

Policy on support and procedures for transgender, gender divergent and non-binary staff and students

Purpose

To ensure minimum standards of support, clarify expectations for all and establish consistent approaches across the University in respect of individuals wishing to discuss their gender identity.

Principles

- In line with our values and beliefs and in order to empower people to be the best they can, we expect all members of the University community to respect individual difference and promote inclusion.
- The University will not tolerate bullying, harassment, or any form of intimidation or discrimination of those working, studying or engaging with the University. This applies to all characteristics including gender identity (which includes gender non-conformity).
- We recognise that people who identify as a different gender than they were assigned at birth do not form a homogenous group and therefore employ the terms trans, gender divergent and non-binary throughout to outline our desire to respect individual difference and be inclusive.

Scope

- This policy applies to trans, gender divergent and non-binary students and staff (and potential students/staff) and is not restricted to those planning, going through or having been through a process of gender confirmation.
- 'Trans' is an inclusive term for people whose experienced gender is different from that which they were assigned at birth. It is an umbrella term that covers many different trans identities. The list of terms used in this document is following the guidance of www.trans.ac.uk.
- Whilst the policy does not directly cover visitors and contractors, all those who engage with the University should be treated with the same respect we provide to students and staff within an environment free from any form of bullying, harassment, intimidation or discrimination.

Expectations

- The University must support staff and students to live in their gender identity, regardless of gender assigned at birth.
- The University must protect the rights of trans, gender divergent and non-binary people to confidentiality, and handle all data sensitively and in accordance with the legislative requirements as in Appendix 1.
- The University should provide easy to locate information to guide staff and students in their rights regarding the above (for instance on how to change their records within the University following a change of name by deed poll or how to access support).
- The University should ensure that staff receive relevant training to ensure they can deal sensitively with any request for assistance.
- The University should allocate a named contact for each individual needing support in respect of their gender identity.

The Legislative Framework

Trans, gender divergent and non-binary people receive protection from the Equality Act 2010 and the Gender Recognition Act 2004, alongside data protection and human rights legislation. More information on the legislative framework can be found at the Equality and Human Rights commission resources at:- <https://www.equalityhumanrights.com/en>

Changing Records

The University will provide one point of contact to enable easy access to changing records kept on University systems. When requested, this point of contact will liaise with the individual and ensure that appropriate data and email addresses are changed without undue delay wherever possible. The point of contact will also help to arrange changes to identity cards and name badges if appropriate.

Permission will be required from the individual to enable the one point of contact to liaise with other University staff as appropriate to make the requested changes. The staff members informed will be limited to those essential to making changes to records and systems, and all information will be treated in the strictest confidence.

Individuals choose which name/pronoun/gender to identify with and do not need to provide proof of this for any informal purpose within University however the University's systems hold legal data and it may not be able to update some confidential records (such as an individual's pension record). It is acceptable to add a 'Known as name' in these circumstances; graduation certificates will be provided in the legal name only.

Reasonable costs such as new identity cards and re-issuing degree certificates will be met by the University.

Access to Facilities

Staff and students should use the single sex facilities according to the gender they identify with where they are comfortable to do so. Gender neutral changing facilities are available in the Sports Centre and gender-neutral toilets are available in locations across the campus (at the date of writing: outside the View in South Block; in West Block outside of the SU office; in the Octagon and in Kirby Cudmore building near the main entrance). It is the intention that the University will create more gender-neutral facilities as it carries out refurbishments to the campus.

Support

All staff within the University are expected to support trans, gender divergent and non-binary staff and students to enable a supportive working and studying environment.

Named contact

The named contact to enable changes will ordinarily be:-

- For Students: Inclusion Manager, Student Wellbeing and Support
- For Staff: their People Advisor or the Director of People & Organisational Development

However, the individual may wish to request another staff member to carry out this function on their behalf (for example a Personal Tutor, Programme Leader or Line Manager) and this may be agreed on an individual basis with the named contacts above.

Study and work abroad

Legislation protecting the rights and freedoms outside of the UK may differ to that which exists in the UK. Individuals will need to consider how they will approach study and work abroad, particularly in relation to their passport and visa and may wish to discuss options further with the one point of contact.

Professional placements

The University will expect all partner institutions including placement providers to respect the identity of the individual and to hold similar principles respecting individual difference and promoting inclusion.

Appendix 1 – the legislative framework

Appendix 2 – Guidance for staff on managing the processes for those requesting support

Appendix 3a – Change form (Students)

Appendix 3b – Change form (Staff)

Appendix 4 – Sources of Support

Document Reference Grid

Document Title	Policy on support and procedures for transgender, gender divergent and non-binary staff and students
Version	V 2
Issuing Authority	EDI Committee
Custodian	EDI Committee Chair
Last Amended	July 2024
Sensitivity	Public
Circulation	University website (marjon.ac.uk)
Effective from	July 2024
Review Date	As required
Effective until	Indefinite/ until superseded
History	Draft 0.1 provided to EDI Committee 20/2/20 discussed and prepared for consultation period ; following period of consultation and discussion of feedback/further work at EDI Committee draft 0.2 4/6/20, draft 0.3 to go to Senate and SMT for approval (staff and student facing document) APPROVED 29/9/20 Draft 2 provided to EDI Committee March 2024 with minor amendments, and shared with SU representatives and LGBTQIA+ student society members for further comments before finalising. April 2024 Draft 2 amendments completed but requested to go to SEC members June 2024. V2 received at ASPPC (18/09/24), then endorsed at Senate (22/10/24)– Nov 24 no further amendments were received, V2 added to website.

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Appendix 1 – Legislative Framework

Rights regarding transgender and gender are outlined mainly within:-

The Equality Act (2010) – the original act uses terms such as transsexual and gender reassignment but it is largely agreed that these terms are outdated and misleading. The umbrella term ‘trans’ was suggested to be used for those who are interpreting the Equality Act. In any case ‘trans’ is one of nine protected characteristics that the law seeks to protect from unlawful treatment. The law provides protection in work, in education, as a consumer, when using public services and in many other areas of life. The following provides more information on your rights:-

[Individuals | EHRC \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/)

It is unlawful to discriminate (treat someone differently) either directly or indirectly, harass or victimise an individual based on the fact that they are trans. An example of treatment that would be considered unlawful with regard to trans might be threatening to out a person’s identity as a trans person or harassing someone because of their perceived gender.

For a definition of trans in regard to the EA please refer to this video:-

<https://www.youtube.com/watch?v=HHzBoQJgHoc&list=PLrE6Pzde0sajeHI50yUgGYlrQ95CSLz2C&index=4&t=0s>

The Human Rights Act (1998) – this legislation gives effect to the rights contained within the European Convention on Human Rights – these rights include for instance the right to life, the right to respect for private and family life. The act provides a means to seek justice through British courts when rights have been violated and requires public bodies to respect and protect individual rights. Find out more about the Human Rights Act here:-

<https://www.equalityhumanrights.com/en/human-rights/human-rights-act>

The Gender Recognition Act (2004) – this piece of law provides the means for someone with gender dysphoria to change their legal gender (after 2 years of ‘transitioning’) and obtain a Gender Recognition Certificate. Transitioning has a wide understanding and does not necessarily mean that the individual would have to have undergone reassignment

surgery. If a person's birth was within the UK, a GRC signifies that they can then go on to obtain a Birth Certificate in their recognised legal sex.

It is also worth noting that Data Protection legislation (the **GDPR and the Data Protection Act 2018**) also protect the rights of individuals in terms of how their personal data is handled and secured. Data related to trans status or gender reassignment is considered as 'special category' data and therefore necessitates additional safeguards in the way in which the data is handled, stored and shared. Data regarding an individuals' trans or gender status therefore must only be shared as appropriate to effect changes or provide services with the written consent of the individual.

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Appendix 2 - Guidance for staff managing the processes

- 1) Ask the individual to complete a change form, link here:- <https://forms.office.com/Pages/ResponsePage.aspx?id=zvgbpOZMq0Oajn1mQwRzvvcYiPNpk1BCjvE7XS6a5xRUNzZHR0pLNVFGNVVFS0FaUDk5WEtGMIcwVC4u> or provide them with a printed version (Appendix 2). Make sure their form is ready for you to use during your discussion but keep it confidential, if you have a hard copy, hold it in a locked cabinet until you can meet with them.
- 2) Review the information you have so far and contact the individual to agree a day/time to meet. Consider where the individual would prefer to meet and how you can maintain confidentiality. Do not suggest anyone else to accompany you however they may wish someone to accompany them. Before you meet with the individual, ensure you understand the policy and read the rest of this guidance. Also read the information under the LGBT/gender diversity section of the Inclusivity Toolkit which you can find here:- <https://sites.marjon.ac.uk/inclusivity/> - use the resources in the toolkit to make yourself aware of terminology that may be used in your discussion but don't worry – you aren't expected to be an expert.
- 3) Do not break the individual's confidentiality at this point if you need to speak to others to clarify processes. You can do this without sharing their personal details.
- 4) Greet the individual and allow them to explain in their own words what they currently need. Do try to take a few brief notes (action points) if it feels appropriate. Do not make any assumptions – people will be different in their needs and may not be ready to make significant changes, they may just want to explore what is possible at this point. Others will have already attempted to make changes but may have come to you now as it has been stressful for them to navigate the University's systems and processes or they may have come across 'blockers' or painful situations. Use open questions to elicit if they are struggling with particular issues right now (eg bullying and harassment).
- 5) If other issues arise such as bullying, be prepared to deal with these if time/expertise permits or arrange to discuss those points at another meeting with others involved if required. Focus on what you can affect for them today but when you summarise, clarify what will happen with the other points raised.
- 6) If the individual can provide legal evidence of the change, scan a copy of the original documentation and note as appropriate that you have seen the original. Let the individual know where any copy will be stored and who will have access to it (usually in the People team – Personnel file for staff, and in Student Wellbeing and Support – Inclusion file for students).
- 7) UnitE changes – you will need to request the Registry contact to make appropriate changes. If the individual is not yet making a legal change to their data, advise them of the limitations of the change (reporting within and outside of the University with

bodies such as SFE, SFW, SFNI, SLC, HMRC, DBS checks and DfE will be in their legal name only). If the change is official, ask them if they have also notified their funding body etc, advise them accordingly and note.

- 8) Email identity – you will need to request the Computer and Media Services contact to make appropriate changes if appropriate. This will be useful particularly if the change is informal and UnitE and other systems won't naturally force this change.
- 9) Graduation – students nearing graduation should be asked what name they want read out at the graduation ceremony. Please take a note of their response and ensure this is notified to the Registry contact as soon as is reasonable if their ceremony is soon. Certificates can only be printed in legal names however if a student wishes to have their certificate re-issued after a legal name change, this can be arranged.
- 10) ITrent – the People Advisor will be asked to make appropriate changes. If the individual is not yet making a legal change to their data, advise them of the limitations of the change (I-Trent, payroll, pay slips, HMRC). If the change is official, ask them if they have also notified any other relevant bodies such as the HMRC. Explain how changes will be made to their physical Personnel file to protect any deadname.
- 11) Library/ID card – you will need to request the Library contact to change library lists data and they can also arrange for them to have a new ID card printed with no cost to the individual. If they are comfortable doing so (when on campus) they can contact them directly and have a new photo taken at an agreed time. If the individual does not wish to have a photo taken, they can provide one of their own either directly to the Library contact or you can arrange to send this on their behalf with the request.
- 12) Student Wellbeing and Support/DIAS –there may be other records within the SWS team (eg disability support team), request these as appropriate.
- 13) Sports – engagement can be a tricky area for the individual but is something we should encourage for health and wellbeing. Sports centre membership cards can be easily replaced with new names/photo through the Sports Centre contact. If the individual is a member of a gendered sports team (or wishes to be), this is a complex and sensitive area and advice should be sought from our Sports Team contact/Inclusion Manager before further advising the individual. To summarise in non-competitive sports teams within University, the individual can self-define gender, however in BUCs and other competitions there are rules and regulations which must be adhered to. The individual should be reminded however that there is a zero-tolerance policy toward any bullying and harassment based on any of the protected characteristics.
- 14) Peers, colleagues, staff at the University and elsewhere such as at placement – have a discussion about how the individual would prefer to let people know about the changes. At this point they may need further time and space to consider their options but ensure they are aware we can help advise and share in their communications when they are ready.

- 15) Support – ensure you signpost the individual to sources of support. Internally, there is support for students through the Student Wellbeing and Support team and for staff through their People Advisor and the Balance programme. Externally, there is a wealth of support and information which could prove vital to the individual. Provide them with the ‘Sources of Support’ document.
- 16) Facilities – the University respects every individual’s right to use the facilities such as toilets and changing rooms in the space that they feel is appropriate for them and will support them to do so. It is not appropriate to suggest individuals use the accessibility or gender-neutral facilities. Do confirm they should use the facilities appropriate to them and point out that ADDITIONALLY they may wish to note the campus has gender neutral toilets in several buildings (South – first floor opposite the View; West – ground floor near Student Wellbeing and Support; Kirby Cudmore – ground floor near main door; Sports Centre – family and mixed changing rooms).
- 17) If a hard copy form (appendix 3 a or b) has been used to aid the discussion get the individual to sign this to ensure you capture their permission to share data with other relevant parties. (They may have already provided permission through the electronic form completion).
- 18) Summarise your discussion and the action points before the individual leaves and provide them with a copy of this (using a carbonated notes form or appendix 2 is ideal). Afterward, ensure you complete your actions (for instance:- email all relevant points of contact asking for changes to be made; put in further meetings with you or others as agreed; discuss any difficulties arising with the Inclusion Manager, the People Advisor or the Sports Team contact). Follow up to the individual within 3 days outlining what changes you have made for them and what else is still to be considered/completed. Provide an opportunity for them to come back to you again should they need further advice.

Checklist for actions taken (staff use)

Required action	Point of contact (current as at July 2024)	Date completed
UnitE records/Registry team	Mark Alden and Dave Fulton	
Marjon email	Darren George	
I-Trent	People Advisor	
Library/ID card	Jayne Clark	
Student Wellbeing & Support/DIAS	Lynda Tout	
Sports Centre	Daniel Lewis	
Sports Teams/BUCS	Ella O'Neil	

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Appendix 3a – Enabling Change of Identity at University – Students

IN CONFIDENCE

The attached policy has been written to ensure that the University effectively supports individuals wishing to make changes to their name, gender and other identity fields as a result of their transgender, gender divergent or non-binary identity.

This appendix is to be used to gain permissions so that the authorised changes can be made efficiently and in confidence. It should be used with reference to the ‘Appendix 2 - Guidance for Staff’ and ‘Appendix 4 – Sources of Support’ – a copy of the further resources should be provided to the individual.

Name (known as): Student Number:		
I give permission for to share information with essential staff in order to effect the following changes:-		
Change of name/title/pronoun/gender/other (please state) as described here -		
I would like this change effected immediately on University systems/processes as indicated below:-		
System/Process/Area	Effective date	Office use (action taken)
Registry/Admissions/Exams (UnitE)		
Library loans and fines (Symphony)		
Student Wellbeing & Support (including disability team)		
University email		
Library card – is new photo required? Y/N		
Sports Centre membership		
This form continues overleaf...		

Consideration should now be given to other areas of the University where support may also be required. This might include informing others around the University, teaching staff, sports captains/club chairs etc, or whether data needs to be changed where held for PEEPs, counselling service, SFE/DSA etc. It is important to discuss any concerns students might have in making changes and provide all options available.

The following were also discussed and action is agreed as indicated below:-
(Please ensure it is clear who is doing what)

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I have received a copy of the 'Appendix 4 – Sources of Support' and agree with data being shared as discussed above with the key points of contact in order to enable changes to be made to data on my behalf:-

Student Signature: _____ Date: _____

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Appendix 3a – Enabling Change of Identity at University – Staff

IN CONFIDENCE

The attached policy has been written to ensure that the University effectively supports individuals wishing to make changes to their name, gender and other identity fields as a result of their transgender, gender divergent or non-binary identity.

This appendix is to be used to gain permissions so that the authorised changes can be made efficiently and in confidence. It should be used with reference to the ‘Appendix 2 - Guidance for Staff’ and ‘Appendix 4 – Sources of Support’ – a copy of the further resources should be provided to the individual.

Name (known as): Employee Number:

I give permission for to share information with essential staff in order to effect the following changes:-

Change of name/title/pronoun/gender/other (please state) as described here -

I would like this change effected immediately on University systems/processes as indicated below:-

System/Process/Area	Effective date	Office use (action taken)
i-Trent		
Personal file held in People Team		
University email		
Library card – is new photo required? Y/N		
Sports Centre membership		

This form continues overleaf...

Consideration should now be given to other areas of the University where support may also be required. This might include informing others around the University, colleagues, Line Manager and students (if relevant) and also what support is available to staff. It is important to discuss any concerns staff might have in making changes and provide all options available.

The following were also discussed and action is agreed as indicated below:-
(Please ensure it is clear who is doing what)

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I have received a copy of the 'Appendix 4 – Sources of Support' and agree with data being shared as discussed above with the key points of contact in order to enable changes to be made to data on my behalf:-

Staff Signature: _____ Date: _____

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Appendix 4 – Sources of Support

University Support – Students - Wellbeing support through the Student Wellbeing and Support team email sws@marjon.ac.uk or self-refer for counselling services at counselling@marjon.ac.uk . General advice through the Inclusion Manager. You may also wish to talk to the SU for general advice or contact Ella O’Neil in regards to BUCS sport etc. For general wellbeing advice and crisis support Student Space is also very helpful:- <https://www.studentminds.org.uk/studentspace.html>

University Support – Staff – Occupational health support and access to Counselling services through the People Team, contact your People Advisor.

External sources of support and guidance which may be useful

Specific to trans/gender issues:-

Stonewall - <https://www.stonewall.org.uk/truth-about-trans>

Mermaids - <https://mermaidsuk.org.uk/>

Trans.ac.uk – <https://www.trans.ac.uk/>

Gendered Intelligence - <http://genderedintelligence.co.uk/>

Sports guidelines

BUCS guidance and advice and further information can be found here:-

[BUCS REG 4 Individual Eligibility](#)

Where BUCS is not appropriate there are many individual policies that are sport specific which the University would follow. For instance, we are aware of the following bodies that have transgender policies:-

- Football Association
- British Swimming
- England Hockey
- England Netball
- Basketball England
- England Rugby
- LTA

- England Lacrosse
- Volleyball England – They don't have their own policy, instead they use the 'Pride in Sport' for their guidance: http://www.prideinsport.info/wp-content/uploads/prideinsport-volleyball_guidance.pdf