

Gender Reassignment and Trans Equality Policy

Table of contents:

Policy Outline:

Page 2

1. Policy statement
2. Scope
3. Legal context
4. Confidentiality
5. Responsibilities
6. Training and awareness raising
7. Resolution of complaints
8. Equality & Diversity
9. Policy ownership & review

Practical considerations:

Page 6

10. Surveys and monitoring
11. Facilities
12. Staff recruitment and student applications
13. Degree certificates
14. Pension Schemes
15. References
16. Record keeping
17. Time Off regarding appointments

Appendices:

Page 9

- a) Explanation of terms
- b) Guidance on supporting a person who is transitioning
- c) Sources of support (internal & external)

1. Policy statement

The School celebrates and values the diversity of its workforce and student body. We aim to create an environment in which all staff and students feel equally welcome and valued, and in which transphobic behaviour is not tolerated.

The School recognises that there can be differences between a person's anatomical gender and their gender identity/ expression. The School will not discriminate against people on the grounds of crossdressing, gender expression, transsexualism, intersex conditions or any process of gender reassignment, begun or complete. Where this policy refers to 'trans people' or simply 'trans', it has in mind people living with any of these identities. When it refers to 'gender identity', it covers both the fixed identity of people living in the gender of their birth and the more fluid identities of many trans people.

The School will ensure that:

- Where an individual has disclosed their Trans status to the School on a confidential basis, their confidentiality will be respected and information about their trans status will not be revealed without their prior agreement
- Students will not be denied access to courses, progression to other courses, or fair and equal treatment because of their gender identity or expression
- Staff will not be excluded from employment, promotion, rewards or training opportunities because of their gender identity
- Transphobic abuse, harassment or bullying (e.g. name calling/derogatory jokes, unacceptable or unwarranted behaviour, intrusive questions) will be treated as a serious disciplinary offence and will be dealt with under the appropriate staff or student disciplinary procedure

The School will provide a supportive environment for staff or students who wish their Trans status to be known. However, it is an individual's right to choose whether they wish to be open about their gender identity. To 'out' someone, whether staff or student, without their permission is a form of harassment and a criminal offence and will be treated as such.

2. Scope

This policy covers all students who study at SOAS and all employees of the School.

3. Legal context

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; and
- discriminate against someone in some circumstances after the working relationship has ended.

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 an individual’s trans status a criminal act.

4. Confidentiality

Transgender staff may be anxious to protect their privacy surrounding their acquired gender. The right to confidentiality must be maintained. Current personnel, or any other records/ letters/ documents for transgender staff should not refer to a previous name.

5. Responsibilities

The Board of Trustees, assisted by the Director and other senior managers, is responsible for ensuring that the School fulfils its legislative responsibilities in respect of trans staff and students.

Deans and Heads of Departments and Directorates are responsible for the promotion of a positive and inclusive culture for work and study. This will include:

- reviewing and amending policies, procedures and practices for which they are responsible to ensure they comply with the requirements of the legislation
- actively ensuring equality of opportunity and fairness of treatment for trans staff and students within their department, faculty and directorate

- ensuring that staff and students are aware of their responsibilities under this Policy.

The Director of Academic Services, in co-operation with the Deans, has primary responsibility for the promotion of equal opportunities for students with respect to admissions and recruitment, student support and guidance, curriculum design and content, teaching and the promotion of learning, progression and assessment.

The Equality and Diversity Committee is responsible for the maintenance and development of School policy concerning gender identity and the provision of recommendations to enable the School to meet its legislative obligations.

The HR Directorate is responsible for ensuring that recruitment, selection and promotion policies and practice do not discriminate against trans job applicants or staff.

All staff and students are responsible for upholding School policy concerning gender identity, for fulfilling their part in its implementation and for availing themselves of information in this regard.

6. Training and awareness raising

Awareness of the School's commitment to Trans equality will be promoted by inclusion of the issue in the equality & diversity training that is a mandatory element in the induction programme for all staff. This policy will be published on the School Website and MySOAS staff pages and trans equality will be considered when Equality Impact Assessments are completed on SOAS policy and practice. Specific Trans equality awareness training will be offered to all School employees, including managers and HR staff.

7. Resolution of complaints

Any member of staff or a student who feels that they have not been treated fairly in accordance with this Policy should first try to resolve the matter informally by discussion with the individuals involved. If that fails, or is not appropriate, the individual can consider addressing the issue in terms of the School's Respect at SOAS Policy. If the issue remains unresolved the relevant Staff Grievance Procedures or Student Complaints Procedures should be used.

8. Equality & Diversity

This policy has been developed in compliance with the requirements of the Equality Act (2010) and the SOAS Diversity and Inclusion Strategy (2016-2020). The purpose of this policy is to promote equality and an inclusive approach. An equality impact assessment was completed in November 2016 and the identified actions completed.

9. Policy ownership & review

This policy was developed by the SOAS Diversity and Inclusion Manager who will be responsible for ensuring a review in November 2018, unless changes to statute necessitate an update prior to this date. We are grateful to the University of Portsmouth for their work on these issues, which provides the basis for this policy document. Comments on the content and operation can be emailed to: Diversity@soas.ac.uk

Approved in February 2017

Practical guidance:

SOAS departments and directorates that have responsibilities as outlined in the previous section will develop their own procedures and checklists to ensure that they provide the best support and guidance to trans students and staff. This section briefly outlines the practical issues that those procedures will cover.

10. Surveys and monitoring

There is no legal obligation to monitor the numbers of transsexual employees or students. However, we will do this to ensure that the School is not inadvertently disadvantaging trans people in our operation as an institution of higher education. Although we may monitor Trans People and issues in the School there is no obligation for individuals to either take part or disclose their trans history unless they feel comfortable doing so. All data gathered will be managed in accordance with Data protection requirements and other relevant legislation.

11. Facilities

The School has gender specific (i.e. women's & men's) toilets and changing rooms for the use of students and staff. There are also gender neutral facilities available to those students and staff who wish to use them.

It is not acceptable for staff or students to insist on a trans person using gender neutral or accessible (i.e. disabled) facilities as this is a personal choice. A trans person should be granted access to "men only" or "women only" areas according to the sex in which they permanently present. Under no circumstances should they be expected to use the facilities of their former gender.

12. Staff recruitment and student applications

The School will be flexible about the form of identification asked for during the recruitment/application process. If a birth certificate or passport is essential (e.g. right to work confirmation), candidates will be assured that the School will keep confidential former names or gender.

13. Degree certificates and pension schemes

As a degree certificate is a legal document, the School will need legal proof of name change to be able to use any name other than that in which the student originally enrolled on the certificate. This can be a statutory declaration of name change or birth certificate. Asking students or alumni for a gender recognition certificate or evidence of medical supervision is not appropriate and maybe unlawful.

14. Pension schemes

The same applies to staff pension scheme administration. Employees may be asked to provide a statutory declaration or birth certificate confirming their change in name and gender to their occupational pension provider

15. References

References for current or former students or staff that have transitioned will make no reference to the person's former names or gender and will use the appropriate pronoun. If the School receives a reference for someone which refers to them by a previous name, this information will be treated as confidential. Staff should consult the individual concerned on the preferred approach.

Where former employees have transitioned since leaving SOAS and would like the School to use their new identity in references, they should contact their referee in advance of any reference request.

16. Record keeping

With the exception of degree certificates and pension schemes, a written notification of intent to transition is sufficient for the gender and name on staff and student personnel and academic records to be changed.

It can constitute gender reassignment discrimination to refuse to change a trans person's title, name and gender on student or staff records. Asking students or alumni for medical evidence is not appropriate, as trans people do not have to be under medical supervision in order to be protected by the law.

A staff member or student does not need a gender recognition certificate (GRC) in order to change their name and title and it is unlawful to ask for one.

When an individual permanently transitions during their employment or education the School will agree with them the date from which their name and if appropriate, gender, is changed on all relevant records and public references including identification passes, library cards, contact details, email addresses, formal records, website references, payroll details etc. The Gender Recognition Act 2004 does not require the School to amend records such as the minutes of meetings that predate the individual's transition. However, it is good practice to consider any documentation that is available to the public, such as committee minutes, and discuss with the individual how to manage any name change that might alert the public to their transition.

Where an employee is changing their name, they should arrange to meet with their HR Employee Relations Consultant to discuss how their HR records will be updated, what other records may be held by the School, to consider historical records, how these are stored, who has access to these and agree realistic timescales for changing their records.

Employees should be aware that they will have responsibility for informing external agencies (e.g. the HMRC) and the HR Employee Relations Consultant can provide guidance on this.

Material that needs to be kept that relates to a person's trans status will be placed in a sealed envelope and attached to a new file with instructions such as 'Confidential: HR Manager only' or 'Confidential: Head of School/ Department only'.

17. Time off for appointments

Trans staff and students undergoing medical and surgical procedures related to gender reassignment may need to be absent from their usual activities. Time off for such medical appointments will not be differentiated from any other medically-related absence any student might have to take, for example through illness or injury.

Colleagues should be aware that it might not be straight forward for trans individuals to provide evidence of medical appointments. For example, provision of a letter from a Gender Identity Clinic may in itself be quite revealing and intrusive. Therefore, medical proof should not necessarily be a requirement for consideration to be given.

Staff undergoing medical and surgical processes related to gender reassignment should be treated in exactly the same way as all other sickness-related absence, in line with the School's sickness absence policy.

Managers should consult with the employee and may consider flexible working options for a limited period of time in order to support the staff member in returning to work.

Appendices:

A. Explanation of terms

Acquired gender

The new gender of a person who has socially transitioned and had their gender reassigned and/or legally recognised. It is possible for an individual to transition and receive legal recognition of their acquired gender without medical assistance.

Androgyne

Someone who identifies as gender non-binary. Androgynes may possess traits that are simultaneously feminine and masculine or neither

Androgyny/Androgynous

Having both female and male characteristics or intentionally presenting as neither masculine or feminine

Cross-dresser

A person who wears the clothing, accessories and/or make-up of the gender opposite to the one they were assigned at birth but does not feel the requirement to live permanently in the opposite gender. Also transvestite

FTM/F2M

Female to Male. A person who is transitioning from living as female to living as male, also known as trans man.

Gender

The state of being male or female, typically used with reference to social and cultural differences rather than biological ones. Has been used since the 14th century, but was not in common use until the mid 20th century.

Gender Binary

Describes the classification of sex and gender into two distinct forms of masculine/male and feminine/female.

Gender Dysphoria/Gender Identity Disorder

Applies to someone who has discomfort, distress or anxiety with the gender they were assigned at birth.

Gender Identity

The sense of being male or being female regardless of physical anatomy or biological sex

Gender Reassignment

Also gender confirmation, which involves hormone therapy and surgery, to help trans people appear more masculine or feminine

Gender recognition panel

The gender recognition panel was set up by the Gender Recognition Act 2004 and consists of lawyers and doctors who assess whether an individual is able to satisfy the Act's evidence requirements for the issuing of a GRC .

Gender Spectrum

A range of gender identities between and outside of the categories of masculine/male and feminine/female.

Gender Recognition Act (2004)

An act of Parliament that allows trans people to change their gender and apply for a Gender Recognition Certificate (GRC).

Gender Recognition Certificate (GRC)

A Birth certificate which indicates the new legal sex and name of the trans individual. Granted by the Gender Recognition Panel once criteria is met.

Gender variant/Gender Fluid

Someone who feels that their gender identity does not fit within society's gender binary "norm" of being exclusively male or female. Other terms include; gender neutral, non-binary, gender queer, pan-gender, bi-gender.

Intersex

A general term for a variety of conditions in which a person is born with a reproductive or sexual anatomy that does not fit the typical definitions of female or male.

LGBT/LGB&T/GLBT

Acronym for lesbian, gay bisexual and transgender. Other acronyms include LGBTQ, which includes "Q" for either queer or questioning or both; LGBTQI, which includes "I" for intersex and; LGBTQIA, includes "A" for ally or asexual or both; LGBT+, which includes "+" encompassing all forms of gender expressions.

MTF and M2F

Male to Female. A person who is transitioning from living as a male to living as a female.

Openly Trans

Describes a people who self-identify as transgender in their personal, public and/or professional lives.

Real life experience

Real life experience is a phase during gender reassignment in which the individual must live, work and study in the gender with which they identify before they can start hormone therapy and/or undergo surgery .

Trans

Used as shorthand to mean transgender or transsexual. Also an inclusive term for the wider variety of gender identities including cross-dressing and trans expressive.

Trans man

A person may describe themselves as a trans man when they are transitioning or have transitioned from female to male.

Trans woman

A person may describe themselves as a trans woman when they are transitioning or have transitioned from male to female.

Transgender

An umbrella term for people whose gender identity and/or gender expression differs from the sex they were assigned at birth.

Transitioning

Describes the process of the different elements and stages involved in changing from one gender to another.

Transphobia/transphobic

Comprises various forms of negativity towards transgender individuals or as a social group and is the irrational hatred, intolerance, dislike and fear of transgender people.

Transsexual

An older term to describe a person who emotionally and psychologically feels that they belong to the opposite sex or who has transitioned from one gender to another.

Transvestite

An older term to describe a cross-dresser

B. Guidance on supporting a person who is transitioning

This appendix focuses on staff or students wishing to undergo full time transition to their preferred gender. In cases where a member of staff or a student wishes to remain gender fluid and express themselves as either gender, or gender neutral, then the comments in sections 2 and 4 regarding freedom of expression, open communication and use of facilities apply. This list of guidance is not exhaustive.

Student transitioning

A student who intends to transition or is transitioning, should in the first instance contact the Director of Academic Services. The Director will, with the student's permission, coordinate the process of transition with academic and support departments.

Staff transitioning

A member of staff who intends to transition or is transitioning, should in the first instance contact their Employee Relations Consultant. The Employee Relations Consultant will, with the member of staff's permission, agree an action plan to coordinate the process of transition with the relevant departments.

Planning for transition

1. A meeting with the student/staff member should be organised. They may be accompanied at the meeting by a Students' Union or trade union representative or a friend.

At the meeting the student/staff member should be:

- given reassurance that the School will support them during the transition;
- asked formally to notify the School of their intent to transition, in writing;
- informed of the support available to them including the Student Wellbeing Services (students only), HR Directorate, Employee Support Programme, Occupational Health (staff only) and Diversity Office;
- asked who within the School may need to be informed such as personal tutor, placement supervisor, line manager etc.

2. Following this initial meeting a further meeting should be organised to which, with the person's permission, other people should be invited whose support and cooperation will be necessary. Before this meeting convenes, it might be helpful to send invitees information such as this Policy and guidance on trans equality and, with the person's permission, a covering note explaining their intention. It is essential that this invitation includes a clear statement about confidentiality and the importance of not discussing the person's transition with any other member of the School.

3. An action plan should then be agreed, including times, to ensure appropriate steps are taken during the person's transition. This could cover:

- The date of appointments that the person has with doctors and specialists
- The date when the person intends to commence any real life experience
- When to inform their department and whether any other students or members of staff they interact with frequently may need information on trans equality
- If and when the person intends to start hormone therapy and/or undergo surgery
- How to minimise disruption to study or work during any absence
- Dates for any changes to records that will be required

4. Action Plans for staff will include consideration of:

- Health and well-being: Where there are medical issues surrounding the employee's transition that could temporarily impact on their ability to do their job (for example, restrictions on manual handling due an operation), the Employee Relations Consultant and employee will discuss referral to Occupational Health and whether role adjustments may be required
- Time off to attend any medical appointments and whether the employee may benefit from applying for flexible working to help them during their transition
- Support mechanisms including how to access the Employee Assistance Programme
- Informing HMRC prior to a name change on SOAS payroll to ensure that NI contributions are not lost.
- Reviewing HR records including historic records that will not be able to be updated (such as original documents verifying right to work)
- Agreeing the process for changing non HR records which may record the employee's name such as on the School website/intranet and information systems such as Agresso, timetable and e-learning systems.
- Confidentiality and disclosure to colleagues and line managers
- The Employee Relations Consultant will agree with the employee who needs to be notified about the transition, what they need to know, who will notify them and how and when this will be done.
- Changes to pension records

This action plan should be confidential and only held in agreed, secure places.

5 . Where information and awareness raising sessions are needed for other students or staff to support the transitioning of a student or member of staff, the Director of Academic Services or Deputy Director of HR will work with the Diversity Office to ensure it is put in place.

6. The action plan should be reviewed regularly by all concerned and amended as necessary.

C. Sources of support

i). Expert external agencies

The Beaumont Society

Support network that promotes better understanding of the conditions of transgender, transvestism and gender dysphoria: www.beaumontsociety.org.uk

Equality Challenge Unit

Funded by the higher education sector, the ECU has published guidance on trans staff and students on which the School's Policy and guidance is based.

www.ecu.ac.uk

Equality and Human Rights Commission

[The EHRC](http://www.equalityhumanrights.com) is Great Britain's national equality body and has published guidance on trans equality issues: www.equalityhumanrights.com

NHS Trust – Let's Talk About It

provides a flexible service for people who have questions and concerns about sexuality and sexual health www.letstalkaboutit.nhs.uk/

Press for Change

Press for Change is a campaigning organisation that also provides legal advice <http://www.pfc.org.uk/>

The Gender Trust

The Gender Trust provides support and an information centre for anyone with any question or problem concerning their gender identity, or whose loved one is struggling with gender identity issues. www.gendertrust.org.uk

ii). Support at SOAS

Student Advice and Well-being

The SAaW Team offer a range of services including international student advice; welfare and financial advice, support for students with disabilities and student counselling. The Team's contact details can be found here:

<https://www.soas.ac.uk/studentadviceandwellbeing/>

The Students' Union

The Students' Union provides guidance and support to students on and have their own trans-equality policy. Contact details can be found on the SU website:

<https://soasunion.org/>

The Human Resources Department

The HR Team can supply guidance to staff members on the operation of this policy and other employment matters. The HR website page provides contact details for staff members: <https://www.soas.ac.uk/hr/>

The Employee Assistance Programme

<https://www.soas.ac.uk/hr/procedures/family/esppolicy/>

Diversity Office

The Diversity Office can provide guidance on the operation of this policy and on related policies such as 'Respect at SOAS'. The Diversity Office can be contacted by emailing: diversity@soas.ac.uk

**If you need this document in an alternative
format please contact:
diversity@soas.ac.uk**