

2015

# Trans-Student Equality Guidance

For staff working with students



Student Services  
University of Sussex

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# TRANS-STUDENT EQUALITY GUIDANCE

For staff working with students

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# TRANS-STUDENT EQUALITY GUIDANCE

## For staff working with students

### INTRODUCTION

THE UNIVERSITY OF SUSSEX celebrates and values the diversity of our students and is committed to providing an inclusive and welcoming environment where students are encouraged to meet their full potential and are treated as individuals. This includes providing support and understanding to those individuals who wish to take, or have taken, steps to present themselves in a gender different to the one assigned at birth.

THE UNIVERSITY recognises its legal responsibility to protect the rights of trans students and will try to ensure that no individual is subject to discrimination or victimisation as a result of the gender in which they present themselves and if such discrimination occurs will take the appropriate action.

External guidance can be found at [trans staff and students in HE](#)

### AIM OF GUIDANCE

This guidance is focused on the support that the University can offer to students considering or undergoing any form of gender reassignment. It also provides practical advice to University and Student Union staff who are supporting such individuals.

### PRINCIPLES OF THE GUIDANCE

- 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.
- Appropriate mechanisms will be in place to ensure that the curriculum does not rely on or reinforce stereotypical assumptions about trans people and that it does not contain transphobic material.
- The University will respect the confidentiality of all trans students and will not disclose information without the prior consent of the individual.
- Transphobic abuse, harassment or bullying (name-calling/derogatory jokes, unacceptable or unwanted behaviour, intrusive questions) will be dealt with in accordance with appropriate procedures
- Transphobic propaganda, in the form of written materials, graffiti, music or speeches, will not be tolerated and the University will remove any such propaganda whenever it appears on the premises.
- The University will provide a supportive environment for students who wish their trans status to be known, recognising that it is the right of the individual to choose

whether they wish to be open about their gender identity. To 'out' someone without their permission is potentially a form of harassment.

- The University will ensure that gender identity issues are included in equality training.
- The University welcomes and will provide appropriate facilities for trans student support groups.
- The University will include gender identity in internal attitudinal surveys and when monitoring complaints of harassment.
- In providing accommodation for students, any concerns or issues raised by trans students will be treated with due regard to Equalities legislation.
- Students undergoing medical and surgical procedures related to gender reassignment will be supported during this period if support is sought.
- Promotional materials, images, publicity materials and literature will reflect the diversity of students.

## WHAT IS TRANS?

Following are a series of terms useful to understand what we mean by transgender. For other potentially relevant terms, please consult the 'Appendix A – Terminology' section.

**Transgender** is an umbrella term for people whose gender identity and/or expression are different to ones associated with the assigned sex at birth. People may use a variety of terms including transsexual or transgender. Many transgender people decide to take hormones prescribed by doctors. Others even undergo surgery. However it is important to remember that not all transgender people will take medical steps for their transition and others might not want/need to transition at all.

**Trans**, is used as an abbreviation of transgender. It is also used to emphasize the inclusiveness of a variety of identities that range from transgender to gender-nonconforming, genderqueer and so on.

The process of changing one's gender is referred to as **transition** or, as defined in the Equality Act 2010, **gender reassignment**.

(All the definitions above are as defined by GLAAD formally known as the Gay & Lesbian Alliance Against Defamation)

## LANGUAGE USED

There can be some confusion over the descriptive terms, pronouns and names used when talking to Trans students and there is a lack of consensus between Trans people themselves over the best terms to use. However, if you're unsure, then the best approach is to ask, but always in a sensitive manner and at an appropriate time.

Once a trans student has made known their chosen name (if they wish to change their birth name), this name should be used in all circumstances.

A person who identifies as a certain gender, whether or not they have taken hormones or had surgery, should be referred to using the pronoun they prefer (this could include he, she, they, ze, hir and so on) If you're not sure the best thing to do is always to ask the person directly what they prefer. If you make a mistake, correct yourself, but don't make it a big deal.

It is inappropriate to use the terms 'sex change' or 'pre-/post-operative'. These imply that the process of transition must involve some form of surgery, which may not necessarily be the case.

It is advisable to only ever use these descriptive terms as adjectives. Calling someone "A transsexual" is often considered to be rude. Similarly it is considered best practice to refer to a "transgender" person rather than a "transgendered" person

It is never appropriate to put quotation marks around either the trans person's chosen name or the pronoun that reflects their gender identity. Some terms are discriminatory, and should not be used. These include 'she-male', 'he-she', 'it', 'trannie' and 'tranny'.

Respect a trans student's privacy: Do not ask what their "real" or "birth" name is; Do not tell others about a student's trans status; keep any documents using former names/gender confidential.

Respect trans students' boundaries and only ask a personal question such as "Are you taking hormones?" if you really think it is necessary and appropriate to ask, or if the student brings up the topic of medical transitioning themselves.

For full definitions see Appendices A & B on pages 8 - 13

## PRACTICAL ISSUES

### ACCOMMODATION

Where accommodation is provided for students, every effort will be made to be flexible and treat issues raised by trans students with sensitivity and consideration.

### CONFIDENTIALITY

Confidentiality is crucial. In specified circumstances, the Gender Recognition Act 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 constitutes a criminal offence liable to a fine.

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## DBS CHECKS

The Disclosure and Barring Service (DBS), formally known as The Criminal Records Bureau (CRB) has implemented a process specifically for trans people who do not wish to disclose their trans status to their placement provider. Trans applicants are not required to put their former names or gender on their DBS application form, but they must contact the DBS's sensitive applications team, ideally before their application is sent to the DBS. The trans student will need to send evidence of their previous name and gender with a covering letter confirming their current name, full address and a contact telephone number. The sensitive applications team will then monitor the DBS application and deal with any queries that arise.

Where a conviction or other relevant information has been recorded in a previous name, this will be revealed. The student's former name and gender should remain confidential as long as the DBS has been advised of the conviction, or other relevant information, in advance by the applicant.

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## DEGREE CERTIFICATES

A degree certificate is a legal document. Institutions will need to see legal proof of name change (for example a statutory declaration of name change or a birth certificate) to issue or reissue a certificate in a name different from that under which the student originally registered. Asking students or alumni for evidence of medical supervision is not appropriate, as not all trans people will be under medical supervision. It is unlawful to ask anyone for a gender recognition certificate.

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## IDENTIFICATION

A full gender recognition certificate (GRC) gives a trans student the means to obtain a new birth certificate, but a trans student can get other official identification that is reflective of their gender without a full GRC, including a passport and driving licence. Bank account details can also be changed without a full GRC. To obtain official documentation, a trans student without a full GRC is required to provide a doctor's letter stating their intention to transition permanently and, if appropriate, a statutory declaration of name change.

When the university requires official confirmation of a student's identity, alternatives such as a driving licence or passport could be supplied. Following their statement of intent to transition student records should be changed at a mutually agreed time to reflect their gender and name. Please note that, in some circumstances, specific criteria apply – particularly for degree certificates. It is not recommended that a student is asked to provide a doctor's letter as not all trans students will be under medical supervision

During transition, a trans student may use more than one legal identity, which is perfectly acceptable as long as they do not use their different identities for fraudulent purposes

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## INSURANCE

If the university is registering volunteers for corporate insurance, it will be necessary to check with their underwriters if they are required to provide information about employees' trans status. Some insurers automatically invalidate a policy if the trans status of a person without a gender recognition certificate is not disclosed. The university should obtain written consent from the student concerned before disclosing the information. If the institution is unaware of the trans status of its volunteers, the obligation to disclose passes to individual students, who could also be held liable in the event of an accident for which no valid insurance cover exists.

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## NAME CHANGES

Trans students can easily change their legal name by making a statutory declaration of name change. However, they may not choose not to change their legal name immediately, or may have no intention of changing their name. Young trans students, in particular, may use a name that differs from their legal name, such as a nickname or a shortened version of their full name. It is not unusual for tutors to ask a new student if they prefer to use a shortened version of their name. If possible, it would be preferable for this information to be relayed to the tutor beforehand, so that the legal name is not used in error.

If a trans student changes the name under which they are registered at the institution, they should do likewise with the student loans company, their local authority, any sponsor, and their bank to ensure payments are not delayed

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## RECORDS

No records should be changed without the permission of the student concerned. If an individual discloses their status as trans, or gives notification of their intent to transition during their education, the university will need to agree with them the date from which their gender is changed on all student records and public references, such as identification passes, library cards, contact details, email addresses, formal records, website references, payroll details and so on.

Particular consideration should be given to agreeing the date from which a student applicant's name and gender will change at the pre-enrolment stage, ensuring that UCAS or other application forms are amended. This will enable all subsequent identification to be

produced accordingly. The applicant will need to notify the student loans company and other funding bodies to ensure payment and enrolment records match.

Subject to the agreement of the individual, and with the exception of degree certificates (see above), a written notification of intent to transition is sufficient for the gender and name on student academic records to be changed. This is necessary to enable the person to go about their daily life as a student without their birth gender being known. Asking a trans student to provide medical evidence of transition before changing their name and gender on records is not recommended, as not all opt for medical assistance.

It is very important to ensure a trans student's file reflects their current name and gender. Any material that needs to be kept that is related to the person's trans status, such as records of absence for medical assistance, birth certificate and documentation of name change, should be placed in a sealed envelope and attached to a new file in Registry with instructions such as, 'Confidential: Director of Student Services only'. The Director of Student Services should allow staff to view the information only if they require it to perform their specific duties and with the permission of the person concerned. A note should be placed on any notes held elsewhere that a confidential file is held in Registry.

When a trans student receives a gender recognition certificate, they have the right to request that all references to their former name and gender are removed from old records to ensure their former identity is not revealed. All records held on paper file must be found and replaced with new records, and relevant information transferred to a new cover. For example, a person's old birth certificate will need to be replaced with their new one; if the person has changed their name, their original offer letter will need to be replaced with an offer letter in their new name. Nothing should remain on the file that would disclose to a third person that a change has occurred.

In order for these changes to take place, it may be necessary to discuss with others in the university the fact that a person is transitioning. However, it is essential that the individual grants permission before their status is discussed with others.

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## REFERENCES

References for current or former students who have transitioned must make no reference to the person's former names or gender, and must use appropriate pronouns. Failure to do so without the individual's consent would be a breach of the Data Protection and the Gender Recognition Acts. If the university receives a reference for someone who has previously transitioned and which refers to them by a previous name, then that information should be treated as confidential.



## SPORTS

The Gender Recognition Act recognises that, in certain circumstances, it may be appropriate to restrict trans people from participating in competitive sports in their affirmed gender. This is to ensure fair competition and the safety of other competitors as well as the trans student. However, the criteria within the Act for restricting trans competitors does not apply to all sports, and guidance from the Department for Culture, Media and Sport (DCMS, 2005) makes it clear that a trans person should be given the same access to sports clubs as a non-trans person. In addition, single-sex clubs should admit trans members, provided they can show identification in the appropriate gender.

If the university or students' union is unsure whether it is appropriate to allow a trans student to compete in a sporting event, ECU recommends that the appropriate governing body is consulted (for higher education competitive sports, contact British Universities & Colleges Sport, [www.bucs.org.uk](http://www.bucs.org.uk)). Consideration should be given as to whether it is necessary to exclude the trans student on the basis of fair competition or safety. Sports governing bodies should have a policy for competition that covers trans students. We should be aware that the restrictions on competition apply only to trans competitors, they do not apply to trans referees, coaches or club employees.

For full details of the legislation see Appendix C, page 14.

## TRANSITION ACTION PLAN & CARE PATHWAY

A student, about to go, or going through the process of gender reassignment can seek support from a Student Life Advisor. All Student Life Advisors have training in this area. If a student makes initial contact with a tutor or another member of support staff, they should be referred direct to a Student Life Advisor so that the best advice can be given and confidentiality strictly maintained. The following care pathway is recommended:

1. An initial meeting should be set up between the student and the Student Life Advisor. The student can be accompanied by a friend, family member, tutor etc. if they so choose.
2. The student should be advised that the purpose of the meeting is to advise them of available support (University Counselling Service and external services – see Appendix E) and to agree on an action plan with a time scale to ensure that appropriate steps are taken during their transition.
3. The student should be asked to notify the university formally, in writing, of their intention to transition. The letter can be addressed to the Student Life Advisor who is helping to coordinate the transition and should be kept in a confidential file in Registry.

4. If the student intends to change their name or title legally, this should be established along with the date from which they wish to use their new name.
5. The date on which this name change needs to take effect on university documents/cards/databases needs to be decided and a list of affected documents should be drawn up.
6. The student should be asked if they feel comfortable continuing with their current course/cohort? Are there any work placements/electives abroad which could potentially be affected? This is particularly relevant if the student is on a Social Work or PGCE course or is travelling to a country where their safety might be compromised. A legal name change will warrant a change in passport.
7. If known, a timescale of medical or surgical intervention and consequent time off should be set down to enable any academic adjustments to be made in good time. Trans students will require time off for appointments (for example, psychotherapy, voice therapy, hair removal), surgery, and recovery from surgery. Appointments to see a specialist may involve travelling long distances, so could take a whole day. The time off work or study following surgery will vary greatly, from one week to around 12 weeks, depending on the nature of the surgery and the physical demands of the person's job or studies. The law recognises that someone under medical supervision who is transitioning may require substantial periods of time off and has the right to be treated in the same way as someone who is absent from their studies for reasons of sickness or injury. Students may need to be referred to the Student Support Unit if the disabling effects of an operation or treatment result in a temporary disability.
8. Intermission should be considered if the timing of surgery means that a student may miss a substantial amount of contact time or the student is on a professional programme with attendance requirements.
9. The date at which the student wishes to start dressing and presenting in their affirmed gender should be discussed. This date need not be the same as that for the name change. Will this be phased and are there any dress codes which need to be considered?
10. The date at which the student wishes to start using changing facilities appropriate to their affirmed gender should be discussed and facilities on campus such as gender neutral toilets should be pointed out.
11. The date at which a student's Academic Advisor, other academic staff and student support staff within the student's school are informed should be discussed. The way in which this is done should be considered. Is there any educational material which could be used?
12. Similarly communications to other students need to be considered and managed. The individual should be free to choose whether they wish to make an announcement and then whether it is made by them or for them by a chosen representative. It is important that a senior member of staff within the student's department or faculty, and in their residence, is seen to be supportive. It would be

good practice for the senior member of staff to make it clear that the person who is transitioning has the full support of the institution. The senior member of staff should also explain and reiterate the institution's commitment to equality, and its policy on bullying and harassment. The senior member of staff should emphasise that, from that day or from another predetermined day onwards, as appropriate, the person will have changed gender and should be addressed by their new name and using the appropriate pronouns. The content of any meeting should be discussed in full with the trans person in advance.

13. If the student is in university managed accommodation or is a member of the Sussexsport etc. then communication with these offices needs to be organised.
14. Fears and possible action over future bullying and harassment should be talked through.
15. Actions agreed and the date of the next meeting should be recorded.

## APPENDIX A – FURTHER TERMINOLOGY

### AFFIRMED GENDER

The new gender of a person who has socially transitioned and had their gender reassigned and/or legally recognised. It is possible for an individual to transition and receive legal recognition of their affirmed gender without medical assistance.

### GENDER

Gender refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women. It consists of two related aspects: gender identity, which is a person's internal perception and experience of their gender; and gender expression, which is the way a person lives in society and interacts with others. Gender does not necessarily represent a simple binary choice: some people have a gender identity that is neither clearly female nor clearly male or others prefer not to even identify themselves in masculine or feminine terms. It should be noted that currently, for the purposes of the law, gender is binary – people can only be male or female.

### GENDER DYSPHORIA

**Gender Dysphoria** is the medical diagnosis for people who do not identify with the sex and/or gender they are assigned at birth. . A person with gender dysphoria can experience anxiety, uncertainty or persistently uncomfortable feelings about their assigned gender. They may feel that their gender identity is different from their anatomical sex. This dysphoria may lead to a fear of expressing their feelings and a fear of rejection and in some cases deep anxiety or chronic depression. Sometimes a person with gender dysphoria

assumes an identity in the opposite sex. This may involve undergoing hormone and, perhaps, surgical procedures to change their sex. Gender dysphoria is not related to sexual orientation.

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## GENDER PRESENTATION/EXPRESSION

While gender identity is subjective and internal to the individual, gender presentation, either through personality or clothing, can determine how a person's gender is perceived by others. Typically, trans people seek to make their gender expression and presentation match their gender identity, rather than their birth sex.

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## GENDER RECOGNITION CERTIFICATE

Gender recognition certificates (GRC) are issued under the **Gender Recognition Act 2004** by the gender recognition panel. The holder of a full GRC is legally recognised in his or her affirmed gender for all purposes. This means that the person in question now belongs to their affirmed gender in both a legal and a social context. A full GRC is issued to an applicant if they can satisfy the panel that they fulfil all the criteria outlined in the Gender Recognition Act 2004. The act requires that the applicant has, or has had, gender dysphoria, has lived in their affirmed gender for two years prior to the application, and intends to live permanently in their affirmed gender. See page 13 for more information about gender recognition certificates. It is unlawful to ask a trans person for a GRC, as once a person has obtained a certificate they are required to disclose their past only in very rare circumstances. See section 2.2 of this guidance for forms of identification that you can ask a trans person to provide.

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## GENDER/SEX REASSIGNMENT

Gender reassignment is a process undertaken under medical supervision to reassign a person's gender by changing their physical sexual characteristics. Gender reassignment or transition includes some or all of the following social, legal and medical adjustments: telling one's family, friends, and/or colleagues; changing one's name and/or sex on legal documents; hormone therapy; hair removal, voice therapy and possibly (although not always) chest and/or genital surgery.

Gender reassignment is also referred to as sex reassignment. In fact, the term gender reassignment is considered by some to be inaccurate, as people with gender dysphoria do not change the gender with which they identify; they change their sexual characteristics to match their gender identity.

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## INTERSEX

Intersex is a biological condition that people are born with. Intersex people can have a combination of male and female anatomy. As a result, their biological sex cannot easily be classified as either male or female. Until recently, the medical profession encouraged parents to elect for surgery on their intersex baby so that their child would conform to stereotypical male or female appearances. Subsequently, many intersex people encountered difficulties later in life as the gender prescribed by the medical profession and their parents was different from the gender with which they associate. Today, parents are advised to delay surgery until their child reaches puberty so that the child can inform decision-making. Not all intersex people opt for surgery, and many will consider themselves to be intersex rather than male or female.

In addition, there are a number of sex chromosomal variations which may not produce any visible anatomical variation in a person, and which may not be detected until puberty or even later in life. This can include medical conditions such as Turner's syndrome, Klinefelter's syndrome (XXY syndrome), and mosaicisms whereby half of a person's cells have one form of sex chromosomes and the other half another (e.g. XX/XY mosaicism).

While trans issues are different from intersex issues, intersex people who had their gender incorrectly prescribed at birth may decide to transition to the gender with which they identify later in life.

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## LEGAL GENDER

In the past, a person's legal gender was defined by their birth certificate and could not be changed. The **Gender Recognition Act 2004** means that people can now apply to gain recognition of their affirmed gender for all legal purposes.

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## LESBIAN, GAY, BISEXUAL AND TRANS (LGBT)

While trans status is different from sexual orientation, the forms of prejudice and discrimination directed against trans people can be very similar to those directed against lesbian, gay or bisexual people. Historically the two communities have coexisted and supported each other. As a result, action and support groups often have a broader remit than sexual orientation.

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## PHYSICAL (ANATOMICAL) SEX

The term sex refers to a person's physical or anatomical sex (male, female or intersex).

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## REAL-LIFE EXPERIENCE OR TEST

Real-life experience is a phase during gender reassignment in which the individual must live, work and study in the gender with which they identify before they can start hormone therapy and/or undergo surgery. Trans staff and students may require confirmation from their institution that they are undertaking real-life experience. Real-life experience can also be called the real-life test.

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## SEXUAL ORIENTATION

Sexual orientation is different from gender identity, and the two are not related. Trans people, like any other people, can be heterosexual, lesbian, gay, bisexual or queer.

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## TRANS

An inclusive term for those who identify themselves as transgender, transsexual or transvestite, but not only. In fact, it is also used as an umbrella term to be more inclusive of people with more fluid and/or non-conforming gender identities (for example genderqueer people). The term 'trans' can be used without offence but should only be used as an adjective, for example 'a trans student'. Sometimes it is considered as an abbreviation of transgender understood as an umbrella term.

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## TRANS MAN

A person may describe themselves as a trans man – this is a person who is transitioning, or has transitioned from female to male. The term female-to-male (or FTM) indicates the direction of a person's transition and may occasionally be used to describe a trans man.

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## TRANS WOMAN

A person may describe themselves as a trans woman – this is a person who is transitioning, or has transitioned from male to female. The term male-to-female (or MTF) is a medical term indicating the direction of a person's transition and may occasionally be used to describe a trans woman.

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## TRANSGENDER

An umbrella term for people whose gender identity and/or gender expression are different to ones associated with the assigned sex at birth. from their birth sex. People may use a variety of terms including transsexual or transgender. Many transgender people decide to take hormones prescribed by doctors. Others even undergo surgery. However it is important to remember that not all transgender people will take medical steps for their transition and others might not want/need to transition at all. Some people who see

themselves as not clearly fitting into a male or female identity might use this term as well. The term transgender should only be used as an adjective, for example, 'transgender people'.

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## TRANSITIONING

Transitioning is the term used to describe someone changing from one gender to another, with or without medical intervention.

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## TRANSPHOBIA

Transphobia is a term used to describe discrimination that can be experienced by trans people, which arises as a result of their expression of their gender identity.

Transphobia derives from a combination of cultural and personal beliefs, opinions, attitudes and aggressive behaviors based on prejudice, disgust, fear and/or hatred directed against individuals or groups who do not conform to societal gender expectations and norms. It can manifest itself through violence, aggression, insulting use of language or social exclusion

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## TRANSSEXUAL PERSON

**Transsexual** is a person who experiences a mismatch between their assigned sex at birth and who seeks to permanently change their outward physical appearance through hormone therapy and/or various surgeries to transition from male to female or female to male (in order to proceed with the process of medically transitioning they will have to be diagnosed with gender dysphoria). However, transsexual is an older term which originated in medical and psychological communities. Even though it may be preferred by some people who have changed (or are in the process of changing) their bodies, transsexual is not an umbrella term. Some people in fact might prefer the term transgender. It is always best to ask a person if they identify with any term in particular. This term should only be used as an adjective; individuals should be referred to as 'transsexual people' not 'transsexuals'.

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## CROSS-DRESSER

The term cross-dresser refers to someone who dresses in the clothing typically worn by the opposite sex. Generally, people who are cross-dressers do not wish to alter their body and do not necessarily experience gender dysphoria.

## APPENDIX B - LEGISLATION

Legislation covering gender identity issues focuses primarily on gender reassignment. However it is good practice to ensure that university policies and procedures are inclusive of all trans people whether or not they intend to, are having or have had their gender reassigned. (Trans staff and students in higher education 2010)

**The Equality Act 2010** strengthens and streamlines previous equalities legislation and has repealed the Sex Discrimination Act and the Gender Equality Duty. The broader Public Sector Equality Duty came into force in April 2011.

Gender reassignment is one of nine protected characteristics within the act, and it is also included in the Public Sector Equality Duty.

Gender reassignment

- 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.
- A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.

The act offers more far-reaching protection from discrimination on the grounds of gender reassignment than existing equality law as it protects:

- trans people who are not under medical supervision
- people who experience discrimination because they are perceived to be trans
- people from discrimination by association because of gender reassignment. For example, it would protect the parents of a trans person from being discriminated against because of their child's gender identity and expression

For further information on the Equality Act 2010 and its implications for HEIs, see [www.ecu.ac.uk/subjects/equality-act-2010](http://www.ecu.ac.uk/subjects/equality-act-2010).

Under the **Data Protection Act 1998**, trans identity and gender reassignment constitute 'sensitive data' for the purposes of the legislation. Therefore information relating to a person's trans status cannot be recorded or passed to another person unless conditions under schedule 3 of the Data Protection Act for processing sensitive personal data are met.

The **Human Rights Act 1998** provides protection to trans people, principally under the right to a private life. The courts have interpreted the concept of 'private life' in a very broad way to cover, among other things, a person's right to express a sexual identity, to live a particular lifestyle and to choose the way they look and dress. It also means that personal information (including official records, photographs and letters) should be kept securely and



not shared without the permission of the individual concerned. In addition, the right to privacy states that unless a public authority is acting in accordance with the law, there should be no interference by a public authority with a person's exercise of their right to a private life.

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#### THE GENDER RECOGNITION ACT 2004

The legal protection for a person who has fully transitioned (with or without medical intervention) is clear and unequivocal. The **Gender Recognition Act 2004** allows trans people who are able to satisfy the act's evidence requirements to apply to the gender recognition panel in order to seek full legal recognition of their affirmed gender. The panel, which consists of lawyers and doctors, requires applicants to demonstrate that they:

- have, or have had, gender dysphoria
- have lived in the affirmed gender for at least two years, ending with the date on which the application is made
- intend to continue to live in the affirmed gender for the rest of their life
- can provide medical reports containing specified information

If an applicant is successful, they will be issued with a full or interim gender recognition certificate (GRC). Thereafter, the Sex Discrimination Act applies to this person in the same way as it would to anyone else.

A full GRC enables the person to marry someone of the same or opposite sex and to form a civil partnership with someone of the same sex. Anyone currently married or in a civil partnership would receive a time-limited interim certificate, as they are required to divorce their current marriage partner, have their marriage annulled or have their civil partnership dissolved before obtaining a full GRC. The University will treat someone holding an interim GRC as if they had received a full GRC.

The holder of a full GRC can obtain a new birth certificate which does not disclose the fact that they have changed gender (if their birth was registered in the UK). The gender recognition panel will notify the general registrar that a GRC has been issued who will contact the holder and issue a new birth certificate. The general registrar enters the person's details on the gender recognition register and their original birth register entry is marked, to indicate that the birth has been re-registered. The gender recognition register is not open to search by the public, and the disclosure of information contained in the register is prohibited. There are certain exemptions from this prohibition, for example in situations where information is required for the prevention or detection of crime.

Once a full GRC has been issued, a trans person is required to contact HM Revenue & Customs (HMRC) with their national insurance number in order to change their record. The gender recognition panel can notify HMRC if requested by the applicant. The record will

then be restricted so that only specialist staff have access. If a person fails to notify HMRC, they may be liable for prosecution.

Crucially, the Gender Recognition Act also gives trans people privacy rights. Anyone who acquires information about someone's trans status is liable to criminal proceedings if they pass that information to a third party without the permission of the individual

#### LINKS TO RELEVANT LEGISLATION

Data Protection Act 1998 [www.opsi.gov.uk/acts/acts1998/ukpga\\_19980029\\_en\\_1](http://www.opsi.gov.uk/acts/acts1998/ukpga_19980029_en_1)

Disability Discrimination Act 1995

[www.equalityhumanrights.com/uploaded\\_files/disability\\_discrimination\\_act\\_1995.pdf](http://www.equalityhumanrights.com/uploaded_files/disability_discrimination_act_1995.pdf)

Equality Act 2006 [www.opsi.gov.uk/acts/acts2006/pdf/ukpga\\_20060003\\_en.pdf](http://www.opsi.gov.uk/acts/acts2006/pdf/ukpga_20060003_en.pdf)

Equality Act 2010 [www.opsi.gov.uk/acts/acts2010/pdf/ukpga\\_20100015\\_en.pdf](http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga_20100015_en.pdf)

Gender Recognition Act 2004 [www.opsi.gov.uk/acts/acts2004/ukpga\\_20040007\\_en\\_1](http://www.opsi.gov.uk/acts/acts2004/ukpga_20040007_en_1)

Human Rights Act 1998 [www.opsi.gov.uk/acts/acts1998/ukpga\\_19980042\\_en\\_1](http://www.opsi.gov.uk/acts/acts1998/ukpga_19980042_en_1)

Sex Discrimination Act 1975

[www.equalityhumanrights.com/uploaded\\_files/sex\\_discrimination\\_act\\_1975.pdf](http://www.equalityhumanrights.com/uploaded_files/sex_discrimination_act_1975.pdf)

Sex Discrimination (Gender Reassignment) Regulations 1999

[www.opsi.gov.uk/si/si1999/19991102.htm](http://www.opsi.gov.uk/si/si1999/19991102.htm)

#### APPENDIX C: HOW IS GENDER TRANSITION ACHIEVED?

Gender transition can be achieved and legally recognised through social transition alone and without medical assistance, but it is useful to understand the medical process of gender reassignment that some trans students may undergo so that appropriate support can be given.

There is controversy over the continued medical premise that gender dysphoria is a mental illness, but at present this premise forms the framework for a majority of transitions. A psychiatrist will carry out psychological assessments before diagnosing gender dysphoria and referring the student on to a gender identity clinic.

At a gender identity clinic a range of options and their consequent implications are considered. At this stage, many people will choose to transition to the gender with which they identify. To achieve this, they may receive counselling, speech therapy, electrolysis (removal of body and facial hair) and/or hormone therapy. Some trans people may feel that the changes they experience as a result of ongoing hormone therapy are sufficient, and they may not feel a need to progress beyond this stage.

International medical standards (Meyer et al, 2001) require that a person has undergone real-life experience (also known as real-life test) of at least three months, or a minimum of three months' psychotherapy, before hormone therapy can be prescribed or breast surgery

performed. The real-life experience requires a person to fully adopt the gender with which they identify in their everyday life. They are required to work and study in their new gender, and may require official confirmation from their institution that they are doing so.

In some cases, the person may choose to undergo genital surgery. International medical standards require that they must have undergone real-life experience, and usually received hormone therapy, for at least a year before genital surgery can be performed.

The length of time it will take for a person to see a psychiatrist and a gender identity specialist and to receive hormone therapy and/or surgery will depend on whether they transition under the NHS or privately. Under the NHS, assessment by a gender identity specialist and the prescription of hormones can take several months or even years. Subsequently, some individuals may self-administer hormone therapy or opt for private medical assistance. Following this, there is typically a period of one or more years before a person is accepted for surgery.

#### APPENDIX D : EXAMPLE OF A TRANSITION PROCESS

The chart below provides an overview of a typical transition and is taken from the Equality Challenge’s 2010 guidance for trans students in Higher Education. Each individual’s situation will vary depending on a range of factors, including whether or not a person opts for medical procedures or merely social orientation, and whether they are receiving medical assistance privately or on the NHS.

A person identifies that their physical gender is not their actual gender
The person is diagnosed with gender dysphoria
The person informs their institution that they want to transition and will commence a real-life experience
After at least three months, the person begins hormone therapy
At the person’s request, the institution updates its records to reflect any name change and their new gender
A new student file is created and any documents revealing their former name and gender that must be kept are marked ‘confidential’
If the person is a student and they have changed their name, they are informed that they must legally change their name before a degree certificate can be issued in their new name
After at least 12 months, the person may undergo genital surgery
After two years of living in their chosen gender, whether or not they have undergone surgery, the person applies for a gender recognition certificate
A gender recognition certificate is awarded and the person is issued with a new birth certificate
The person is now legally recognised in their chosen gender – all documents and references that have not already been changed must now be changed

## APPENDIX E - SOURCES OF SUPPORT

**FTM Brighton.** A group for transgendered men, genderqueer people and those questioning their gender identity. It is a monthly support group providing a social space, peer support, health information and involved in co-ordinating local campaigns. [info@ftmbrighton.org.uk](mailto:info@ftmbrighton.org.uk)  
[www.ftmbrighton.org.uk](http://www.ftmbrighton.org.uk)

**Trans Formers** – Trans\* Youth Group at Allsorts Youth Project, Young People’s Centre, 69 Ship Street, Brighton BN1 1AE [transformers@allsortsyouth.org.uk](mailto:transformers@allsortsyouth.org.uk)  
[www.allsortsyouth.org.uk](http://www.allsortsyouth.org.uk)

### **Clinic T@ Claude Nicol**

[www.brightonsexualhealth.com/node/92](http://www.brightonsexualhealth.com/node/92)

Sexual health service for trans people. Tel: 01273 664716 ask for a Clinic T appointment

### **The Clare Project**

[www.clareproject.org.uk/](http://www.clareproject.org.uk/)

Brighton-based support group for anyone wishing to explore issues around gender identity. Weekly drop-in for information, support and companionship, with a facilitator and a psychotherapist in attendance.

### **The Gender Trust**

[www.gendertrust.org.uk/](http://www.gendertrust.org.uk/)

Supporting trans people and those affected by gender identity issues including family and carers. Online information bank, referrals and signposting. Not a crisis service.

## APPENDIX F: BULLYING, HARASSMENT AND DISCRIMINATION AGAINST TRANS PEOPLE

Bullying, harassment and discrimination are unlawful and should not be tolerated in any institution. Policies should protect the rights of trans people to dignity at work and in their studies. Some indicative examples of unlawful direct discrimination include:

- refusing to support a student who is trans
- verbally or physically threatening a trans person
- spreading malicious gossip about that person
- refusing to associate with or ignoring someone because they are a trans person
- refusing to address the person in their affirmed gender or to use their new name
- sexual harassment of a trans person
- revealing the trans status of a person to others, either by disclosing information to individuals or groups – in other words, ‘outing’ someone
- not respecting a person’s transition because the institution thinks the individual has not transitioned sufficiently to warrant change – institutions will not be able to claim ignorance or confusion about trans issues

- passing judgment on how convincing a trans person is in their affirmed gender
- indefinitely refusing to allow a trans person to use single-sex facilities appropriate to their gender after a reasonable transition period
- treating a trans person less favourably than others in regard to sickness or other absences
- refusing to acknowledge the rights of a trans person and failing to acknowledge that a transition has occurred
- Steps that can be taken to prevent harassment include:
  - creating effective and well communicated policies to promote gender equality that explicitly cover gender identity
  - training all staff and managers on the policies and their responsibilities under them
  - making harassment a disciplinary offence
  - monitoring the policies and their impact regularly
  - developing clear procedures for investigating complaints
  - training staff involved in investigating complaints
  - ensuring subcontractors are aware of the institution's policies to promote gender equality and their obligations under them
  - working in partnership with the local police to ensure hate crimes are reported