.g. having a body that is typically male, typically female, or intersex), gender identity (e.g. being a man, woman, non-binary person) and sexual orientation (e.g. being lesbian, gay, bisexual, heterosexual, pansexual) are different things. Trans, non-binary and intersex people may have any sexual orientation, just like anyone else.

Many intersex people grow up to have a distinct gender identity as a man or a woman, just as many endosex people do. Equally, some people will grow up to have a non-binary or fluid gender identity. Some intersex people may describe their gender identity as 'intersex'.

Culturally Specific Experiences

Across the world, there are many culturally specific sex- and gender-related identities / expressions, that don't map onto a white, Western understanding of 'trans, non-binary and intersex'. For example, the Fa'afafine of American Samoa and the Hijra of India.

Where we encounter staff or students with such identities, as a matter of respect it is important to take steps to listen, understand and include them, and to use their chosen terms and descriptions.

Wider Experiences

It is important to recognise that our experience of gender identity, gender expression and sex characteristics is not independent of other aspects of our lives. How trans, non-binary and intersex people experience and express themselves is influenced by their ethnicity, ability, culture, faith, age and class, as well as many other factors.

For instance, people are not black and trans separately, or intersex and disabled separately, rather they are a black trans person, or an intersex disabled person, or a non-binary, brown, lesbian and those combined experiences interact to create specific and sometimes highly challenging life circumstances.

Trans, non-binary and intersex inclusion cannot be separated from all other forms of inclusion. There is no hierarchy of rights – it is a matter of support and access for all.

We recognise the importance of taking a holistic approach to inclusion, and wherever possible we will seek to work jointly across different staff networks and groups.

Language

We aim to use language that recognises the agency of trans, non-binary and intersex people, in a way that validates and empowers them. At SOAS we therefore use the following terms and phrases:

- 'Chosen name', 'chosen pronoun' (or simply 'name' and 'pronoun')
We use 'chosen' rather than 'preferred' because the right of a person to have their pronoun(s) respected is not negotiable. 'Preferred' can imply it is okay to call a person something other than the name or pronoun(s) they have asked for. Choosing your name is an empowering step for many trans and non-binary people, and for intersex people who transition. It does not, however, imply that anyone 'chooses their gender' or 'chooses to be trans, non-binary or intersex'.
- 'Prior to transition'
We use this instead of phrases such as 'when the person was a woman' or 'before becoming a man' as these phrases imply that the gender a person was assumed to have at birth was correct / valid. Such phrases also label the person with their assumed-at-birth gender which may be upsetting.
- 'Assigned at birth' / 'assumed at birth'
We use this phrasing to acknowledge that sex is assigned by others at our birth, and we are assumed to have a corresponding gender. For intersex people in particular, the assignment of a binary sex may be associated with surgeries to make their bodies 'fit' the norms for the sex they have been assigned.

Other terms are described in Appendix - Glossaries of terms

Sex and Gender

There are many different understandings and models of sex and gender. Different cultures take different approaches, as do different faiths.

On an individual level, we each hold an understanding that in some way reflects or serves our own experiences. Whatever view we have, the key question is how those views enable us to include everyone.

With that in mind, it's useful to recognise that sex and gender are more complex than we are typically brought up to believe.

In particular:

- Sex (what we tend to think of as our physical and biological make-up) and *gender identity* (what we tend to think of as our inner or deeply held sense of self as, for example, a man, woman or non-binary person) don't neatly divide into just two binary categories of male and female, man and woman and can both be thought of as being more diverse / on a spectrum.
- Whilst we usually assign sex as male or female based solely on the appearance of the genitals at birth, sex is actually multi-faceted. As well as genitals, it includes internal reproductive organs, sex hormones, chromosomes and the secondary sex characteristics that appear at puberty. These don't necessarily all align with each other, or fall within culturally determined 'typically male' or 'typically female' ranges. However, unless a person's genitals are ambiguous at birth, those other aspects are not usually examined when making an assignment.
- We also know that sex does not automatically determine gender identity (being born with what are understood as 'male' sex characteristics doesn't always mean a person is a boy / man). Sex and gender don't always align in the way we expect.

These understandings help underpin the inclusion of trans, non-binary and intersex people. Many of the barriers trans, non-binary and intersex people encounter are rooted in, or compounded by, views which don't acknowledge this diversity of embodied and lived experience.

Visibility, Celebration and Allyship

SOAS welcomes and celebrates all staff and students who are trans, non-binary and / or intersex. We aim to ensure that there is visibility and recognition of our diverse community, including trans, non-binary and intersex people.

As part of ensuring trans people and experiences are visible and valued, SOAS recognises key dates and events across the year, to recognise and celebrate the contributions trans, non-binary and intersex people make, and to make a stand against harm. These include:

- LGBT History Month (Feb)
- Trans Day of Visibility (TDoV) (31 Mar)
- IDAHOBIT Day (International Day Against Homophobia, Biphobia and Transphobia) (17 May)
- Non-Binary Day (14 Jul)
- Intersex Awareness Day (26 Oct)
- Trans Awareness Week (13-19 Nov)
- Trans Day of Remembrance (TDoR) (20 Nov)

As part of Pride season, SOAS uses the intersex inclusion Pride Flag.

SOAS enacts its allyship and inclusivity in the following ways:

- Having a web page detailing our trans, non-binary and intersex inclusive policy and practices
- Ensuring clear signage for gender neutral facilities
- Encouraging people to add their pronouns to email signatures / website profiles etc

- Inviting group members to share their pronouns in lectures and seminars or at meetings when asking for names e.g. “Could you please introduce yourself and share your pronouns?”
- Encouraging the addition of pronouns where names are declared e.g. office doors, name tags, ID cards, the name function on video conferencing platform such as zoom and teams and when introducing colleagues and peers
- Establishing an allyship programme and encouraging people to wear a trans, non-binary and / or intersex pin or the latest version of the Pride Progress flag which includes the intersex flag symbol

Please note: individual actions (such as email footer pronouns) are not compulsory and are encouraged only once the individual understands why the action is important. This ensures that they are demonstrating real active allyship, not making an empty gesture. We also understand that it is also possible that a gender questioning person, or a trans, non-binary or intersex person who has not transitioned may feel pressurised to decide their pronouns, or to out themselves by mandatory instructions.

Inclusive practices

Allies of trans, non-binary and intersex people can also show their allyship by carrying out everyday inclusive practices.

Inclusive practices include:

- Listening to the needs of the individual and placing those needs at the centre of all decision making and actions.
- Not making assumptions about anyone’s sex / gender identity just by looking at them. Not assuming that all trans, non-binary and intersex people will be visible.
- Using gender-neutral language with / about people you do not know and avoid terms like ‘Sir’ or ‘Madam’, ‘young lady’ or ‘mate’, or addressing groups of people as ‘guys’ or ‘women’ simply based on how you read their gender expression. Gender neutral terms to address groups might include ‘everyone’, ‘folks’, ‘students’, ‘staff’ or ‘colleagues’. Gender neutral pronouns include ‘they’.
- As and when a person makes it clear how they wish to be addressed, respect their preferences, whether you are talking with them or about them. If you are not sure how someone would like to be addressed or described, it is okay to ask.
- Ensuring that people have their rights to privacy respected.
- Being mindful of confidentiality and not sharing the information that someone is trans, non-binary or intersex without their explicit consent
- Standing up for trans, non-binary and intersex rights – responding in trans, non-binary and intersex inclusive ways to consultations and similar
- Challenging poor behaviour when we see it; doing so in open ways that encourage others to reflect and change those behaviours
- Taking responsibility for our own learning
- Being kind – recognising that we don’t have to share a life experience, or understand everything about it, to show kindness

Education and Training

Education and training are vital to underpin the implementation of policy, as is the opportunity to ask (genuine) questions. It is also key to confidence, both in general work situations and in standing up as an ally.

In order to ensure the effective implementation of trans, non-binary and intersex inclusive practices, SOAS provides:

- professional education and training for all staff to a level appropriate to their role
- broad spectrum, basic trans, non-binary and intersex training for all new staff as part of their induction phase
- in depth training for all staff in Human Resources (HR) and Equality, Diversity and Inclusion (EDI)
- specific training for staff responsible for student admissions

Education can be a mixture of training, personal stories, written guidance / information, online links, blogs, videos, events, and more. We recognise that each aspect of education performs different functions, in particular, whilst personal stories are valuable in winning hearts and minds, they are not a replacement for broad based training, designed to achieve specific learning outcomes.

At SOAS, we aim to:

- Foster an open culture where people can speak up if they don't know / don't understand something
- Provide a range of different ways people can engage with learning
- Ensure trans, non-binary and intersex people are not expected or pressured to take on an educational role
- Support and enable trans, non-binary and intersex people to play a part in education if they actively wish to do so, and value their contributions
- Recognise that trans, non-binary and intersex people may wish to step away from education after a while, and support and enable a positive exit from that role

SOAS also encourages staff and students to carry out their own learning. See Appendix 4 - Further Information, Resources and Organisations at the back of this guidance where staff and students can access resources, information and learning opportunities.

Facilities: Toilets, Showers and Changing Spaces

SOAS assumes everyone chooses the facilities that are the best option for them out of the options available. It is not appropriate to question people about their choice of facility based on their appearance.

Gender neutral or universal toilet provision is essential for non-binary people and is an option that others, including trans, intersex, cis and endosex people may need or choose. Universal toilets are welcomed by many members of the public, including parents with older children who are of a different gender, and disabled people who may have a PA/carer of a different gender.

Universal toilets are purpose built, single floor to ceiling cubicle facilities that offer privacy and comfort for all, regardless of gender identity or gender expression.

An inclusive toilet protects a person's privacy. Many people dislike open or semi-private toilet facilities for many different kinds of reasons. Good privacy supports everyone's

access to safe facilities. Lockable doors are also part of ensuring privacy. Universal toilets have been standard on planes, trains, coffee shops and in our homes for a long time – they aren't new.

Inclusive universal toilets include sanitary bins, enough space for all situations stated prior, as well as wheelchair accessibility. Washing basins could be in the cubicle or outside in a general space.

Universal toilets are clearly signed.

SOAS plans to ensure that universal toilets are available on campus for staff and student use and in hired venues.

Current provision of gender-neutral toilets on SOAS campus are located in the lower basement Senate House (6 cubicles) and in the lower basement Phillips building (2 cubicles).

About Transition

Some trans, non-binary and intersex people make changes to their *gender expression* to better align with their *gender identity* (sense of self). Transition can refer to social, medical and/or legal changes.

- Some people change **social** aspects such as their name, title (Mr, Ms, Mx etc), pronoun (he, she, they etc); their clothes, hair style, speech and/or body language, and/or any other features of their presentation; the gender marker on the documentation they have such as passports; and / or the gendered spaces they use.
- Some people undergo **medical** intervention such as taking hormones and/or having surgery.
- Some people use a piece of **law** called the Gender Recognition Act to change their legal gender.

Trans people often describe this as *transition*. Some non-binary people may also describe this as transition, but others may describe it differently. For some, the term 'transition' reflects a change narrative that doesn't feel like a good fit; for example, it may suggest a sense of 'crossing' that they don't experience. Where a non-binary person is only changing pronoun, or name and pronoun, then terms like 'coming out' or 'sharing' may feel more appropriate.

Some intersex people are assigned a sex at birth that does not match their gender identity, and so some may make some or all of the changes described above. Some intersex people may view this as part of their intersex experience, and may describe it as a 'correction', especially where childhood medical interventions have altered their body in ways which created mismatch with their gender identity. Others may use the term 'transition', and some may describe themselves as both intersex and trans.

In this document, whilst we use 'transition' as an umbrella term to refer to the process of making any such changes, we recognise that, like many terms, it is not the single 'correct' term and others may choose other language as described above.

Trans, non-binary and intersex people may use some or all of the social, medical and legal transition options in combination. Or they may not use any. No aspects of transition are needed to respect someone's gender identity, expression and chosen language. Whether, how, and at what pace a trans, non-binary or intersex person transitions is individual to them and is affected by their own particular experiences and life circumstances.

The extent and nature of different transitions does not make some people more 'genuine' or 'serious' than others. In particular everyone's sex/gender, whether trans, non-binary, intersex or not, is equally valid, real and worthy of respect.

However, it should be recognised that trans and intersex people who have a binary gender (man, woman) and who blend in with others of that gender, experience privileges that those who are perceived as trans or intersex, or who are non-binary often do not. These include being able to use public toilets safely and being correctly gendered by others verbally.

There is plenty more to learn about trans, non-binary and intersex people and the diversity of their lives and experiences. See Appendix 4 - Further Information, Resources and Organisations at the back of this guidance.

If Someone Tells You They Are Trans, Non-Binary or Intersex

In some instances, a person will tell you, as their manager, that they are trans, non-binary or intersex because they are planning to transition. The next section is about supporting that process. However, it's also possible that someone may tell you that they are trans, intersex or non-binary for a number of other reasons, including that:

- They wish to transition
- They are experiencing difficulties that they want your support to address
- They are worried about something and want to talk it through with you
- They have health issues connected with their experience as an intersex person
- They feel 'obliged' to
- They are open and positive about their identity and history and want to be visible

Whatever the circumstance, the following approach is a good place to start:

- Recognise you might be the first person they have told and your reaction is important
- Thank them for sharing the information
- Confirm what they share is confidential and what the limits of your confidentiality policy are
- Listen
- Make a statement of support
- Don't assume anything – from the pronouns someone might want, to the gender identity they might have, to the body parts they might have, to the transition they might / might not want, to the gender expression they might use. Everyone is individual, every experience is different
- Centralise the individual – ask what they would like from you as a member of staff at SOAS, and what support they need (at the moment); recognise they may not yet have thought that through, or may just want you to be aware for now and do nothing

- Recognise the trans, intersex or non-binary person may not 'have all the answers' – they may be gender questioning and exploring; they may know they are, for example, a trans man, but may not know what steps they want to take (if any) or when they might want to take them; they may just have discovered their intersex status, and be unsure what that might mean for them – and that's OK
- Make sure they are aware of this policy and guidance, and any other support SOAS has on offer (e.g. Employment Assistance Scheme, LGBT+ Staff Network) along with any other relevant information
- It may be useful to explore if they have shared with anyone else and/or whether they have support in their life generally, and be able to link them to local peer support as and when they wish
- Make sure they know they can come to you at any time

Transitioning at work

This section sets out what is expected of SOAS's line manager and HR if a staff member shares that they wish to transition.

The situation may be new to you. However, it's important to remember that as a professional manager you have the skills to work with and support people experiencing a range of different life circumstances, of which you don't necessarily have personal experience. You can be supportive and kind without understanding every detail. (See Inclusive practices section)

Equally SOAS wants you to feel supported yourself. If you have any questions, contact HR.

If someone wishes to socially transition at work, it's useful to make some simple plans.

This is likely to include:

- Support arrangements
- Dates / timeframes
- Communication plans
- Plans to update documentation and records
- Plans for any associated leave

It may be that for the staff member sharing their current name and pronoun to other staff members and students at SOAS is all that is needed for them feel included and welcomed at SOAS.

They may be intending to carry out other actions as part of their transition. Some staff members may wish to change their name, title and gender marker on IT systems; some may make changes to their appearance or gender expression; some may be planning for medical intervention so there may be things to plan for, such as planned absence.

The transitioning staff member may wish to communicate some aspects of their transition to other staff members and students – for example a new name and pronoun.

Throughout this time a trusting and open relationship between the transitioning staff member and their line manager is important. This could involve joint problem-solving (such as anticipating and planning for any problems), confidentiality, reliability (doing

what you say you are going to do) and empathy (providing support).

It can be a difficult step for someone to approach their manager and 'come out' as trans, non-binary or intersex or to tell them that they are planning to transition. It is important for managers to deal with conversations and exchanges sensitively.

HR staff can be involved if the staff member would prefer.

Managers should:

- let the process be led by the individual
- listen and show support
- adopt an approach that meets the needs of the employee
- discuss levels of confidentiality
- agree to seek advice from the HR team and/or the Equality Manager
- agree to work together
- draw the attention of the member of staff to the policy and guidance as well as other useful facilities provided by SOAS (including support around well-being if desired)

A series of review meetings could be scheduled at an agreed frequency in order to maintain good communication. Any changes in plans can be updated and developed. There should be an agreement about where the plan or any meeting notes are kept and who has access.

Transitioning is likely to involve on-going processes of social adaptation. Some people require emotional support over many years, both before and after transition. Managers will continue to offer support. Support through a person's transition should only end through mutual agreement between the individual and their manager.

Dates and Timeframes

Sometimes people already have a clear idea of when they want to tell people and/or make changes. Others may not have thought that through and may welcome exploratory conversations.

There may also be circumstances where a person just wants you to know what is going on for them but does not (yet) wish to make any changes or announcements.

Timeframes should be led by the staff member and not be influenced by what may be convenient for the organisation. Under no circumstances should a staff member be made to feel pressurised to bring forward, or to delay, any announcement or change.

Dates and timeframes may need to remain flexible to meet the changing circumstances of the staff member.

Communication/ sharing information

If the individual wants others to use a different name / pronoun etc, it's necessary to communicate this to the rest of the workforce, and, depending on their role, to students. As a manager you should:

- Ask how the person would like that to happen

- Identify who needs to be told (e.g. students and colleagues), what they will be told, when and how, and who will do the telling
- Ensure you have the person's consent before anyone is told
- Identify how any (appropriate) queries will be fielded

Specifics may include:

- More than one change of name / pronoun, or using different pronouns / names on different days or in different spaces
- Identifying strategies for how to find out / recognise how a person wants to be addressed on a given day

The person may want to talk through the pros and cons of different approaches and offering to be a sounding board can be helpful.

It may be that the staff member transitioning will want to communicate with other colleagues and, where relevant, with students about their transition.

Managers should encourage the individual to describe what they think will be best for them when it comes to sharing relevant information. This could be a verbal communication at team meetings or on a 1:1 basis. The person who is transitioning could be present or absent. It could be an electronic communication. This communication will need to be practical and address important issues such as how to address the colleague (new name, correct pronoun), how to support the colleague, how to deal with questions that may come from outside the team without breaching confidentiality etc.

Managers must set a tone of inclusion and respect. Whilst the person transitioning may need to provide information about their requirements, it may be an opportunity for the manager or HR to identify any need for awareness raising training for colleagues/peers.

It is not the job of the staff member who is transitioning to educate the staff or student body. This should be arranged through formal staff training programmes if they have not already had training. Other options to build on formal training would be through diversity events, curriculum or other educational opportunities across SOAS.

Names/ Pronouns/ Title

If someone makes it clear how they would like to be addressed (in terms of their name, pronoun and title), then it is very important to respect those choices. Using a trans, non-binary or intersex person's name and pronoun is one of the most positive, validating things you can do, especially if the person has changed one or more of these recently.

Staff members can request a name change at any point. A formal name change is not required in order to request a name to be used by colleagues and students, or on records across SOAS, but is required for bank account, HMRC records, and the pension scheme.

No one can assume what pronouns a person will use. It is best to take each person's lead regarding the names, pronouns and title that they use for themselves. Along with

the pronouns 'he' and 'she', some people prefer 'they' or 'zie' as these are gender-neutral pronouns. This is often asked for by non-binary or some other trans and intersex people.

If someone doesn't make it clear what pronoun they use it is okay to ask. You could say: 'which pronoun would you like me to use?' Do not simply assume someone's pronoun based on your assessment of their outward appearance. It's important to refer to a person using their chosen pronouns, whether or not the person is present. For example, if a lecturer is discussing something with another staff member, they should refer to the person with the pronouns that they have requested. If you make a mistake with pronouns, whether the student is present or not, acknowledge the error, apologise genuinely, and move on.

Intentionally not using a person's name or pronoun that they have explicitly asked for can constitute harassment and is not in accordance with our Dignity and Respect Policy - <https://www.soas.ac.uk/equalitydiversity/reports/file139468.pdf>

Along with titles such as Mr. and Ms, people may request gender-neutral titles such as Mx, (pronounced 'Mix' or 'Mux').

Updating Documentation / Records / ID / Contact Details

Most documentation, records, ID and contact details involve someone's name. Names are often thought of as very fixed and legally defined. However, in UK law, there is arguably no such thing as a 'legal name' – an adult's name is their name by 'common usage'. That means if a person is commonly called by that name, then that is their name. There is no formal process required to make such a change¹. In addition, any adult can change their name as often as they like, as long as they are not doing so for fraudulent purposes (or changing it to something misleading, offensive or unpronounceable).

Nevertheless, if someone changes their name, institutions such as universities, banks, the DVLA and the Passport Office typically require evidence in order to update their records and issue documentation showing the new name.

The two main documents used to provide such evidence are a 'statutory declaration', and a 'deed poll'. Both evidence a commitment to use the new name, and may establish a requirement for others to use that name too, but neither actually 'does the changing'. SOAS accepts either of these methods. A deed poll or a statutory declaration of name change can be created by the person themselves and must be witnessed.

You can find out more: <https://www.gov.uk/change-name-deed-poll/overview>.

In this guidance therefore, when we refer to a 'formal name change' or 'evidence' we are referring to the existence of a statutory declaration or deed poll.

Some people choose not to change their name formally straight away, have no intention of formally changing their name or are unable to for other reasons.

¹ 'You do not have to follow a legal process to start using a new name.' <https://www.gov.uk/change-name-deed-poll>

A formal name change is not required in order to request a name to be used by colleagues and students, or on records across SOAS.

In order for a person to change their name on their bank account, HMRC records and pension scheme, they will need to carry out a formal name change through either a statutory declaration of name change or by deed poll.

As long as HMRC are aware that a person is trans, intersex or non-binary, any difference between the legal gender marker HMRC hold and the 'lived' gender marker that SOAS holds and transmits to HMRC as part of their submissions will not be queried. It is not necessary for SOAS to hold a 'legal sex'. Our policy is to reflect the person's lived gender wherever possible.

As HMRC only accepts binary gender codes (M/F), anyone whose gender is neither of those (e.g. non-binary and some intersex people) will be asked to select one or the other for HMRC purposes. The code they select need not be the one assigned at birth, but can be the one they feel most closely aligned to, or an arbitrary choice if neither is a better fit than the other. This binary data will be kept confidential.

Photographs should represent an accurate likeness of the staff member's current appearance and so should be updated if this changes. Any trans, non-binary or intersex staff may want to be issued with a new card with updated details and photo free of charge. It should also be noted that some individuals may wish to change their photos without stating anything about their sex or gender identity.

Equalities Monitoring

Workforce equalities monitoring ensures that the institution's policies and activities meet the needs of trans, non-binary and intersex staff alongside everyone else.

SOAS has an obligation to operate in line with HESA policies, and as such the data that is collected may be mandatory and subject to change.

Equalities Monitoring for staff can be accessed and updated through SOAS My View or Human Resources Operations team.

International Travel

SOAS considers the safety and wellbeing of its staff as paramount. Travelling abroad can pose problems for trans, non-binary and intersex people.

Staff may attend international conferences, take part in international partnership programmes or support students on international placements, all of which includes international travel. SOAS will assess the risk of travelling, particularly to countries that have a tradition of disproportionate punishments for trans, non-binary and intersex people, where there is no legal status for trans, non-binary and intersex people and where it will be difficult to access diplomatic assistance.

Safety might refer to physical safety, i.e. safety from physical harm, harassment, but also to safety from being arrested or imprisoned on the basis of gender identity or perception of a student's gender identity. In addition, there may be legal implications of

a person bringing hormone medication into another country whilst visiting. In particular, we recognise the risks attached to needing medical attention, including refusal of treatment, inappropriate treatment, and/or not knowing how to care for a hormonally / surgically changed body.

Travel itself can also pose risks to safety such as being searched at an airport, having a 'x' gender marker on their passport and entering a country where that is not legally recognised.

Trans, non-binary and intersex staff must be involved in decisions about overseas travel and have the final say over whether to go. Where a person is happy to travel, SOAS will consider risks / risk mitigation and management in relation to the country conditions, including the provision of emergency support / hotline and potential evacuation from hostile situations. Where a person is not happy to travel to a particular country, this will not impact on future job prospects; we will actively seek alternative opportunities for progression and development.

See our Overseas Travel Policy and Guidance

<https://www.soas.ac.uk/healthandsafety/overseas-travel/file116999.pdf>

Occupational Requirements

There are provisions in the Equality Act that enable certain job roles to be restricted to people of a particular sex, for example, intimate searches. It is important to consider trans, non-binary and intersex inclusivity in relation to these roles. Whilst the Equality Act does potentially allow some trans and non-binary people to be excluded from such roles (i.e. require that the role is held by a cis person), in many instances there is no need to do so. The Equality Act is silent on the matter of intersex people in such roles.

Occupational Requirements around gender relate particularly to women's settings. As with all exceptions, the exception that allows the exclusion of trans people in relation to Occupational Requirements should be applied in as limited / minimal a way as possible.

Where SOAS has any positions subject to an Occupational Requirement related to gender, it will consider this carefully as it is their responsibility to ensure that the Occupational Requirement is genuine and necessary.

Disclosure and Barring Service (DBS) checks

The Disclosure and Barring Service (DBS) is responsible for checking criminal records in England. The DBS has processes in place for people who have lived under previous names and gender markers. Employers and student placement providers will provide a DBS form that is to be completed by the person whose criminal record is being checked.

Before an application is submitted by an employer or student placement provider, the applicant will need to contact the DBS sensitivities team: sensitive@dbs.gsi.gov.uk who will guide them through the process, track the application and maintain confidentiality.

The applicant does not need to disclose their gender history to their employer or placement provider.

Pension schemes

The state pension age is the same everyone instead of differentiated by gender as it was in the past.

HMRC is informed if a full GRC is issued, either by the Gender Recognition Panel or by the trans person themselves. This will lead to a change in national insurance records to reflect the person's current gender.

The HMRC will use a person's chosen name and title in all communications, regardless of whether they have a GRC.

Support Around Health and Well-being

Due to experiences of discrimination, harassment and prejudice in wider society, some trans, non-binary and intersex people may experience mental distress. Trans, non-binary and intersex people can feel an enormous social pressure to behave in a way that does not reflect their sense of self, and this can cause discomfort and distress.

If a person does not feel they can be open about who they are, or is made fun of, or excluded as a result of sharing their trans, intersex or non-binary identity, they may experience mental distress.

Some trans, non-binary and intersex people may also have mental health conditions that are unrelated to their sex/gender identity.

Whilst many intersex people have no specific physical health issues arising from being intersex, some may have ongoing need for physical health support. Some intersex people will also have endured surgical and/or hormonal interventions in the past that may have given them ongoing physical health issues and/or consequential mental distress and trauma.

Some trans, non-binary and intersex people will have specific sexual health needs

It is important to ensure that staff know that they have access to support regarding their physical and mental health and emotional well-being.

SOAS's Staff Benefits (<https://www.soas.ac.uk/working-at-soas/>) require that our Employee Assistance Scheme benefits have sufficient knowledge of trans, non-binary and intersex people to be able to support and include them effectively. (<https://www.soas.ac.uk/policies-and-procedures/pphealthwelfare/empsup/>)

We have signposted information about support from within SOAS and other useful information from external organisations such as peer support networks or helplines, and ensure people are aware of them. See Appendix 4 - Further Information, Resources and Organisations.

APPENDICES

Appendix 1 – Context to the policy and guidance

Background to the policy and guidance writing

This policy and guidance has been co-produced with the voluntary engagement of staff and students, the student union and the student group Trans* Dignity, working with Gendered Intelligence.

As part of the process Gendered Intelligence ran a survey from July - October 2021 (where there were 80 respondents); 1 focus group for students (where there were two attendees) and 1 focus group for staff (where there was one attendee). They also carried 2 one-to-one interviews with staff members. These activities aimed to give an opportunity to all stakeholders to share their experiences regarding trans, non-binary and intersex inclusion.

We should note that of the 80 respondents in the survey half of them answered 'no' to the question 'do you described yourself as cisgender?' and no one described themselves as intersex. All participants to the interviews and focus groups attended on the basis that they were trans, non-binary and/or intersex but we did not ask them to specify their sex/gender identity.

It is important therefore that we recognise there was no visible intersex involvement in the listening phase with Gendered Intelligence. There are a range of possible reasons here, not least that visibility of intersex communities and lived experiences is currently very limited here in the UK, meaning many intersex people are unsupported. Therefore, they may feel unable to take part in such outreach. It is likely that as SOAS increases its awareness of intersex inclusion, and intersex staff and students gradually make themselves known, the HEI may wish to revisit the policy document to make improvements specifically around addressing intersex inclusion.

We did not ask participants to tell us about other aspects of their identity – for example race, faith, disability and sexual orientation.

Appendix 2 – The Law

Trans, intersex and non-binary people are all supported and protected by:

- Data Protection Act 2018 (GDPR 2018)

Trans and non-binary people are also supported and protected by:

- Equality Act 2010 (EA2010)
- Gender Recognition Act 2004 (GRA)

Intersex people may be supported by these two laws if they fall under the protected characteristic of gender reassignment or are perceived to have the characteristic (EA2010), or seek a legal change of gender to the opposite binary gender (GRA) if they

can fulfil / are willing to accept the associated criteria. There is no explicit protection for intersex people on the grounds of being intersex, and no laws about bodily integrity.

The broad aim of these laws is to maximise inclusion, prevent discrimination, harassment and victimisation, and protect privacy / confidentiality.

These laws underpin SOAS's approach to trans, non-binary and intersex inclusion, but they are not a statement of best practice and so we are not limited by them.

Key summary points about each law are set out below.

Please note that whilst it is useful to know which laws apply and broadly what they say, current UK laws are not a statement of best practice, nor are they wholly clear. They don't cover every circumstance we may encounter. Our practical guidance, informed by our values, establishes the standards of inclusive practice we expect all those working for SOAS to adhere to.

Equality Act 2010 – Key points

- This law sets out 9 'protected characteristics' in respect of which discrimination, harassment and victimisation are usually unlawful.
- One of the 9 characteristics is 'gender reassignment' which in loose terms equates to 'being trans'. More specifically: "a person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or 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 reassignment" is a self-identified characteristic – there is no need for anyone else to 'confirm' someone has the characteristic.
- There is no need for the person to have had, or to want, any medical intervention.
- There is no need for the person to have started any kind of transition (social, medical or legal).
- It protects people of all ages.
- Whilst non-binary identities are not explicitly mentioned, a 2021 Employment Tribunal found the Act applied to a non-binary and gender fluid person.
- Intersex people are not mentioned in the Act.

In addition:

- The law protects those who are discriminated against or harassed because someone thinks they are trans, even if they are not (Discrimination by Perception).
- The law protects those who are discriminated against or harassed because they are associated with someone who is trans, such as a colleague or friend (Discrimination by Association).

The Equality Act sets out some 'exceptions' where people protected under the characteristic of 'gender reassignment' may be treated differently to cis people. These are usually not needed in most everyday situations. Where an organisation does believe it is essential to apply an exception, it should be applied in as limited a way as possible.

Data Protection Act 2018 (enacts GDPR 2018 in the UK) – Key points

- This law protects privacy generally; it is not specific to trans people.
- The information that someone is trans, non-binary or intersex / has a trans, non-binary or intersex history should be treated as Special Category data and that data managed accordingly.

Gender Recognition Act 2004 – Key points

- This law enables some people to make a legal change of gender to the 'opposite' binary gender by applying for a Gender Recognition Certificate (GRC).
- It is focussed on trans men and trans women and does not make provision for non-binary people or intersex people who may wish to correct their original designation.
- There is currently no provision for a legal marker other than M or F in the UK, which means there is no marker for people with other genders.
- The GRA enables the issue of a new birth certificate and confers the right to marry / enter into a civil partnership, be registered with HMRC and to be registered with DWP in that gender (note that these three things are basically all it affects in a typical work/study environment - there is no need for someone to have a GRC to be treated in accordance with their gender identity in everyday life).
- A person is under no obligation to disclose that they have a GRC, and it is inappropriate to ask whether someone has one, or to ask to see it.
- This law provides increased privacy to those with a GRC; it is often unlawful to disclose someone's trans history without their consent if you have come by that information in a professional capacity (e.g. as manager / employee, client / supplier, co-colleagues).
- There is no essential requirement for any medical intervention.
- There are a number of barriers to gain a Gender Recognition Certificate including: contact with the medical profession is required to 'confirm' someone is trans; a person has to make a legal declaration of permanence; they must have lived in accordance with their gender identity for 2+ years; they must be 18+; there are costs involved; the person must submit 'evidence' to a panel that they never meet which then judges whether their gender identity merits recognition.
- This law was progressive when it was brought in, but is now regarded as dated. Other countries enable self-declaration of gender in similar ways to self-declaring a change of name – e.g. Ireland, Argentina, Denmark, Iceland and Malta. Despite the results of a government consultation published in Oct 2020 showing the population is in favour of a self-declaration model, the government has decided not to make any appreciable changes to the current arrangements.
- The GRA makes no provision for intersex people.

Other laws

Criminal law

Transphobic abuse and violence constitute hate crimes / hate incidents and as with other crimes, should be reported to the police.

Common law

Cases can be brought under common law for misuse of private information, or breach of confidence.

Disclaimer

New situations and circumstances involving trans, non-binary and intersex people are developing all the time and GI is at the forefront of helping to evolve forward-looking, positive, inclusive approaches in response. The opinions and support work we offer are based on our wide professional experience of working directly with trans and non-binary people and those who have contact with them.

We are reasonably knowledgeable about intersex lives and experiences, but we are not an organisation of and for intersex people, and do not have the same level of expertise in this area.

Whilst Gendered Intelligence has significant expertise in the field of trans and non-binary inclusion, we are not qualified solicitors or medical professionals, and cannot offer legal or medical advice. We are also mindful that there is little or no case law to support any given approach.

It is therefore important that where necessary you seek appropriately qualified legal advice, that is also well-informed about trans, non-binary and intersex lives and the associated critical thinking, especially if you intend to rely on a particular point of law or medicine.

Appendix 3 - Glossaries of Terms

These glossaries have been selected as being either relatively new, or containing some measure of update commitment, and containing few or no descriptions that Gendered Intelligence would regard as wholly inaccurate. However, when comparing these, you'll notice differences of understanding even between some of the more common terms.

Gender: A Few Definitions – Brook

Whilst Brook is a charity focussing on sexual health for young people, their glossary is very transferrable and doesn't include too many 'identity' terms so it is very useable

<https://www.brook.org.uk/your-life/gender-a-few-definitions/>

Transgender Language Primer

<https://translanguageprimer.com>

64 Terms That Describe Gender Identity and Expression

www.healthline.com/health/different-genders

Glossary of English Gender and Sex Terminology

For those wanting a very extensive community wiki list

https://nonbinary.wiki/wiki/Glossary_of_English_gender_and_sex_terminology

Glossary of Terms (LGBTQ+)

Stonewall

www.stonewall.org.uk/help-advice/glossary-terms

Appendix 4 - Further Information, Resources and Organisations

Sources of internal support for staff

LGBT+ Staff Networks

Network Q is SOAS's LGBTI+ staff network.

Sources of external support for staff

Applying for a passport: Additional information for transgender and transsexual customers - <https://www.gov.uk/government/publications/applying-for-a-passport-information-for-transgender-and-transsexual-customers>

Changing your name and title

A summary of all the different ways to change name across England, Scotland, Wales and Northern Ireland and for those under 16, 16-17 and over 18

<https://mermaidsuk.org.uk/wp-content/uploads/2019/12/Copy-of-Name-change-guidance.pdf>

The Criminal Record Checking Process for Transgender Applicants - <https://www.ddc.uk.net/question/dbs-process-transgender-applicants/>

Gender Construction Kit

A guide to changing things linked to gender in the UK – a great starting point signposting resource for trans people of all ages

<https://genderkit.org.uk/>

Gendered Intelligence Professional Services: Training and Consultancy

An overview of our educational and organisational support for professionals

<https://genderedintelligence.co.uk/professionals/overview.html>

<https://genderedintelligence.co.uk/professionals/resources.html>

Gendered Intelligence Support Line

Support and a listening ear for patients of gender services

<https://genderedintelligence.co.uk/projects/supportline>

Mindline Trans+

Emotional support helpline and information signposting

<https://mindlinetrans.org.uk/>

NHS

A basic summary of gender affirming healthcare on the NHS. These treatments, and others not available on the NHS, are also available from private healthcare.

<https://www.nhs.uk/conditions/gender-dysphoria/treatment/>

TransUnite

Searchable listing of trans support groups

<https://www.transunite.co.uk/>

About Gendered Intelligence (GI)

GI is a registered charity that works to increase understandings of gender diversity and improve the lives of trans people.

They work throughout the UK, offering a broad spectrum of non-judgmental, practical services to the public, private and not-for-profit sectors, including: staff training, speakers and panellists for events and conferences, and wide-ranging consultancy.

They also provide services for trans and gender questioning people, especially young people, and those who support them.

To find out more, visit www.genderedintelligence.co.uk



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