

## **Students Transitioning at University Policy and Procedures**

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### 1. Scope

1.1 This policy applies to students. If a student is also an employee at the University they should also consult the [University Transitioning at Work Policy](#).

1.2 Transitioning is the term used to describe the personal, social or practical process and steps an individual may take in order to live in the gender with which they identify. This may or may not involve medical assistance and can also be known by the term gender reassignment. Appendix 4 provides definitions and explanations of a number of terms used throughout this policy.

### 2. Aims

2.1 This policy aims to provide a framework for how the University will support transgender people when they transition whilst registered as a student.

2.2 The University aims to provide commitment, support and understanding to those individuals who propose to transition, before, during and after that process. The University recognises that the needs of each transgender person are different and aims to act in a supportive and sensitive way to ease any transition period.

2.3 The University aims to create an inclusive workplace and learning environment, free from discrimination, harassment or victimisation where all transgender people are treated with dignity and respect in the gender with which they identify.

### 3. Policy

3.1 No applicant or student will be treated less favourably than any other, on the grounds of gender identity. The University will respond positively to the needs of transgender students and aims to provide an environment where all transgender students feel welcome, safe, valued and supported in achieving their full potential.

3.2 The University will provide an inclusive environment to students in terms of:

- their gender identity/expression
- their right to study and work with dignity;
- their name and personal identity;
- their privacy and confidentiality.

3.3 The University is committed to equality, diversity and inclusion where every person makes a unique contribution to grow and succeed.

3.4 The University will respect the confidentiality and status of all transgender students and will hold and process all information regarding transitioning and transgender status in accordance with applicable data protection legislation and other legal requirements.

3.5 The University will not ask for a doctor's letter as evidence of intent to transition. However, students requesting additional time or arrangements relating to

assessments may be asked to submit evidence under the University's [Extenuating Circumstances Procedure](#). Any information disclosed will be handled sensitively and in accordance with the University's duties and obligations under data protection legislation. Please also see section 6 Student Absence.

3.6 Students are under no obligation to inform the University of their intent to transition or that they are transitioning but we would encourage students to consider that without being formally advised the University will not be able to provide some of the support that could be offered under this set of policy and procedures.

#### **4. Support and confidentiality**

4.1 In order for the University to provide this support, students will need to make a time to see a member of their Faculty to formally advise the University of their intention to transition. The student has the option of being accompanied by a friend or a Students' Union representative at the meeting. An agreement on confidentiality will be developed between the Faculty colleague and the student which will be copied to both parties. This can be incorporated into a transition support plan (see 4.3).

4.2 During the meeting, discussions should explore how they anticipate their transition may impact upon their studies, together with any dates that may have been set regarding transitioning and what support may be available.

4.3 The student and colleague should work together to develop a plan designed to support the student at the University during and after their transition. Where necessary, Student Wellbeing can assist with developing the plan (Appendix 2).

The plan may cover:

- Confidentiality
- Preferred language or names or titles of address
- Preferred means of communicating to students and staff about the transition and the timing (if the student wishes for some form of communication to take place)
- Support arrangements

#### **5. Protection against harassment and bullying**

5.1 The University recognises it is the right of every individual to choose whether to be open about their gender identity, gender expression and history.

5.2 Bullying and harassment is totally unacceptable behaviour and the University has a zero tolerance stance in respect of this. Bullying and harassment on the grounds of gender expression, perceived gender identity, will be addressed under the student or staff Bullying and Harassment policy as applicable and if found, will be regarded as a disciplinary matter.

#### **6. Review**

The University will keep this policy and procedure under review with Greenwich Students' Union. We would also ask that colleagues and students using the policy who have feedback or comments either advise the Assistant Director of Student and Academic Services (Student Services) or Greenwich Students' Union, which will be used to inform the development of this policy in the future.

## **Appendix 1 –Developing an Action Plan**

### **Guidance for staff**

This Action Plan outlines the actions required and the University's commitment to supporting the individual at all stages during their transition. Flexibility on initial agreements must be considered at all times and the plan may be changed as appropriate at any stage through the transition period or afterwards.

#### **1. General Rules:**

- There is no 'right' or 'wrong' way to transition and dignity and respect should be considered and maintained at all times
- The plan should avoid inclusion of minute details of medical interventions and physiology terms or making assumptions
- The action plan should be based on the impacts of transition at University and not the person's transition in general

#### **2. First meeting with the student to discuss privacy issues**

When the student arranges to meet with the Faculty colleague, they should be advised that they have the option to bring a friend or a representative from the Students' Union. All participants in the meetings must keep these discussions in strict confidence.

Applicants or students are not obliged to inform the University about their transgender history. If a person transitioned before joining the University, any information about this must be held securely in confidence in accordance with the individual's wishes and data protection legislation and other legal requirements. Many transgender people wish to keep their transgender background private, while others are willing to discuss it openly. Always ask the person concerned and check if you are in any doubt.

#### **3. Informing others**

A case by case decision on the extent of the disclosure of this information should be discussed and agreed with the transgender student. Consideration should be given to current staff and students that they interact with. Levels of disclosure will vary.

The staff member at the meeting will be responsible for ensuring that the process of informing others is carried out in an appropriate and respectful manner and in accordance with the University's duties and obligations under data protection legislation. The student may also wish to disclose this matter personally to some or all of their contacts. The wishes of the transgender student are paramount in this regard. If the student wishes to disclose matters personally to staff and other students, the Faculty will need to know when this is going to happen and what kind of information will be given, so that the process can be supported.

## 4. Name and Title change

### Confidentiality

Confidentiality is crucial. In specified circumstances, the Gender Recognition Act 2004 prohibits disclosure of the fact that someone has applied for a Gender Recognition Certificate (GRC), or disclosure of someone's gender before the acquisition of a GRC. Such disclosure may constitute a criminal offence where individuals not the University may be liable to a fine.

All data must be managed in accordance with data protection legislation. Extra caution is needed when information arising from data processing could reveal a person's transgender history.

### Identification

#### Changing a name on the student records system

A legal name change is required to formally update records at the University of Greenwich, for example for the purposes of receiving qualification certificates in a student's new name or for the issuing of replacement ID cards.

It is possible for anyone living in the UK to change their name legally, for example it can be done by deed poll or by making a 'statutory declaration of name change'. It is also possible to change the title at the same time. The Citizens Advice Bureau can provide advice on this, as can Student Centre staff at the University of Greenwich.

If a student changes their legal name and would like their student card and official University records to reflect the new name, this can be done by visiting the University of Greenwich Student Centre. Proof of the name change will be required, for example a valid passport. A GRC is acceptable evidence but will not be requested by the University. Students or alumni in possession of a Gender Recognition Certificate, who wish their student record to be amended, should contact the Student & Academic Services Executive Office [SAexecutiveoffice@greenwich.ac.uk](mailto:SAexecutiveoffice@greenwich.ac.uk)

Alumni students wishing to gain a replacement certificate for a qualification that they received in a previous name prior to transitioning must provide proof of legal name change. To process these requests, please contact the Certificates and Transcript Team directly by email ([certificates@gre.ac.uk](mailto:certificates@gre.ac.uk)). The original certificate must be returned before a replacement is issued. The Certificates and Transcript Team will be able to provide guidance on how to do this when contacted.

#### If a student is also a member of staff

Statutory legislation governs particular employment records, such as pay slips, HMRC data and pensions. This legislation must be complied with before any name change can be made to University records of this nature.

University records will be altered to reflect any change to names or pronouns.

However, in some cases it may be necessary to keep records relating to the sex that was registered on the individual's birth certificate, for instance, for insurance purposes. These records must be treated in strict confidence.

The changes to the individual's records are managed in accordance with data protection legislation. Extra caution is needed when information arising from data processing could reveal a person's transgender history. HR can advise further on this.

### **Accommodation**

The University does not have designated single sex flats. Students self-select their accommodation and will be able to view the gender of other students booked into available flats. Some flats may be single sex accommodation by default, but it cannot be guaranteed that this position will remain the same across the academic year should vacancies become available.

Accommodation Services staff can offer advice and support to students before and after taking up residence about their housing options and any concerns they may have pertaining to the accommodation, the behaviour of other residents, their guests or staff working in the halls of residence. Every effort will be made to be flexible and treat issues raised by transgender students with sensitivity and consideration.

### **Disclosure and Barring Service (DBS)**

DBS offers a confidential checking process for transgender applicants. This process is for transgender applicants who do not wish to reveal details of their previous identity to the person who asked them to complete an application form for a DBS certificate. For more information about the transgender process email [sensitive@dbs.gsi.gov.uk](mailto:sensitive@dbs.gsi.gov.uk)

### **5. Storage of Protected Information**

Hard copies of any old documents that cannot be altered or replaced must be stored securely. All records of the individual's personal life and medical history must be stored in line with data protection legislation and any other applicable legal requirements.

### **6. Student Absence**

While equality law does not make specific provision for student leave due to gender reassignment, it is good practice to ensure that students are not treated any less favourably for being absent due to gender reassignment than if their absence was

due to illness or injury. If the absence taken coincides with coursework deadlines, examinations or placements, consideration should be given to alternative forms of assessment, extensions to coursework deadlines and how the student can demonstrate the placement requirements within the timeframe available.

If the student prefers, they may also redact from the hospital or consultants letter the procedure that is being undertaken.

If a student is unable to undertake an alternative method of assessment, or if they experience significant problems in the course of an examination or when undertaking assessed work, they should submit an [extenuating circumstances](#) claim, and may be asked to submit evidence as required by the policy.

The Progression and Award Board will then decide how the missed assessment is to be recovered, in line with standard procedures.

If it is necessary for a student to retake a module or interrupt their studies, consideration will need to be given to the support that they will need to enable them to successfully complete their course within a reasonable timeframe.

Students should also be signposted to [Student Fees & Funding](#) for advice on the effects of an absence or interruption for study may have on their finances.

Temporary absence may also have visa implications for students on Tier 4 visas; advice should therefore be sought from the [International Student Advice Service](#) in advance.

Where a transgender student interrupts their studies, they will be able to access Student Wellbeing services who will review with the student the support provisions available to them during this time.

## 7. International students

Some countries do not have a process in place to enable their citizens to change their gender on identification documents. In some countries, transgender people can experience societal hostility and persecution. Consequently, some international students and staff may not have identification in their self-defined gender and may seek to transition while working and studying in the UK. Others may have had their self-defined gender legally recognised by another country and may be eligible to apply for a GRC.

We recognise that there may also be serious implications for students who look to transition in the UK, where they reside in a country that does not recognise transgender people or where there are strict penalties for being a transgender person. In such cases, sensitivity and confidentiality are of the utmost importance (see section 4). The University will always ensure that information relating to a student's transition is held and processed securely in accordance with data protection legislation.

There may be visa implications for international students who are transitioning; changes to name, gender, and or appearance may have to be reported to UK Visas and Immigration (UKVI). Students should therefore be referred to the [International Student Advice Service](#) for confidential advice at the earliest opportunity.

## 8. External bodies

Some programmes of study will require a student to be registered with an external body or require a professional membership and it will need to be considered how the student would like to contact them to discuss a change of personal details.



### **Appendix 3 - Summary of the Law and Good Practice (as at date of approval of policy)**

**The Equality Act 2010** defines gender reassignment as a protected characteristic.

People who are proposing to undergo, are undergoing or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex have the protected characteristic of gender reassignment.

Under the Equality Act 'gender reassignment' is a personal process, (that is, moving away from one's birth assigned sex to that with which the person identifies), rather than a medical process. This means they may use a new name and pronouns, and dress differently. Some people may have medical treatment, but they don't have to in order to be protected by the law. The Equality Act covers people who have undertaken only a small 'part of the process', such as name and pronoun change.

The Equality Act requires that a person should have at least proposed to undergo gender reassignment. It does not require such a proposal to be irrevocable. People who start the gender reassignment process but then decide to stop are still protected against discrimination on that basis.

Transgender people are protected, as service users, in the delivery of goods, facilities, and services under the Public Sector Equality Duty (PSED) of the Equality Act 2010, the general duty to have due regard to the following:

- Eliminating discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act
- Advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Fostering good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Direct discrimination** occurs when a person is treated less well, because they have a protected characteristic, than a person who does not have that characteristic. This applies when a person is discriminated against because they are perceived to be transgender – even if they are not. Those associated with transgender people, such as partners, spouses, other family members or carers are also protected against discrimination.

**Indirect discrimination** occurs when a rule that is neutral as it applies to most people, creates a disadvantage for a person with a protected characteristic. It is not enough for an employer to say "we're treating you in the same way as we would any other employee", if that treatment puts transgender staff at a disadvantage. Where it proves impossible to overcome such a disadvantage, the employer must show that

they have a 'legitimate aim' and that they have taken "proportionate means" to limit the disadvantage as much as possible.

**Harassment** means any unwanted behaviour that violates a person's dignity or creates a hostile environment.

**Victimisation** occurs when someone is treated badly as a direct result of having complained, either themselves, or someone else has complained on their behalf, about discriminatory treatment under the Equality Act.

**The Gender Recognition Act, 2004** allows those who have changed their gender role permanently to obtain a Gender Recognition Certificate (GRC).

If a person has a GRC, information about the person's gender history is described as 'protected information', so it must not be passed on to anyone without the permission (preferably written) of the person concerned. Anyone who acquires information that a person is trans or has a trans history in an official capacity (in the course of their job, for instance) is liable to criminal proceedings if they pass that information to a third party without the permission of the individual. For example, this could be as a staff member in relation to a student, as a purchaser in relation to a supplier or as a club captain in relation to a club member.

Only about 3,500 people have GRCs. Not having a GRC must not be used to disadvantage a transgender person. Asking to see a GRC is not allowed and may be regarded as harassment. It is best to treat all known transgender and non-binary people as though they have the protection of a GRC. Birth certificates should also not be requested although these may be required for pension enrolment. Identification can usually be provided by passports or driving licences which may be obtained by producing a doctor's letter.

A GRC is not needed in order to change one's name, pronouns, or the way one dresses at work (see name change below). Transgender people must have lived in their 'affirmed' gender (that is after they change their gender role) for at least 2 years before being granted their GRC.

Further information on the Gender recognition certificate process:

<https://www.gov.uk/apply-gender-recognition-certificate> including how to apply, if you are already married or in a civil partnership, documents you must provide and legislation.

**Data Protection** All records of the individual's personal life and medical history must be secured in line with data protection legislation and should be kept for no longer than is absolutely necessary. See the University's [Data Protection Policy](#) for further details.

**The Human Rights Act** 1998 (HRA) underpins all equality legislation that relates to employers in the public sector, and those for whom they provide services.

- Article 8, in particular, requires transgender and non-binary people to be treated with respect, dignity and fairness, and to protect their privacy in family life and correspondence.
- Article 3 creates an absolute ban on degrading treatment.
- Article 14 is also important; it does not stand alone, but it ensures that all the other Articles under the HRA are delivered in a non-discriminatory way.

## Appendix 4 - Transitioning at University Transgender Definitions

You may come across a range of terms related to being transgender. The following is provided for information purposes only. It is important, however, to be guided by the individual about personal information relevant to them or the term/title they may prefer to use.

Terminology in this area is varied and constantly shifting as understanding and perceptions of gender variant and gender nonconforming expressions change. The terms described below may vary in their usage and may become outdated.

Some people may not wish to transition permanently. Some may identify as genderqueer, gender variant or intersex and some people may live permanently with a more fluid gender identity.

**Transitioning** therefore is an individual person's process of developing a gender expression to match their gender identity, with or without medical intervention. It's best not to assume how a person transitions as it is different for everyone.

The decision to transition is not something a person undertakes lightly and the support of staff and students is vital. In line with the [Equality Challenge Unit](#) guidance, the University will not request a doctor's letter as evidence of intent to transition.

Every person is different, the length of time it takes for a person to transition can differ vastly depending on whether they choose to undergo surgery, and whether they transition under the NHS or privately.

Whatever the individual circumstances, it is important that the University is flexible, supportive, and makes it clear that discrimination and harassment and/or any other form of unlawful treatment against transgender people will not be tolerated.

**Real Life Experience** refers to a specified period of time in which a person lives full-time, including work or study, in the gender with which they identify. This can be in order to gain access to treatment such as hormone therapy and gender reassignment surgery. The length of a real-life experience varies from person to person but is usually between one and two years.

**Transgender** Equality Act definition: "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 Identity** describes the psychological identification of oneself, typically, as a boy/man or as a girl/woman, known as the 'binary' model. There is a presumption that this sense of identity will be consistent with the, respectively, male or female sex appearance. Where sex appearance and gender identity are congruent, the terms **cisgender** or **cis** apply. However, some people experience a gender identity that is somewhat, or completely, inconsistent with their sex appearance; or they may regard

themselves as gender neutral, or **non-gender**, or as embracing aspects of both man and woman and, possibly, falling on a spectrum between the two.

People have the right to self-identify, and many people reject the whole idea of binary tick-boxes, and describe themselves in **non-binary**, more wide-ranging, open terms such as **pan-gender, poly-gender, third gender, gender queer, neutrois** and so on. Pronouns he/she, his/hers, may be replaced with more neutral pronouns such as: they, per, zie or fey; and the title Mx may be preferred to Mr, Mrs, Miss or Ms.

**Sex** refers to the male/female physical development. In an infant, the sex is judged entirely on the genital appearance at birth, but internal reproductive organs, skeletal characteristics and musculature, and the brain, are all sex differentiated.

**Gender role** is the social role – the interaction with others which both gives expression to the inner gender identity and reinforces it.

**Gender Dysphoria** is the clinical diagnosis for someone who doesn't feel comfortable with the gender they were assigned at birth. Transgender people may reject the idea that gender dysphoria is a pre-requisite for being transgender and it shouldn't be assumed that everyone who wishes to transition has experienced or is experiencing gender dysphoria or finds this term helpful.

### Some Useful Links and References

- Press for Change, the Gender Trust, GIRES and the Scottish Transgender Alliance have information on gender identity if you would like to read more.
- Equality Challenge Unit Trans staff and students in HE and colleges: improving experiences <https://www.ecu.ac.uk/publications/trans-staff-and-students-in-he-and-colleges-improving-experiences/>
- Information on Gender Recognition certificates: <https://www.gov.uk/apply-gender-recognition-certificate>
- Disclosure and Barring Service (DBS) have particular information for transgender people, under 'Sensitive applications' and more information is available here: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>