

TRANS EQUALITY POLICY

Statement of Purpose

1. The University's single Equality and Diversity Policy (2016) outlines Suffolk's commitment to diversity and equal opportunities:

We value all of the different people studying and working at the University and we are committed to developing policies and processes and approaches to teaching, learning and assessment that tackle inequality and exclusion.

In addition to promoting equality of opportunity and equality of access to our services, we will also uphold a principle of diversity throughout the institution. Diversity adds another dimension to the equality agenda, by making sure that the differences between people, groups and identities are understood, valued and respected.

2. At Suffolk, this means providing support and understanding to members of our community who identify as trans, non-binary, genderfluid or intersex. The University endeavours to respect gender identity, irrespective of legal sex. The purpose of this document is to raise awareness of this aspect of gender equality to ensure that trans staff and students do not experience discrimination, harassment or victimisation.

3. This Policy should be read as part of the wider University policies and procedures, including:

- Bullying, Harassment and Sexual Harassment Policy
- Dignity at Study Policy
- Complaints procedure
- Free Speech Code of Practice

Nothing in this policy will affect our capability to act compatibility with the statutory free speech duties.

Definitions

4. Where this Policy refers to 'trans people', it has in mind a broad range of people whose gender identities and expressions do not always align with their assigned sex at birth. The University acknowledges that there are many nuances of gender identity and expression and people under the trans umbrella may describe themselves using a variety of terms including, but not limited to, transgender man (or trans man), transgender woman (or trans woman), non-binary (having a gender identity outside, between, or beyond the gender binary), genderfluid (when a person's gender may change depending on the context), or intersex.

5. Intersex is an umbrella term that relates to a wide range of diverse biological sex characteristics, including genitals, hormones, gonads and/or chromosome patterns that don't fit typical binary definitions of male or female. Sometimes a child is born with genitalia which cannot be classified as female or male. A genetically female child (i.e., with XX chromosomes) may be born with external genitalia which appear to be those of a normal male. Or a genetically male child (XY chromosomes) may be born with female-appearing external genitalia. In very rare cases, a child may be born with both female and male genitalia. In terms of gender identity, intersex people may identify men, women, or non-binary.

6. The term trans is an umbrella term that can be used to describe:

- People whose gender differs from the sex they were assigned at birth
- People considering or currently moving through a social gender transition (such as a name change and/or pronoun change)
- People who are considering or have had a medical gender transition
- People who express the intent to undergo any social or medical gender transition
- People who do not identify with binary gender, i.e., non-binary, genderfluid, and sometimes intersex.

These are not mutually exclusive alternatives. It is important to note that many trans men and women no longer use the term 'trans' to describe themselves. Instead, some use 'man/woman with trans history', for instance. Others simply use 'men' and 'women' without 'trans.'

7. Concepts such as 'trans and non-binary' can be difficult to understand for those who do not have first-hand experience with them. Furthermore, the ways in which trans and non-binary people transition can be complex; these processes are not homogenous. Every person's transition is unique, and can involve different aspects, including:

- Social e.g. telling others, changing pronouns and/or title
- Legal e.g. a change of name or gaining a Gender Recognition Certificate (GRC) (see below; it should be noted that a GRC is not required by the University and is not necessary for legal protection)
- Medical e.g. hormone treatment

Legal Framework

8. The **Equality Act (2010)** strengthened and streamlined previous equalities legislation. Gender reassignment (one of the nine protected characteristics) is defined as 'where a person has proposed, started or completed the process to change his or her sex'. The Act protects:

- Trans people whether or not they are under medical supervision to undergo gender reassignment

- People who are discriminated against because they are perceived to be trans (even if that perception is incorrect)
 - People who are discriminated against because of their association with a trans person
- The term 'gender identity' better describes the legal term of 'gender reassignment.'

9. Under the Equality Act 2010 the University has a public duty to eliminate discrimination and advance equality of opportunity on the grounds of gender reassignment and to foster good relations between those with the protected characteristic of gender reassignment and those without.

10. The **Gender Recognition Act (2004)** allows trans people to apply to have their affirmed gender legally recognised through a Gender Recognition Certificate (GRC), which allows the individual to apply for a revised birth certificate. Nobody is entitled to see or record the details of a Gender Recognition Certificate and hence proof of legal gender is evidenced by birth certificate (or similar document). Many trans people do not get a GRC; trans experiences differ and many people do not wish to follow that path. Nevertheless, a person does not have to hold a GRC, or be at any particular stage of transition, in order to be treated with dignity and respect and be protected under the Equality Act 2010.

11. The **General Data Protection Regulations (GDPR)** describes some of the personal data processed can be more sensitive in nature and therefore requires a higher level of protection. The GDPR refers to the processing of these data as 'special categories of personal data'. This includes personal data about an individual's gender status or identity. This means that information regarding a person's trans status cannot be recorded or passed to another person unless conditions under Article 9 of the GDPR are met.

12. The **Human Rights Act (1988)** provides protection to trans people, principally under the right to a private life (including how someone expresses their gender).

Our Commitment

13. The University commits to ensure:

- a) 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.
- b) Staff will not be excluded from employment or promotion because of their gender identity.
- c) An environment free from transphobic harassment (e.g. name-calling, derogatory jokes, unacceptable or unwanted behaviour) and discrimination

- d) The confidentiality of all trans staff and students and will not reveal information without the prior agreement of the individual.
- e) A supportive environment for staff and students who wish their trans status to be known.
- f) Provision of appropriate facilities for trans students and staff.
- g) This policy and accompanying guidance are effectively disseminated.
- h) All staff will complete Equality, Diversity and Inclusion training.
- i) The Chair of recruitment panels will complete recruitment and selection. training, which covers equality and diversity matters.
- j) The provision of effective support to staff or students who are undergoing transition, including identifying supportive actions and adjustments.

Support

Students

14. If you are a student considering or undergoing transition, you can seek support from an adviser in Student Life or equivalent department at your campus.

Staff

15. Members of staff can seek support from their manager, local Support Group, Directorate of People and Organisational Development (POD), and/or Occupational Health.

16. It is a matter of choice 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 and negotiated at all times, for staff and students who may be considering transitioning or have in the past undergone gender reassignment.

17. Our Special Leave Policy details leave available for staff members undergoing gender reassignment surgery.

Transition Action Plan

18. In both cases, support can be provided on putting together an agreed action plan to cover the period of transition (if relevant) and thereafter. This may include agreeing dates of transition and communication plans, the University being guided at all times by the individual's preferences.

19. Under no circumstances should any communication or actions be taken without the explicit consent of the individual.

20. These action plans must be kept strictly confidential and any records destroyed after the person has transitioned. Example actions can be found at the Appendix A of this policy.

Complaints

21. Breaches of this Policy will be taken seriously and will be dealt with promptly with due consideration to the complainant and other individuals involved, where applicable. If a breach of Policy is found to have occurred, appropriate remedial processes, which may include disciplinary action, will be instigated.

22. Complaints or allegations made regarding harassment and discrimination are serious disciplinary offences¹ for staff and students and will be managed through the appropriate University procedures.

23. Complaints regarding written materials will undergo consideration of its form and content. Where material (e.g. written / online material, graffiti or recordings) is found objectively to be abusive or harassing it will be removed from University premises.

24. Where a complaint is made about a member of staff, the matter may be referred to a senior member of University of Suffolk staff for further investigation.

25. Staff wishing to complain about a breach of this Policy should refer to the Grievance and Conflict Resolution Procedure and may also wish to refer to the Dignity and Respect at Work Policy, both of which can be found within staff policies and procedures.

26. Students wishing to complain about a breach of this Policy should refer to Student Complaints Procedure and may also wish to refer to the Dignity at Study Policy, both of which can be found within student [policies and procedures](#).

¹ We use the term 'harassment' to mean unwanted conduct which can reasonably be expected to have had the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. When deciding whether conduct has the effect referred to, procedures will consider the reporting person's perception, the circumstances of the case, whether it is reasonable for the conduct to have that effect. This definition is objective and replicates the further test set out in s26(4) Equality Act 2010.

Appendix A

Checklist: Supporting staff or student during transition

Email and Usernames	
<p>Which email accounts and usernames will need to be changed and when?</p> <p>If the staff member or student has a fluid gender identity, will separate email accounts need to be created or is it possible to link the two?</p>	
Identification	
<p>Which identification cards/name badges will need to be changed and when?</p> <p>If the staff member or student has a fluid gender identity, will they need more than one of these types of identification?</p> <p>For example:</p> <ul style="list-style-type: none"> • University ID Card • Library card • Student's Union Card • National Union of Student's Card • Club and society cards • Volunteer / mentor ID badges • Trade Union membership badge • Professional / learned body membership cards • Fitness centre/gym membership card • Accommodation Access Card • Catering / food meal card • Course Representative Card 	
Records and documentation	
<p>Which documents and records need to be replaced or altered and when?</p> <p>If the staff member or student has a fluid gender identity, will they need more than one of these types of identification?</p> <p>For example:</p> <ul style="list-style-type: none"> • E-portfolio/record of achievements • Academic biographies • Photographs • All student/staff records and databases, enrolment forms, finance records² • Course, programme and module lists • Personal tutor records • Welfare/disability/counselling records • Volunteering and mentoring records • Course representative posters and contact details 	

² We endeavour to update systems all systems where it is within the technical capability. Where it is not possible to fully update systems, limitations will be explored with the individual.

<ul style="list-style-type: none"> • Committee minutes and records, for example, boards of study or academic boards³ • Certificates, for example, council tax exemption, training attendance, degree • Club and society membership records • Payroll (and banking details) • Pension, death in service and dependents' benefits • Insurance policies • Funders 	
Informing others	
<p>Who needs to be informed?</p> <p>How will they be informed?</p> <p>For example:</p> <ul style="list-style-type: none"> • Programme Teams • Students and colleagues • Support departments • Finance • Student records • Accommodation • Work placement providers, volunteer placements • Committee secretaries • Club and society members 	
Processes to support medical transition	
<p>If the student / staff member is, or will be, undergoing surgery, do they know when this will be?</p>	
<p>If the student / staff member requires time off for surgery and recovery, what processes/support/adjustments are needed to ensure that they remain on their programme of study/in employment, or can return when they have recovered?</p>	
<p>Are there any professional or attendance requirements that may be affected by the person's absence for medical assistance?</p>	
<p>Consider how students will be supported to ensure they can complete their programme of study on time</p>	
Training	
<p>Will there be a need to arrange any training for managers, colleagues or fellow students?</p>	
<p>Who should be trained?</p> <p>Consider: Cleaners, catering staff, academic staff, students in the same tutorial groups</p>	
<p>Who will deliver this training?</p> <p>For example:</p> <ul style="list-style-type: none"> – In-house equality and diversity team or equivalent – Trans organisation – Consultants 	

³ It may not be possible to amend historic minutes. Consider officially noting someone's transition during minuted proceedings if appropriate. Alternatively, consider thanking the existing committee member for their services and welcome them as a new committee member under their new name.

What will the training cover? Do trans staff and students want to be involved in the training?	
Will the trans student / trans staff want to be involved to share their experience and expectations?	
Genuine Occupational Qualification (GOQ)	
Are there any GOQ requirements during the student's programme of study or staff member's work? <i>Some roles may be more likely than others to include GOQ requirements, such as roles within counselling, Social Care, NHS, charities, schools.</i>	
Are there any GOQ requirements on volunteer placements or work-based learning? <i>Some roles may be much more likely than others to include GOQ requirements, such as roles within: women's refuges, rape crisis centres.</i>	
Ceremonies	
During awards / degree ceremonies, what name will be used if a person's name has not been legally changed? Consider: <ul style="list-style-type: none"> • On the certificate • In ceremony programmes • When read out 	
Discrimination	
Are there clear guidelines and processes to deal with direct or indirect discrimination, victimisation or harassment?	
Are there clear processes to deal with discrimination on work placements?	
How is the student / staff member made aware of these processes?	
How are colleagues, other students, and work placement providers and contractors made aware of their responsibilities?	