

# Supporting Transgender and Non-Binary Staff and Students

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Edge Hill  
University

*This policy does not form part of employee's contracts of employment and may be reviewed and amended subject to agreement by all relevant parties.*

*This policy must be read in conjunction with the Code of Practice which overarches all the University's policies and procedures and details generic aspects that apply to all of our policies and procedures.*

# Supporting Transgender and Non-Binary Staff and Students

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## **1. Introduction**

- 1.1 While no robust data exists on the UK trans population, estimates place that between 200,000 – 500,000 people in the United Kingdom experience feelings of gender ambiguity within themselves and that they may not be fully accommodated by the label's 'man' or 'woman'.
- 1.2 We are committed to ensuring that all members of our community are treated fairly and are provided with the opportunity to thrive and reach their full potential, regardless of their gender identity.
- 1.3 We acknowledge that a failure to respond positively and supportively can have detrimental consequences for trans and non-binary staff and students who:
- May feel that they cannot be open about their gender identity.
  - May feel that they cannot transition openly.
  - May feel that they must leave the University (without requesting references) and make a fresh start elsewhere to coincide with their new gender identity.
  - May feel that they are unable to express their gender identity through the way they present themselves, such as through dress and appearance.
  - May experience difficulties in their transition process, by not being able to use their chosen or affirmed name, as an example.
- 1.4 This document aims to raise awareness of gender equality and to provide a framework within which transgender staff and students may be supported. It seeks to ensure that those who are transgender (and /or non-binary) are not subjected to any form of discrimination, harassment or victimisation and to form a basis for sensitive support, which is informed by the individual.

## **2. Policy Statement**

- 2.1 We celebrate and value the diversity of our staff and students and recognise that every individual brings an invaluable contribution to our community. We are committed to providing a safe, supportive and welcoming environment to anyone applying for employment or study and encourage a culture where equality is promoted, diversity is valued and the rights and dignity of all are respected.
- 2.2 We foster an inclusive culture, devoid of discrimination, harassment and victimisation. In exercising our policies, practices, procedures and other functions, we have due regard under the Equality Act 2010 and to the protected characteristics specified within it, as well as other relevant circumstances, including parental or caring responsibilities, contract type, and working hours.

2.3 We will not discriminate against people on the grounds of their gender identity or gender expression. This policy refers to 'transgender' people as an umbrella term, incorporating all identities encompassed within the community; where acknowledgement is made of non-binary gender identities, this is with awareness that the needs of the transgender community are not universal, and that some non-binary individuals do not identify as part of it. While it is not a gender identity, the University offers its full support to intersex individuals, who are also protected under this policy.

2.4 We are committed to providing a supportive and caring environment for trans staff and students, including, but not limited to, ensuring the provision of adequate facilities, support prior to, during and after one's transition, producing guidelines for staff and students, and, where necessary, providing one-to-one guidance. We are committed to ensuring that our relevant policies provide clear statements on harassment, bullying and victimisation, a positive process for disclosure of transgender status, and, where applicable and possible, amendments of University records.

### **3. Policy scope and objectives**

3.1 This policy focuses on supporting and protecting the transgender members of our community, but the principles contained within it are applicable to all staff (casual, part, and full-time), students, governors, consultants, contractors, and visitors / external organisations engaged with the University.

3.2 This policy outlines our commitments to the following principles:

3.2.1 Students will not be denied access to courses, progression to other courses, or fair and equal treatment while on courses because of their gender identity or because they propose to or have transitioned.

3.2.2 Requests to change name and gender on university records will be handled promptly and staff and students will be made aware of any implications of the changes.

3.2.3 Trans equality will be incorporated into the inclusive curriculum agenda, using curriculum reviews to ensure courses do not rely on or reinforce stereotypical assumptions about trans people and that the course does not contain transphobic material.

3.2.4 Confidentiality for all trans staff and students, in line with GDPR guidance, is paramount – no information will be revealed without the prior explicit agreement of the individual.

- 3.2.5 Staff will not be excluded from employment or promotion or be redeployed against their wishes because of their gender identity.
- 3.2.6 Transphobic abuse, harassment or bullying (name-calling, derogatory jokes, unacceptable or unwanted behaviour, intrusive questions, repeated deadnaming and misuse of pronouns) are serious disciplinary offences and will be dealt with under the appropriate policies and procedures. Any transphobic material will be removed if/whenever it appears on campus premises.
- 3.2.7 A supportive environment for staff and students who wish their trans status to be known will be facilitated. However, it is the right of the individual to choose whether they wish to be open about their gender identity, trans status or trans history.
- 3.2.8 In providing accommodation for students, any concerns or issues raised by trans students will be handled accordingly and it will be treated fairly and in line with our obligations under Equality Law.
- 3.2.9 Staff and students undergoing gender affirming medical interventions related to gender reassignment will receive positive support to meet their needs during this period.
- 3.2.10 Awareness training will be made available for all members of the community, and gender equality issues should be considered in all training provisions, covering all facets of gender identity. Further information can be found [here](#).
- 3.2.11 Consultation on this policy and all related guidance documents and processes shall be requested from relevant staff members, organisations, students and student groups, periodically or whenever any changes impact on content.

## **4. Confidentiality**

- 4.1 If a colleague, student, or visitor discloses to you that they have transitioned / are transitioning, intend to or are considering transitioning, it is your responsibility (and the extended responsibility of all staff and students) to treat this information confidentially.
- 4.2 In line with the duty under the Gender Recognition Act 2004, Equality Act 2010, and relevant data protection legislation, any disclosure made by a staff member or a student must be treated with absolute confidentiality.
- 4.3 The individual's explicit consent must be obtained before relaying any information about their (intent to) transition, both within and outside of the

University. Whenever communication could amount to information being revealed, the individual must be explicitly notified beforehand.

4.4 In monitoring equality data, any disclosures must maintain anonymity, guarding against the risk of identifying any individual; as such, the University may take the decision not to report on certain trends because of reduced numbers and will make an explicit statement to clarify the decision.

## 5. Terminology

5.1 The following terms provide some general information about the appropriate terminology when describing gender identity and, specifically, the trans community. For more information and guidance, please access the University's LGBTQ+ Inclusive Language Guide.

### 5.2 Trans(gender)

5.2.1 "Transgender" is an overarching term for individuals whose gender identity and/or expression differs from societal expectations of the gender they were assigned at birth. "Trans" is shorthand for "transgender". *Trans* can be used as an umbrella term, but not everyone uses it to describe themselves. For example, a man who was assigned female at birth (also known as AFAB) might refer to himself as 'a trans man', 'a man with a trans history', or just 'a man'. Some, but not all, trans people want to transition socially, medically, or both, but there is no pre-set trajectory for a person's transition journey and no element is a prerequisite for them to inhabit their gender identity in whichever form they see fit.

5.2.2 Additionally, people who identify outside of binary genders may not identify as part of the community, either. Nevertheless, gender diverse people are covered under the Equality Act 2010. Importantly, "trans(gender)" is **an adjective**, not a noun. As such, it is incorrect to refer to someone as being 'a transgender' or to describe the community as 'the transgenders. Equally, it is inappropriate to use the word as a noun in any other context, such as by saying 'our main priority is transgender' – rather, refer to them as 'a transgender person' or 'the transgender community'.

5.2.3 While gender identity is related to sexuality, it should not be conflated with it – trans people may identify as lesbian, gay, bisexual, heterosexual, asexual, pansexual, etc.

5.2.4 The word *trans* may be used to identify:

- People whose gender differs from the gender they were assigned at birth.

- People undergoing a social gender transition – this may include things such as a name and pronoun change.
- People undergoing a medical gender transition – this may include hormone replacement therapy and surgery, such as facial feminisation surgery. It is **inadequate and offensive** to refer to any procedures relating to someone's medical transition as 'sex change'.
- People who express the intent to undergo any social or medical gender transition.

### 5.3 Non-Binary

- 5.3.1 Non-binary people fall, theoretically, under the wider umbrella of the 'transgender community', identifying as either having a gender which is in-between or beyond the cisgender, heteronormative categories of 'man' and 'woman' (e.g. non-binary, genderqueer), as fluctuating between 'man' and 'woman' (e.g. genderfluid, bi-gender), or as having no gender (e.g. agender), either permanently or some of the time.
- 5.3.2 Non-binary people need to be considered independently, given that not all non-binary people identify themselves as trans, or undergo the kind of transition that much trans-related policy and practice focuses on. Nevertheless, non-binary identities are protected under the [Equality Act 2010](#). [Ms Taylor vs Jaguar Land Rover 2017](#)
- 5.3.3 All provisions outlined in this policy apply to all non-binary people as well.

### 5.4 Intersex

- 5.4.1 Intersex refers to a broad spectrum of biological variations that are present in 1-2% of the population (though these are only estimates), and many people may be unaware that they are intersex. These variations may be present in people's chromosomal make-up, hormone function, sex organs etc. Some intersex characteristics may only become apparent later in life.
- 5.4.2 Intersex people might identify their body and their gender as being intersex, or might identify with any gender, as gender is not determined by bodily/physical attributes. As such, an intersex person could be either cisgender or transgender.
- 5.4.3 Intersex struggles are often misconstrued and conflated with transgender rights. While the two share similarities, they are not equivalent. There isn't one singular intersex person or experience.
- 5.4.4 Using derogatory terms to describe intersex people, such as 'hermaphrodite', is offensive and unacceptable.

5.4.5 While not necessarily a gender identity, provisions listed in this policy also extend to intersex individuals.

### **5.5 Cisgender**

5.5.1 This term refers to people whose gender identity is in alignment with the gender they were assigned to at birth. As such, a person who identifies as a man and was assigned 'male' at birth is cisgender. Communicating in such a way that expresses the idea that the opposite of 'transgender' is 'straight/heterosexual' reveals a fundamental misunderstanding of gender identity. The opposite of 'transgender' is 'cisgender'.

### **5.6 Transphobia**

5.6.1 Transphobia refers to the range of negative feelings and attitudes towards trans people, based on their gender identity and/or gender expression. Whether intentional or not, transphobia can have severe consequences for the recipient. For the Bullying, Harassment and Hate Crime Policy and Procedures, click [here](#).

### **5.7 Gender Transition(ing)/Affirmation and Gender Reassignment (Gender-Affirming Surgery)**

5.7.1 Transition (or affirmation) refers to the process by which a trans or gender diverse person takes steps to socially and / or physically feel more aligned with their gender. There is a wide range of ways this process differs between people. Some people may change how they interact with others, and some may change their appearance or seek medical assistance to better express their gender.

5.7.2 Gender reassignment (or, more broadly, gender-affirming surgery), refers to surgical procedure(s) by which a transgender person's physicality is altered to resemble those socially associated with their identity

### **5.8 Deadnaming**

5.8.1 Deadnaming refers to calling someone by a name they were known by prior to their transition. It is transphobic to use someone's deadname or reveal that information, should you be privy to it.

## **6. Staff and Students Going Through Transition/Gender Reassignment**

6.1 It is important to acknowledge that transitioning is a deeply personal process, and that the support provided should, above all else, be responsive to the individual's needs.

6.2 It should never be assumed that a trans individual suffers from gender dysphoria or any mental health conditions, or that they have or intend to undergo any medical processes throughout their transitions. In the eventuality that a trans person *does* undertake any medical processes, they should be encouraged to feel comfortable to communicate this information, and supported prior to, during, and after the process. Questions about any specific interventions are inappropriate.

6.3 Any individual's decision to begin transitioning while working or studying at the University does not bring the responsibility of informing anyone of their intention.

6.4 If the individual intending to/undergoing transition decides to communicate this information, they must be responded to adequately and supportively. As everyone's transition is different, it is vital that good communication is maintained throughout the process.

6.5 If/when they feel ready to do so, **staff members** intending to/undergoing transition may liaise with HR and organise a meeting to discuss support, guidance and agree on the process for handling their transition. See our FAQ's.

6.6 If/when they feel ready to do so, **students** intending to/undergoing transition may liaise with the Student Support team. See our FAQ's.

6.7 It may be helpful to draw up a confidential plan for the transition period and subsequently. Plans should be flexible and subject to revision at each significant part of the process. They should include:

- Explicit statements of confidentiality – individuals undergoing transition must be reassured that any information they disclose will be kept confidential where possible, and that any communications about their transition shall only be done with their explicit prior consent.
- The individual's chosen or affirmed name, gender and pronouns; information on the process of changing one's name for the purposes of communications throughout the University and which documents are required (if any) can also be found in the staff and student FAQs.
- A communication/support plan for liaising with relevant representatives throughout the university, either in support of or on behalf of the staff member or student. This may involve informing line managers, teams, individual colleagues, personal tutors, academic supervisors, course leaders, other students, etc. Individuals who are contacted by the individual undergoing their transition or on behalf of them may then require additional guidance or support, which may be found [here](#).

- The expected timescale for the transition period, including any medical procedures (if any, or known), as well as time off where necessary. It is appropriate, if the individual wishes to and consents to doing so, to signpost them to Occupational Health and/or Wellbeing Services, should they require any additional support.

6.8 The law recognises that someone under medical supervision who is transitioning may require substantial periods of time off work/studies to undergo medical procedures. A trans person under medical supervision who has time off relating to their transition has the right to be treated in the same way as someone who is absent for reasons of sickness or injury, as stated in the [Staff Absence Policy](#) or **student** [EMC Regulations](#)

6.9 There may also be possible side-effects of medication which may adversely affect work performance and trans people may need reduced hours or duties for a temporary period when they return to work/study following medical interventions or if they engage in hormone replacement therapy.

6.10 Occupational Health and/or Wellbeing Services are available for the person to consult in confidence. Although advisers may not have specialist expertise, they are able to provide emotional support during what may be a difficult period for the trans person.

### **MCL Medics (Occupational Health provider – Staff)**

The growing recognition and inclusion of transgender and non-binary is supported by MCL Medics, this is present in the training undertaken within the Clinical team. MCL Medics offer ongoing, relevant and current resources along with updates for their staff. As a company they are proactive in providing services that are accessible to all gender identities.

Clinical lead/s offer up to date awareness and understanding to ensure all employees are not in fear of accessing the services available due to concern for discrimination through lack of awareness or knowledge.

As the non-binary and transgender umbrella term is actively growing and progressing throughout the world, MCL Medics are always open to external communications and resources to assist in offering a relaxed and impartial, non-discriminative service.

## **7. Reporting Transphobia**

7.1 Transphobia, in whichever form it may manifest, is wholly unacceptable and will not be tolerated. Our staff and students are encouraged to proactively report instances of transphobia.

7.2 The Bullying, Harassment and Hate Crime Policy sets out the process for making complaints of harassment, bullying and victimisation and the support

that will be provided for staff and students Legal Framework. The university is a Third-Party Hate Crime Reporting Centre.

## **8. Gender Recognition Act 2004**

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

8.2 We acknowledge that consultation on the GRA is an ongoing process, and we shall amend our policy, processes and guidance to reflect any changes to the GRA. Where possible, we shall strive to go beyond the Act in providing support for the trans members of our community.

### **8.3 Equality Act 2010**

8.3.1 Under the Equality Act 2010, gender reassignment is listed as one of 9 protected characteristics. A person has said protected characteristic if they are proposing to undergo, is undergoing or has undergone a process for the purpose of reassigning their gender. It is unlawful to discriminate against such a person in work and in the provision of goods, facilities, services and public functions.

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

## **9. Useful Links**

### **9.1 Internal**

#### **Staff**

- HR Advisory: [HrAdvisory@edgehill.ac.uk](mailto:HrAdvisory@edgehill.ac.uk)
- Occupational Health: [OHSAdmin@edgehill.ac.uk](mailto:OHSAdmin@edgehill.ac.uk)
- Supporting Staff to Support Students [LGBTQ+ Toolkit](#)
- Supporting Staff to Support Students Toolkits [www.ehu.ac.uk/sssstoolkits](http://www.ehu.ac.uk/sssstoolkits)

## Students

- Wellbeing - [studentwellbeing@edgehill.ac.uk](mailto:studentwellbeing@edgehill.ac.uk)
- Counselling - [counselling@edgehill.ac.uk](mailto:counselling@edgehill.ac.uk)
- Student Union - <https://www.edgehillsu.org.uk/>

## 9.2 External

- Mermaids: <https://mermaidsuk.org.uk>
- Pride Counselling: <https://www.pridecounseling.com>
- Local LGBTQ+ Organisations (Lancashire, Merseyside, Greater Manchester): <https://www.stonewall.org.uk/help-advice/whats-my-area>

**Endmatter**

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