

**TRANSGENDER EQUALITY AND
INCLUSION POLICY**

Student Experience

Version: 1.0

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1.0 Introduction

Solent University celebrates and values diversity within its student body and workforce. We endeavour to promote an equal and safe environment for all students and staff, allowing everyone to fulfil their potential at Solent. Everyone has the right to study and work in a safe and non-judgemental environment.

1.1 Purpose

The purpose of this policy is to set out a framework for how Solent University will support transgender, non-binary and gender variant (Trans+) staff and students through transitioning. The policy and associated guidance will give specific detail on how the University's *Equality in Employment policy* and the *Student Equality, Diversity and Inclusion policy* applies to transgender people.

This policy also supports the University in meeting requirements of legislation including the Equality Act 2010 and the Gender Recognition Act 2004 (see section 1.3 Legal Framework).

1.2 Definition of terms

Transitioning is the term used to describe the process of someone changing their gender; whether this be socially, medically, or both. The experiences of transgender people are unique and individual, and not all transgender individuals choose to transition.

Solent recognises that there can be differences between anatomy, gender identity and gender expression; as well as recognising that gender is not binary. Where the term 'transgender' is used in this policy, this is intended as an umbrella term (see appendix 6 Key Terms).

The decision to transition is not undertaken lightly, and the University recognises that some transgender individuals may experience difficulties when transitioning. Undergoing transition takes time and often money and is likely to impact upon an individual's ability to study or work.

The range of issues for those transitioning is extensive, and may include:

- Psychological assessment for diagnosis
- Obtaining money to fund treatment or document changes
- Document changes in order to socially transition
- Dealing with the effect on personal relationships
- Managing disclosure
- Responding to transphobia
- Coping with the physical impacts of treatment
- Mental Health & Wellbeing impacts
- The effect on career

This policy and the associated guidance aim to ensure that all transgender individuals associated with Solent University receive appropriate support before, during and after transition so that they can continue with work and/or study and achieve their potential at Solent.

Regarding staff, this policy applies (but is not limited) to their employment and career journey. Regarding students, this policy applies (but is not limited) to recruitment and admissions; to teaching, learning and research; to scholarships, grants, bursaries, and other funds or awards under University control; to student support; to University accommodation and other facilities; to health and safety; to personal conduct; and to student complaints and disciplinary action.

This policy has been developed by the Students' Union and their Trans+ Students' Officer; in consultation with the University's staff and students with direct knowledge of previous processes and with direct experience of transgender individuals.

1.3 Legal Framework

Equality Act 2010

Gender Reassignment is one of the nine protected characteristics covered by the Equality Act 2010.

The Act protects:

- A person who has proposed, started or completed a process to change their gender
- Transgender people who are not under medical supervision
- People who experience discrimination because they are perceived to be transgender
- People who experience discrimination by association on the grounds of gender reassignment; for example, the parents of a transgender child because their child is transitioning
- People who need time off work or study in order to transition.

The Act also makes it unlawful on the grounds of gender reassignment to:

- treat someone who is transgender differently to other employees, students or other service users or to refuse a service to them based on their transgender identity
- subject someone to harassment; that is 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.

The Act recognises that gender reassignment is a personal process and not a medical one and offers protection accordingly.

Employers can be held responsible for the actions of staff under the Act. Employees are also individually responsible for their own discriminatory actions.

Gender Recognition Act 2004

The Gender Recognition Act 2004 allows transgender people who can 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 transgender status, a criminal act.

Other relevant legislation

- Human Rights Act (1998)
- Data Protection Act (2018)
- Equality Act (2010)

1.4 Policy framework

Transgender staff, students and visitors are protected from discrimination, harassment and bullying by the standard University policies and processes. These form the framework for creating and maintaining an environment of dignity and respect within the University community, specifically here, transphobia and transphobic language and behaviour including intrusive questions. These are:

- Student Equality, Diversity and Inclusion policy
- Equality in Employment within the University
- Student Handbook
- Student Complaint Procedure
- Student Disciplinary Procedure

2.0 Our Commitment

Solent University is committed to creating an inclusive, transgender-friendly environment in all aspects of University life. To do this, the University aims to:

- Ensure the fair and equal treatment of trans+ students
- Have an effective and efficient process to aid in transition
- Use gender neutral language in all documentation
- Use the preferred name and pronouns of transgender individuals
- Use appropriate terminology when discussing transgender issues
- Provide support for transgender individuals while on placement or travelling on University business

Solent recognises the difference between gender identity and expression and respects the individual choice of whether to disclose identity and seek support. Where disclosure does not occur however, the University may not be able to appropriately respond.

Therefore, transgender individuals are encouraged to disclose their identity to the University, so the appropriate level of support and guidance can be given.

The University will not tolerate any kind of transphobia within the University, and will take appropriate steps to ensure that:

- No prospective or current staff or students be discriminated against in recruitment, progression, assessment or any other period of their experience at the University because of their transgender identity
- Bullying, abuse, victimisation or other transphobic behaviour is dealt with effectively and efficiently using appropriate disciplinary measures
- There is an inclusive, transgender-friendly culture and environment, free from

discrimination, victimisation or harassment, in which all transgender people are treated with dignity and respect in their gender identity and presentation regardless of their legal sex

3.0 Rights and Responsibilities

3.1 Rights

All transgender people have the right to:

- Choose whether to disclose their gender identity, to whom they disclose it, and the circumstances where this may be disclosed;
- Request that the University update its documents, records and systems to reflect their new gender role;
- Request the level and type of support during their transition that is appropriate to them.

3.2 Responsibilities

Under the Equality Act 2010, ensuring that anyone with a protected characteristic is treated fairly is the responsibility of everyone who is part of, or interacts with, the University.

All University staff and students have a responsibility, in accordance with existing policies (see Section 1.4), to:

- respect the dignity of all students;
- report incidents of transphobia, including discrimination, bullying and harassment, or victimisation;
- maintain confidentiality unless given explicit permission by the individual;
- comply with the law in relation to the protected characteristics of gender reassignment.

The following have responsibilities:

Governors

Governors, assisted by the Vice-chancellor's group, have a responsibility to ensure that the University is meeting its legal duties regarding equality; considering all protected characteristics, including transgender, when discussing proposals, making decisions and approving policies, initiatives or changes.

VCG

Each senior manager has responsibility to ensure that staff and students are treated in accordance with this policy. They need to ensure that their staff are aware of their responsibilities to colleagues, students and visitors, and that members of academic staff and frontline staff in support services dealing with students on a daily basis, treat all students with dignity and respect and if necessary, seek appropriate training.

Line managers

All line managers and supervisors have a responsibility to ensure that no transphobic behaviour is tolerated within their area and if it occurs, it is dealt with promptly and effectively through appropriate channels. Line managers should be flexible and supportive of staff within their teams who indicate they wish to transition and work with People and Development to ensure this is as smooth and positive as possible and if necessary, seek appropriate training.

Teaching staff

All teaching staff have a responsibility to ensure that no transphobic behaviour is tolerated within the student cohort and when it occurs it is dealt with promptly and effectively. They should ensure that as far as possible the preferred name and pronouns are used for students. Academic staff should be aware of policy and where to signpost students and if necessary, seek appropriate training.

People and Development

People and Development have a responsibility to ensure that recruitment, selection and promotion processes and practices do not discriminate against transgender job applicants or staff. They will also support staff who wish to transition, working with line managers to ensure this is as smooth and positive as possible, within the working environment.

4.0 University support for Transitioning

Solent University aims to support transgender students and staff in living in their affirmed gender role/identity. By supporting students and staff through transition, the University enables individuals to continue to perform well in their study or work. Help is also available to those looking to explore their gender identity.

Where an individual requests support to transition, the University will respond in a supportive way. This may include providing a 'named contact' for information, advice and guidance. The named contact will work in partnership with the individual, in order to put arrangements in place across the university to ensure smooth transition. For students, the named contact will be a Wellbeing-based Student Advice Team Leader or Student Adviser; these individuals form a group that have dedicated knowledge in supporting Solent's LGBTQ+ students. More information can be found via The Student Hub. For staff the named contact will be the appropriate Business Partner in People & Development. Also, Solent has a dedicated LGBTQ+ Staff Network and the Chair is available to support staff (email contact lgbt.network@solent.ac.uk) This would not replace a Line Manager or Personal Tutor who would continue to provide work or academic support.

4.1 Individual Plan

An individual action plan will be discussed and agreed with the transitioning individual.

The plan will enable the university to take a supportive, holistic approach to individual needs. Any plan and timescales will remain flexible in response to individual needs.

An example plan is given in Appendix 4; however, it must be recognised that the needs of individuals are unique, so the format must remain flexible.

4.2 Named contact

A named contact supporting members of staff and students has the responsibilities to:

- discuss with the individual, without pressure and with appropriate sensitivity, how their transition may affect their work or study
 - reassure the staff member or student that the university will support them during their transition as appropriate, and to explain the support options
 - respect the wishes of the individual, and agree and document (in the form of a confidential action plan) how the University will provide such support
 - to ensure University change records at the request of the individual, where possible.
 - implement the confidential action plan agreed, including reviewing progress, until the transition has been completed or to a point agreed between the individual and the university
 - obtain explicit written permission from the student before discussing their gender transition with others, for example with their tutor or with colleagues who update staff or student records, in accordance with requirements on confidentiality
 - resolve any potential difficulties or conflict that could undermine support provided by the University to a transitioning member of staff or student
 - store sensitive information appropriately and in accordance with the requirements of Data Protection Law. There are tighter controls for sensitive (known as special category) personal data than for other personal data.
 - promote understanding of gender identity issues amongst other staff or students who have regular contact with the staff or student concerned
- For guidance on supporting students questioning their gender identity and/or wishing to transition and staff wishing to transition, see appendices 2 and 3.

For students the named contact will be a Wellbeing-based Student Adviser

For staff the named contact will be the appropriate Business Partner in People & Development.

There is also support for students in the Students' Union in the form of Head of Student Wellbeing and the Trans+ & LGBT+ Students' Officer.

5.0 Documentation and Record Keeping

5.1 Confidentiality of sensitive data and information

Transgender staff and students may be 'out' to some people and not to others, or they may only be 'out' in some circumstances and not in others, so confidentiality is vital to retaining and maintaining privacy.

Legally people may change their name at any time provided there is no intent to deceive or defraud. Transgender individuals can obtain official documentation that reflects their preferred identify without a Gender Recognition Certificate (GRC). This includes a passport and driving license.

Solent University recognises that for some transgender people, their personal life can be challenging. Some students may not feel fully accepted but ready to move forward with treatment whilst studying with us. Consequently, care will be exercised as to access to personal information in line with current legislation.

However, the University has a duty to prevent fraud and reserves the right to set certain requirements. Any student or member of staff (prospective or current) who has had a change of name is required to present one of the following documents: passport, deed poll, statutory declaration, or birth certificate. This

is separate to any other documentation which will be required as part of a recruitment or employment process. This legal name change and identification is particularly important for awarding of qualifications and communicating with other bodies that have legal obligations around financial matters such as Student Finance England and UCAS.

Where applicants have applied through UCAS, they will be required to change the name recorded on the UCAS application system, complying with relevant UCAS requirements and procedures.

As degree or award certificates are legal documents, legal proof of a change of name, such as a statutory declaration or deed poll, is required in order to issue or re-issue in a name different to that in which a student originally registered.

The University will endeavour to ensure a transgender individual's contact details - including ID and email - always reflect their current preferred name and gender, including shortened versions of their legal name.

If an individual notifies the University in writing of their intention to transition during their employment or education, the institution can then agree with them the date from which their name and/or gender are changed on all student academic and/or personnel records as part of their planned transition.

The University will respect the confidentiality of all transgender staff and students and will not reveal information without the prior agreement of the individual.

No records should be changed without the permission of the staff member or student concerned and any changes they may wish to make to their records will be discussed as part of a transition plan.

Any material that needs to be kept related to a person's transgender status, such as records of absence for medical reasons and

identifying documentation that proves right to study or work in the UK will be stored confidentially and securely with restricted access. Sharing of such information could be seen as a criminal offence.

5.2 Further background on specific checks and records

Staff recruitment and student applications

Any documentation provided to the University as part of the staff recruitment process (such as birth certificate, passport, etc), will be kept confidential including information about former names or gender.

DBS checks

The DBS (Disclosure and Barring Service) have a specific confidential process in place for transgender people – DBS Sensitive Applications – sensitive@db.s.gsi.gov.uk
Transgender applicants are not required to put their former name/gender on the DBS application form, but must contact the DBS Sensitive Applications Team, before their application is sent in.

Campus Cards

An individual may request several Campus Cards over time as their appearance/identity changes. There will be no charge for this and no legal name change is required. This can be arranged through the individual's named contact.

Exam Arrangements

The University will endeavour to ensure that there is a confidential process in place for transgender people, that records for attendance and Invigilators use preferred name, staff will make no reference to the person's former names, gender or title and will use the appropriate pronoun.

Awards Ceremonies

If a student has not legally changed their name and gender, the degree or award certificate should still be issued in the legal name registered at enrolment. However, the name announced at the award ceremony will

be the name as chosen by the student. This will be discussed with the student concerned and the named contact as part of the preparations for the award ceremony prior to the event.

References

Where references are requested for current or former students and staff who have transitioned and changed names, staff will make no reference to the person's former names, gender or title and will use the appropriate pronouns. If the University receives a reference for someone who has previously transitioned, (assuming the individual's employment record in the former name can be identified) this information will be treated as confidential.

Alumni

Requests to change University documents, records and systems would be made to the Student Registry. This will include explicit written permission to disclose information to other colleagues including the Alumni Department. Evidence of official name change is required from former students in order to replace qualification certificates. This should be the presentation of one of the following documents - passport, deed poll, statutory declaration, or birth certificate (*NB: It is unlawful to ask for a GRC or medical evidence*). In exceptional circumstances where the necessary changes cannot reasonably be made, The Student Hub will explain the reasonable alternative arrangements put in place, who will continue to have access to the information, and for what purpose.

Replacement degree certificates

A former student who affirms a different gender identity may request a reissue of their degree/award certificate in a new name. To protect against fraud, the University will require the individual to provide either a statutory declaration or deed poll of name change reflective of their new identity. Alumni will also need to return the original degree certificate. The full student record will be

amended – surname, forenames, and title as applicable. A confidential and secure note will be added to the record explaining and documenting the changes

5.4 Students' Union

The Students' Union have a confidential process in place for transgender students, to keep continuity the University will inform, the CEO, of students who are transitioning or requesting to use preferred names.

6.0 Additional Information

Accommodation

Students and staff who are transitioning, should ideally be offered accommodation in a mixed gender setting, including those travelling on University business, those on field trips and placements, and those visiting the University on business.

Placements and Field Trips

Each individual case should be assessed by tutors to determine whether any special arrangements are necessary. Confidentiality will be a key consideration.

Placements: Staff will consider how any arrangements may be made without unnecessarily alerting placement owners.

Field trips: Tutors will consider how any specific arrangements may be made. The accommodation requirements previously stated must be considered.

Curriculum

Teaching and learning must be inclusive and not rely upon harmful stereotypes, not contain transphobic material or outdated language.

Monitoring

Solent University collects data for equality monitoring in line with current HESA requirements. This includes data on sex and gender reassignment. All data must be

treated as sensitive personal data in line with the General Data Protection Regulation. Care should be taken to ensure that data does not identify individuals.

Phone Calls

When taking phone calls – especially from the public – staff should be aware of voices that do not match names and titles. Transgender women/transfeminine individuals may find it particularly difficult to be identified as their correct gender. If necessary, staff should ask “How would you prefer to be addressed?”. Name, pronouns and title should be carefully noted.

Toilets and Changing Facilities

Transgender individuals should have access to single gender facilities – such as changing rooms and toilets – according to the gender in which they present. This may mean that they change which facilities they use over time. Their presence in a particular toilet should not be questioned.

It is not acceptable to restrict transgender people to only using disabled toilets or other gender-neutral facilities.

Staff likely to deal with access to single gender facilities such as security teams, domestic and residential staff, should be aware of this policy and sensitively deal with complaints and concerns.

7.0 Complaints

7.1 Complaints Procedure

Transphobic abuse, harassment or bullying is regarded as a serious matter and will be dealt with using the appropriate policies (see Section 1.4).

Inappropriate behaviour will be viewed by the University as a disciplinary offence or maybe treated as gross misconduct. 'Outing' a transgender individual is considered harassment.

Any individual that feels they have not been treated fairly in accordance with this inclusion policy should first try to resolve the matter informally, if necessary, with support from their named contact. If that fails, the matter should be dealt with in accordance with the respective staff and students complaints procedure.

Support for students is available in the Student Hub (dedicated support persons within the Team), and from the Head of Student Welfare, the Trans+ Students' Officer or the LGBT+ Students' Officer in the Students' Union.

Support for staff is available from your Business Partner in People and Development and the Chair of the LGBTQ+ Staff Network.

7.2 Disclosure

During the investigation of a complaint, disclosure of an individual's transgender identity may be necessary. This will only be done with the written permission of the individual involved.

Appendix 1 – Sources of Support

Internal Sources of Support for Staff

- Staff LGBTQ+ Network
- People and Development
- Health Assured Employee Assistance Programme (or similar)

Internal Sources of Support for Students

- Student Hub
- Therapy and Mental Health Service
- SU Head of Student Wellbeing
- SU Trans+ Students' Officer
- SU LGBT+ Students' Officer
- LGBT+ Society

External Sources of Support – Local

- Breakout Youth
- Chrysalis
- Mermaid

External Sources of Support – National

- Gendered Intelligence
- Stonewall
- Transgender Health Information:
- Foreign Office: Travel Advice

Appendix 2 – Supporting transitioning or questioning students

All staff with front-facing roles and responsibilities should be aware of this transgender policy and, where appropriate, have received training.

All students questioning their gender identity or expressing the desire to transition should be signposted to the Student Hub.

Staff should be aware that students may have had bad experiences prior to attending Solent University, so may need extra guidance and reassurance. Students may be more open about their identity at university than at home, which can cause conflict. The Student Hub will arrange an initial, confidential meeting – with the option to bring a friend or appropriate representative.

The emphasis must be on creating a secure and safe environment in which the student feels comfortable voicing their thoughts.

The meeting can, for instance, be to:

- Explore gender identity
- Explore ways of formally presenting as their preferred gender
- Discuss support in all areas of transition, especially relating to the School of study
- Discuss details about documentation and university ID

The Student Hub will arrange continued support as appropriate. This is to be viewed as the beginning of a long-term relationship with the student.

Example areas of discussion during initial meeting:

- Support available
- Preferred name, title, pronouns, gender
- When a new ID card will be appropriate
- Anticipated impact on study
- When and how to inform others
- How to manage the reactions of others

- How to establish ground rules for respect
- How to deal with difficulties
- Maintenance of confidentiality
- Provision of training for staff or peers
- When changes to records should be made
- Name on written communication, particularly regarding home address
- Accommodation, changing facilities and toilets
- Membership of gender specific sports or clubs
- How to deal with placements/field trips
- Any dates set for medical appointments
- When there may be time missed from study and arrangements for this
- How to deal with missing lectures, seminars and deadlines
- How the student would like graduation to be handled, if appropriate
- Help with drafting communications related to transitioning
- Whether additional meetings need to be arranged with other individuals e.g. tutors, accommodation
- Arrangements for subsequent meetings and contact for ongoing support

This list is not exhaustive, and the experience of all students is unique.

The Student Hub will help formulate an action plan with the student and agree where to hold this securely. They will arrange to review and amend the plan regularly. They will also arrange future meetings for as often and as long as is required.

An example action plan can be found in Appendix 4.

Appendix 3 – Supporting transitioning or questioning staff

The main contact for staff wishing to transition is their Line Manager.

Individuals can also contact the Staff LGBT Network and People and Development for further advice and support.

Confidential advice and counselling is also available from Health Assured.

<https://staff.solent.ac.uk/support-documents/personal-toolkit/my-wellbeing/eap-leaflet.pdf>

Appendix 4 – Example Action Plan

Every individual's journey is unique. This is just a template.

Action Plan for (Individual and date of first meeting)

Likely areas for discussion	Notes and any decisions	Who is responsible for actions? By when?
Have I chosen a name? What is my gender identity? What are my pronouns and title?		
Do I need more support and information on gender identity?		
Do I want to medically transition?		
Do I want to be known as my chosen name for all purposes within the university?		
Do I want to change my ID card? Email?		
Written/formal university communication? Which address? <i>What about home address?</i>		
Do my family know? Am I happy for them to know? How will I tell them if I have not already?		
Who have I told?		

Who do I want to tell? Friends? Peers? Colleagues? SU/clubs/societies? Accommodation? Placement? Anyone else?		
Which toilets and changing facilities do I want to use?		
Is any training needed? For peers? Course staff? Tutors? Who will do this?		
Am I aware of the policies which support me? Who do I report any incidents to?		
Do I have any medical appointments scheduled? Do they interfere with work/study?		
Do I know any timescales?		
How do these work with scheduled deadlines/exams or workload?		
Do I need time off? Do I need to defer?		

Am I ready to legally change my name and/or gender marker? What documents do I need?		
Who do I need to inform? Finance? SFE? UCAS? Payroll? Pensions? Banks? Anyone else?		
Anything else to discuss at this stage?		
Date of next meeting(s)?		
Where will this plan be kept so it remains confidential?		
Who do I want to share this document with? Line manager; colleagues? Course leader; course members?		

Appendix 5 – Explanation of Terms

Cisgender

An individual whose gender identity is the same as they were assigned at birth.

FtM

Female to male.

Gender Binary

The classification of gender into two distinct forms: male and female.

Gender Dysphoria

Gender dysphoria is a term that describes a sense of unease that a person may have because of a mismatch between their biological sex and their gender identity.

Gender Expression

The way people manifest their gender, for example through what they wear.

Gender Fluidity

Gender that varies over time.

Gender Identity

An individual's internal sense of their own identity.

Gender Recognition Certificate (GRC)

Given under the Gender Recognition Act 2004 (GRA), legally recognising an individual in their acquired gender.

Gender Recognition Panel

Lawyers and doctors who issue GRCs, set up under the GRA.

Gender Role

Social roles and behaviour based on binary genders.

Misgendered

To refer to or address a person (especially one who is transgender) with a pronoun, noun, or adjective that inaccurately represents the person's gender or gender identity.

MtF

Male to female.

Non-Binary

Someone whose gender identity is outside of the gender binary of Female of Male.

Real Life Experience

A phase during transition in which an individual must live as their acquired gender in order to begin a medical transition or acquire a GRC.

Sexual Orientation

Who an individual is attracted to. This is different from gender identity.

Transgender

An individual whose gender identity differs from the one they were assigned at birth.

Transgender Man

Female to male, assigned female at birth, etc.

Transgender Woman

Male to female, assigned male at birth, etc.

Transphobia

Discrimination based on transgender identity.

NOTE: TERMINOLOGY IS CONSTANTLY CHANGING AS PERCEPTIONS AND UNDERSTANDING CHANGE.

Appendix 7 – References and Further Reading

Chadrey, S. (n.d.). Inclusion: Supporting BAME Transgender People. Ashted: GIRES.

Equality Challenge Unit (2010). Transgender Staff and Students in HE. Revised 2010. London: ECU.

Equality Challenge Unit. (2013). Supporting a student or member of staff who is transitioning – Guide for HR staff, managers and staff supporting students. London: ECU.

Gender Identity Research and Education Society. (2013). Transgender Policy Guide for Employers. Ashted: GIRES.

Gender Identity Research and Education Society. (2015) Transgender Policy Guide for Employers. Ashted: GIRES.

Gender Identity Research and Education Society. (2016) What we do. Ashted: GIRES. [online]. Available from: www.gires.org.uk National Health Service. (2016).

Gender dysphoria. NHS Choices. N.d.: NHS. [online] Available from: <http://www.nhs.uk/conditions/Gender-dysphoria/Pages/Introduction.aspx>