



WARWICK

Policy and procedure Trans and Gender Reassignment



WARWICK

In Summary

This Policy has been formulated to provide general guidance and policy advice to employees, students and managers about trans and gender reassignment issues.

The Policy informs on what gender reassignment/transition is, the relevant legislation, and how employees and students can be supported when transitioning to a gender different to that which they were assigned at birth.

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1. Introduction

1.1. This policy has been formulated to provide general guidance and policy advice to employees, students and managers about trans and gender reassignment issues.

1.2. This policy applies to all employees and students, including part time teachers, casual workers, temporary workers from Employment Agencies and contractors working on campus.

1.3. Transgender is an inclusive term for people whose gender identity differs from that which they were assigned at birth, or those whose gender expression or presentation differs from the typical (including those who identify as non-binary), and who self-defines as trans. Trans is correctly used as an adjective, rather than a noun e.g. 'a trans person', not 'a trans'.

2. Aims

2.1. The University of Warwick is committed to being a fair and inclusive employer and will not discriminate against an applicant, employee or student who identifies as trans.

2.2. Trans employees and students are entitled to be treated with respect and permitted to perform their roles free from harassment and unfair discrimination. The University of Warwick views harassment or discrimination against any student or employee on any grounds as a serious disciplinary offence.

2.3. People are protected against harassment or discrimination in the workplace because of their gender identity under the Equality Act 2010. The University is committed to complying with relevant legislation and codes of practice as a minimum benchmark. Wherever possible we strive to exceed legislative requirements by developing policies and procedures that help us to achieve our aim of being a working environment that is fair and supportive to individual needs and one which expects all employees and students to be treated with fairness, dignity and respect.

3. Responsibilities

3.1. All members of the University and University employees are responsible for helping to ensure that individuals do not suffer any form of discrimination as a result of their trans identity, and that they are supportive of individual needs. Every person working for the University will be accountable for the operation of this policy as they carry responsibility for their own behaviour and actions, on and off site during working hours or any activity associated with their employment or membership of the University.

3.2. All employees in a managerial position are responsible for seeking to prevent any infringement of the policy amongst the employees in their area and taking action where appropriate.

3.3. Human Resources will be responsible for ensuring that appropriate support and communication on this policy is available to staff, and Student Support Services will provide appropriate support and communication for students.

4. What is Gender Reassignment/Transition?

4.1. There are a small number of people in the United Kingdom whose gender identity does not match that which they were assigned at birth. This is sometimes called gender incongruence, or gender identity disorder. Such people are known as 'trans people'. Medical treatment to enable trans people to alter their bodies to match their gender identity is highly successful. The process is known medically as 'gender reassignment', or more commonly 'transition'. There is no requirement for trans people to undergo any surgical procedures in order for their gender identity to be recognised.

5. What is the Gender Recognition Act?

5.1. The Gender Recognition Act 2004 allows binary-gendered trans people (who are able to satisfy the necessary evidential requirements) to apply for full legal recognition of their gender. Following a successful application, by issuing them with a Gender Recognition Certificate, the law regards the trans person, for all purposes, as being of their gender.

6. Relevant Legislation

6.1. The Equality Act 2010 has strengthened and streamlined previous equalities legislation. 'Gender reassignment' is one of the nine protected characteristics within the Act and is also included in the Public Sector Equality Duty. The Equality Act 2010 provides protection against direct and indirect discrimination, discrimination by association, discrimination by perception, discrimination in cases of related absence from work, and all forms of harassment and victimisation. Those protected include:

- Actual and prospective employees.
- Ex-employees.
- Apprentices.
- Some self employed workers.
- Contract workers.

- People seeking or undertaking vocational training.

The definition of 'gender reassignment' within the Act gives protection from discrimination to a person who has proposed, started or completed a process to change their sex. The Act also provides protection as outlined below:

- To trans people who are not under medical supervision.
- To people who experience discrimination because they are perceived to be trans people (for example: a member of staff refuses to serve a customer because they believe the customer to be a trans person, whether they are or not).
- To people from discrimination by association because of gender reassignment (for example: a member of staff is spurned by their colleagues because their partner has undergone gender reassignment).

The Human Rights Act 1998 provides protection to trans people, principally under the right to a private life.

7. What is 'Discrimination on the Grounds of Gender Reassignment'?

7.1. It is unlawful to discriminate against someone if they:

- Intend to undergo gender reassignment, or
- Are undergoing gender reassignment, or
- Have at some time in the past undergone gender reassignment.

The University commits to extending this protection to all trans people, as defined in 1.3.

7.2. Discrimination in this context means treating a trans person less favourably than you treat (or would treat) another applicant/employee/student who is not trans, which includes harassment and victimisation.

7.3. Complaints from employees relating to Harassment and Bullying on grounds of their trans identity will be dealt with under the Dignity at Warwick Policy.

8. Complaints

8.1. The University aims to provide all staff and students with a high quality level of service. We recognise though that there may be occasions where expectations are not met and on these occasions we encourage staff and students to provide feedback. This includes inappropriate behaviour or treatment by a staff member, student or individual associated with the University (including contravening the University's Dignity at Warwick Policy, which relates to Harassment or Bullying on the grounds of trans identity (or any other protected characteristic) under the

Student Complaint Framework). Staff and students can also submit a complaint if the level of service that the University provides falls significantly short of what might reasonably be expected. The University's comprehensive feedback and complaints resolution policy for both staff and students is available at <http://www2.warwick.ac.uk/services/feedbackcomplaints>

9. Supporting Employees

9.1. An employee going through the process of transitioning can seek support from their line manager, link HR adviser or Occupational Health Adviser. Self-referrals can also be made to the University's Counselling service. It is a matter of personal choice as to who should be contacted, but it is recommended that the contact person works with the employee to agree an action plan to cover the period of their transition. It is imperative that confidentiality is maintained at all times.

9.2. All members of the University and University staff should refer to the trans person by their preferred name and pronouns.

9.3. If an employee is in a possession of a gender recognition certificate, it is unlawful to disclose their trans status without their consent. The University commits to extending this protection to all trans people, as defined in 1.3.

9.4. If the University holds any records which include a trans individual's former legal name and gender/pronouns, the trans individual concerned may request that all instances of them are expunged from the University's records.

10. Supporting Students

10.1. A student going through the process of transitioning can seek support from the nominated contact. Self-referrals can also be made to the University's Counselling service. It is a matter of personal choice as to who should be contacted, but it is recommended that the contact person works with the student to agree an action plan to cover the period of their transition. It is imperative that confidentiality is maintained at all times.

10.2. All members of the University and University staff should refer to the trans person by their preferred name and pronouns.

10.3. If a student is in possession of a gender recognition certificate it is unlawful to disclose their trans status without their consent. The University commits to extending this protection to all trans people, as defined in 1.3.

10.4. If the University holds any records which include a trans individual's former legal name and gender/pronouns, the trans individual concerned may request that all instances of them are expunged from the University's records.

11. Transition Action Plan

11.1. The student or employee and their main contact should write an action plan together (see Appendices A and B) for managing their transition whilst they are at the University. This will include agreeing dates of relevant transition milestones and communication plans, the University being guided at all times by the individual's preferences. Under no circumstances should any communication or actions be taken without the explicit consent of the individual. These action plans, together with any other notes of the meeting, must be kept strictly confidential in the individual's personnel file or student file, as appropriate. After a person has successfully transitioned, or obtained a gender recognition certificate, these records should be destroyed. The trans individual may request that such records are destroyed at any time.

12. Use of Single Sex Spaces

12.1. The University is committed to supporting the right for trans people to use the correct facilities for their gender identity, including changing rooms and toilet facilities.

12.2. A trans person should not be required to use disabled toilet facilities, nor facilities of their former assigned gender.

12.3. Where women/men - only spaces exist within the University, they should be open to all who self-define as women/men, including trans women/men.

13. Sickness and Absence from the University

13.1. In putting together the transition action plan, the time the student or employee will need in order to undergo any transition related treatment should be discussed. When the individual is absent for treatment or surgery, then normal sick pay arrangements or absence arrangements should apply. The normal policy for medical appointments should also apply, flexibility should be offered in taking holiday or rearranging working hours or academic commitments (including examinations and re-sits) in order to attend medical appointments. Where a sick note is required, it does not need to state the procedures performed.

14. DBS Checks

14.1. The DBS has developed a separate application procedure, which allows trans applicants to exclude previous names from the Disclosure Application form. However, applicants will still be required to send details of their previous legal identity in a separate correspondence directly to the 'Sensitive Casework Team'.

15. Changing Name and Gender

15.1. In order to change the name held on record with the University, an individual should present a deed poll or statutory declaration. No further documentation will be required.

15.2. No documentation is required in order to change the title & gender held on record for an individual with the University.

15.3. No charge will be levied for updating University documentation, such as employee or student cards. A substitute university card can be issued at an agreed date, once all the appropriate data systems have been updated with the new information.

16. Certificates

16.1. The University of Warwick has undertaken to provide students who have transitioned whilst studying or after studying with replacement degree certificates in their new legal names and titles.

17. Gendered Language

17.1. Wherever an individual's title is requested, the options 'Mx' and no title should be made available.

17.2. Wherever the gender identity of an individual is requested, the options 'Other' and 'Prefer not to say' should be included.

17.3. Whenever possible all official University correspondence should use non-gendered terminology when referring to a group of individuals or an individual of unspecified gender identity. For example, instances of 'he/she' should be superseded by 'they'.

17.4. All members of the University and University staff should refer to trans individuals using their preferred name and pronouns.

18. Accommodation

18.1. Trans individuals applying for University accommodation have the option to apply for en-suite accommodation. Where the individual expresses a desire to accept the offer, en-suite accommodation will be allocated whenever possible dependent upon availability. (It should be noted that accommodation staff do not have knowledge of personal disclosures of any protected characteristics). To be prioritised for en suite accommodation trans individuals can seek support from the Student Support Team, see:

<http://www2.warwick.ac.uk/services/student-support-services/student-support>

18.2. Where women-only/male-only spaces exist within University accommodation, they will be open to all who self-define as women/men, including trans women/men.

19. Pre-Employment

19.1. Individuals who have already adopted their new social and/or legal gender have no obligation to inform the University of Warwick of their change. Job applicants and interviewees should not be asked their trans status.

20. Dress Code

20.1. Warwick does not have a dress code that restricts employees/students clothing or appearance on the basis of their gender identity. Flexibility is required in dress codes while someone is early in transition, as they will often have to buy new clothes, and this should be discussed with the individual, taking into account any health and safety dress codes that the university has which are applicable to all staff and students.

21. Contacts and Further Information

21.1. Further information is available from <http://www2.warwick.ac.uk/services/equalops> or from your link HR Adviser.

21.2. If you require this publication in hard copy or in an alternative format please contact HR.

22. Review

22.1. This policy will be monitored and reviewed on a regular basis by the ED&I Manager.

Example of Action Plan to support employees

Action Plan to support employees transitioning
Does the employee feel comfortable continuing in their current role? Are there any temporary or permanent changes to the role which should be considered to support the employee? (Considerations should include security aspects such as lone working, night working.)
What is the expected timescale of any medical and surgical procedures, if known?
Is any time off required for medical treatment? If so how will this be dealt with?
What will the employee's new title, pronouns and name be?
When do they wish to start using this name, pronouns and title? Will there be any phasing?
When do they wish to start dressing and presenting as their acquired gender? Again will this be phased? (This may not necessarily be the same date as above.)
Are there any dress codes which need to be considered? (Do new uniforms need to be ordered?)
When does the employee wish to use toilet and changing facilities appropriate to their acquired gender? Please note disabled toilets should not be suggested as an alternative.
When, how and which Human Resources records and or systems will need amending?
When and how should colleagues be informed of the transition? Is there any education material which could be used?
If this action plan is not drawn up with input from line manager/and or Human Resources consider how and when they might need to be involved.
If any bullying or harassment occurs how will it be dealt with?
Actions Agreed
Date of next meeting

APPENDIX B

Example of Action Plan to support students

Action Plan to support students transitioning
Does the student feel comfortable continuing with their current course/cohort? Are there any temporary or permanent changes to the student's experience and obligations which should be considered to support the student? (Consider security aspects.)
What is the expected timescale of any medical and surgical procedures, if known?
Is any time off required for medical treatment? If so how will this be dealt with?
What will the student's new title, pronouns and name be?
When do they wish to start using this name, pronouns and title? Will there be any phasing?
When do they wish to start dressing and presenting as their acquired gender? Again will this be phased? (This may not necessarily be the same date as above.)
Are there any dress codes which need to be considered?
When does the student wish to use toilet and changing facilities appropriate to their acquired gender? Please note disabled toilets should not be suggested as an alternative.
When will the Personal Tutor be informed and what records and/or systems will need amending? When should other members of academic staff/student support staff be informed, and how should this happen?
When and how should other students be informed of the transition? Is there any education material which could be used?
When should other University departments be advised of the transition? What other University departments need to be made aware? E.g. Students Union, Sports Centre, Accommodation and Residential Staff.
If any bullying or harassment occurs how will it be dealt with?
Actions Agreed
Date of next meeting

Sources of useful information

The Gender Trust www.gendertrust.org.uk

The trust is recognised as an authoritative centre for professional people who encounter gender identity related issues in the course of their work.

Transgender Zone www.transgenderzone.com

Support for transgender persons.

Press for Change www.pfc.org.uk

Press for Change is a political lobbying and educational organisation, which campaigns to achieve equal civil rights and liberties for all trans people in the United Kingdom through legislation and social change.

Self-Referral:

Counselling Service:

- **e-mail** counselling@warwick.ac.uk for all general enquiries
- **telephone** 024 76523761(external) or 23761(internal) and speak to Trudy or Lisa, the University Counselling Service Administrators

Senior Tutor

- Phone number: 024 76 575570
- Email address: seniortutor@warwick.ac.uk

Referrals through Line Managers/HR Advisers:

Safety and Occupational Health

All Occupational Health Enquiries should be sent to: occupationalhealth@warwick.ac.uk

Dignity at Warwick Policy:

https://livewarwickac.sharepoint.com/sites/human_resources/_layouts/15/WopiFrame.aspx?sourcedoc={23F5EF8A-226A-4B90-A6D5-CCF203E0187A}&file=Dignity%20at%20Warwick.docx&action=default