



## **GENDER IDENTITY POLICY**

### **1. About this policy**

1.1. St George's, University of London (SGUL) values equality, diversity and inclusion and is committed to creating a positive working and learning environment where all people are treated with dignity and respect. SGUL wants to enable all employees and students to fulfil their full potential.

1.2. This policy outlines SGUL's process with regard to Trans and non-binary employees and students as well as providing information more generally on gender identity and gender reassignment/transitioning.

1.3. SGUL will at no time discriminate against people on the grounds of their gender identity or gender expression. Gender identity is the personal sense of one's own gender. Gender identity can correlate with assigned sex at birth, or can differ from it. Where this policy refers to "Trans and non-binary people", it has in mind a broad range of people whose gender identity is not expressed in ways that are typically associated with their assigned sex at birth. This includes those who are non-binary (people who generally identify their gender outside the binary gender constructs of man and woman), non-gender (a person who identifies as neither male nor female and usually goes by they/them pronouns) or gender fluid identities (a person who does not identify themselves as having a fixed gender).

1.4. SGUL celebrates and values the diversity of its workforce, and believes that it will benefit from employing Trans and non-binary people at all levels of responsibility, thus hoping to provide role models for students who identify as Trans and non-binary.

1.5. SGUL will treat all employees and students with respect, and seek to provide a positive working and learning environment free from discrimination, harassment or victimisation.

1.6. SGUL undertakes the following:

- 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 or because they propose to or have transitioned.
- Requests to change name and gender on records will be handled promptly and confidentially. The employees/students requesting the change will be made aware of any implications of the changes.

- The curriculum will be checked to ensure that it does not rely on or reinforce stereotypical assumptions about Trans and non-binary people, and that it contains material that positively represents Trans and non-binary people and Trans and non-binary lives.
- SGUL will respect the confidentiality of all Trans and non-binary employees and students and will not reveal information without the prior agreement of the individual.
- Employees will not be excluded from employment or promotion or be redeployed against their wishes because of their gender identity.
- Transphobic abuse, harassment or bullying (eg name-calling, derogatory jokes, unacceptable or unwanted behaviour, intrusive questions) are serious disciplinary offences and will be dealt with under the appropriate procedure. Transphobic propaganda, in the form of written materials, graffiti, music or speeches, will not be tolerated. SGUL undertakes to remove any such propaganda whenever it appears on the premises.
- SGUL will provide a supportive environment for employees and students who wish their Trans status to be known. However, it is the right of the individual to choose whether they wish to be open about their gender identity, Trans status or Trans history.
- To “out” someone, whether an employee or student, without their permission is a form of harassment and could lead to disciplinary action. In a number of contexts it may amount to a criminal offence.
- SGUL will include gender identity issues in equality training.
- SGUL welcomes, and will provide appropriate facilities for, Trans and non-binary student and employee groups.
- Having consulted with Trans and non-binary employees and students and the Trans and non-binary community, SGUL 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 and non-binary students will be handled by the accommodation office and will be treated fairly and in line with SGUL’s obligations under equality law.
- Employees and students undergoing medical and surgical procedures related to gender reassignment will receive positive support from SGUL to meet their particular needs during this period.
- SGUL recognises that Trans and non-binary employees and students come from diverse backgrounds, and will strive to ensure they do not face discrimination on the grounds of their gender identity or in relation to other aspects of their identity, for example, their race, age, religion or belief,

disability or sexual orientation. In addition, assumptions will not be made about the gender of partners of Trans and non-binary employees or students.

- SGUL will ensure that its environment, in terms of its pictures, images, publicity materials and literature, reflects the diversity of its employees and students.

## **2. Gender Identity**

2.1. Gender identity is a person's perception and experience of gender and gender role. The way in which a person lives in a community and interacts with others is based on their gender identity.

2.2. An individual may wish:

- to change their physical sex through hormonal and/or surgical reconstruction;

*Or*

- to live in the gender role that conforms to their gender identity.

2.3. For transgender people, their sex assigned at birth and their gender identity are not necessarily the same.

## **3. What the law says about gender identity**

3.1. A wide range of people are included in the terms "Trans" or "transgender" but you are not protected as transgender unless you propose to change your gender or have done so.

3.2. Gender identity is a protected characteristic under the Equality Act 2010 and it is unlawful to discriminate against someone who defines themselves as transgender, is perceived to be transgender or treated unfairly because of their association with someone that is transgender.

## **4. Recognition of gender identity**

4.1. It is up to the employee or student to choose whether to disclose their gender identity and to whom. If they do disclose their Trans status, the information should be treated confidentially. Employees/students may be unsure about whether they should tell others so this needs to be respected and discussed. They may also want support in letting people know that they are transitioning or transitioned.

4.2. SGUL recognises that it can take a long time for an individual to decide to live in a gender different to the one recorded on their birth certificate. Support and

assistance will be given by SGUL to individuals who have made the decision to transition during the course of their employment or study and also for their colleagues as and when appropriate.

## **5. Gender Recognition Certificate (GRC)**

5.1. Trans and non-binary people can change their legal gender by meeting the requirements set out in the Gender Recognition Act 2004. They then receive a Gender Recognition Certificate, by which their birth certificate is changed. The requirements are:

- A medical diagnosis of gender dysphoria.
- A report from a medical professional detailing any medical treatment.
- Proof of having lived for at least two years in their acquired gender through, for example, bank statements, payslips and a passport.
- A statutory declaration that they intend to live in the acquired gender until death.
- If married, the consent of their spouse.

5.2. It is not appropriate to ask for a GRC, in fact it is unlawful to do so, as once a person has obtained a certificate they do not have to disclose their past to anyone. In addition, it can take several years for an individual to obtain a GRC and in order to qualify they must live permanently in their new gender for at least two years.

5.3. A holder of a full GRC is legally recognised in his or her acquired gender for all purposes. This means that the person in question now belongs to the opposite gender in both a legal and a social context.

5.4. The Act requires that a full GRC gives the holder the means to obtain a new birth certificate - if their birth was registered in the UK - and to be legally recognised for all purposes in their new gender role, including marriage and civil partnership.

5.5. This policy is directed by the current Gender Recognition Act 2004 however it is currently being reviewed as feedback has suggested that it is bureaucratic, expensive and intrusive. Any forthcoming changes will be reflected in the policy.

## **6. Confidentiality**

6.1. SGUL is committed to preserving confidentiality. SGUL will respect the confidentiality of all Trans and non-binary employees and students and will not reveal information without the prior agreement of the individual.

6.2. The Gender Recognition Act makes it a criminal offence to pass information of a person's Trans status to a third party without the consent of the individual concerned.

It is unlawful to reveal that an individual has, or may have, applied for a GRC unless permission has been given by that person.

## **7. Bullying and harassment**

7.1. No harassment, bullying, or victimisation of Trans and non-binary people of any kind will be tolerated. Such behaviour is unlawful under the Equality Act 2010 and is against the ethos of SGUL. Such behaviour could lead to disciplinary action and/or a criminal conviction.

## **8. Disclosure**

8.1. What to say and do:

- Treat the employee/student with respect and reassure them that the university is committed to an inclusive environment.
- Realise this may be a significant step for the employee/student to take, so be respectful of the fact that you have been trusted with information that is very important to them.
- Be led by the employee/student as to how much or how little support they might need and the extent to which they wish to keep their situation confidential.
- Be aware that the employee/student might ask to use a gender neutral pronoun, eg they/them, and respect what they request.
- Don't ask about whether they have had surgery. Surgery is not a marker of whether a person is "allowed" to identify with a particular gender.
- Explain that you might need to seek further information or advice from colleagues elsewhere in the university, who have more experience and knowledge than you. You can do this with, or without, naming the employee/student, so clarify with the individual whether they are happy to be named or wish to remain anonymous.

## **9. Practical steps to support transgender students**

9.1. Everyone's circumstances are different, but there is a range of practical steps the university can take to support Trans and non-binary students:

- The accommodation team may have to make arrangements for a student to be housed in appropriate halls of residence.

- Students may want to change their name, title and gender on their registry record, ID card and computing services may need issue a new username, student services will be able to co-ordinate this for the student.
- Student services can work with other departments to arrange new or multiple ID cards e.g. library and other access cards, as required.
- Students are entitled to use toilets for the gender they identify with. There is a gender neutral toilet in Jenner on the first floor, block G2 and all future estate planning will consider gender neutral toilets as well as single sex toilets.
- Academic departments can arrange for a student to have time off study in advance, or other adjustments, if a student is undergoing medical and surgical procedures related to gender reassignment. Discussion around a suitable adjustment can be held confidentially with student services and/or the student records and examinations office.

## **10. Practical steps to support transgender and non-binary employees**

10.1. The Trans employee and their manager might find it helpful to put in place an action plan, or to agree a check list to clarify the actions that will be taken over the course of the employee's transition, dates by which these will be done, and the person who will take responsibility.

10.2. The manager and employee will discuss the individual's preferences in relation to informing others, including other managers, colleagues, service users and other relevant contacts. They will agree whether the employee will do this, whether they would prefer the manager or a work colleague to do this, or a mixture of these options. They will also get express written agreement from the employee about when and how this will happen, including the details of the message and who it will be shared with. Levels of disclosure may vary in detail for different types of contacts and will be agreed in advance.

10.3. The transitioning/transitioned employee is entitled to use facilities (toilets, changing rooms and other single sex facilities) in accordance with the gender they identify with. For non-binary people, this might mean using gender-neutral or accessible facilities, or using a combination of different facilities. However, they will never be required to use accessible toilets unless they wish to do so.

10.4. Electronic records will be updated in a timely manner, to coincide with the date on which the workplace transition begins. Care will be taken to ensure that records do not link back to the former name – this may entail creating a whole new email address rather than simply changing the name on the existing one, for instance. The manager and employee will work together to ensure that nothing is missed.

10.5. New security passes with the correct name and a new photograph will be issued, without any replacement cost to the employee.

10.6. Paper records will be updated where possible. Those which cannot be updated, for instance, paper copies of references relating to the employee's recruitment, will be stored in a secure place, and clearly marked as only to be looked at by HR.

10.7. There is no reason why an employee who is transitioning should not continue in a customer facing role. However, some people might prefer a period of redeployment during transition, or as a permanent change. Managers and HR will work with the employee to find a solution that meets the needs of both the employee and the service.

## **11. Attendance at appointments and time needed for treatment and surgery**

11.1. Paid special leave will be given in order for an employee to attend transition-related appointments and treatment. These absences will not be counted in relation to absence monitoring, included in absences for references, taken into consideration for performance monitoring or, for instance, during redundancy procedures.

11.2. It is discriminatory to treat an employee who is absent from work to undergo gender reassignment worse than someone who is absent from work for another reason - for example, because they are ill, injured, recuperating or having counselling or medical appointments.

11.3. In addition, Trans employees are entitled to the same sickness absence and pay as other staff. Many people have to travel a long distance for appointments, and these may be given at short notice. People may need reduced hours or duties, or other changes to usual working arrangements, for a temporary period following some treatments. Managers will be as flexible as possible to accommodate this.

## **12. Support available**

12.1. The University offers an [in house counselling service](https://portal.sgul.ac.uk/org/students/sgsu/counselling-service) that can be accessed by both employees and students <https://portal.sgul.ac.uk/org/students/sgsu/counselling-service>.

12.2. The University also has an employee assistance programme called [confidential care](#) that can provide emotional support, counselling and legal advice.

12.3. [Switchboard](#) is a voluntary organisation that provides an information, support and referral service for lesbians, gay men and bisexual and trans people – and anyone considering issues around their sexuality and/or gender identity.

12.4. [Stonewall](#) provide advice and help on a variety of LGBT issues.

12.5. [Transunite](#) provide a service to find local support groups.

12.6. [Mermaids](#) is an advice and signposting service for transitioning children, young people, their families and professionals.

12.7. The [Beaumont Society](#) is a national self-help body run by and for the transgender community.

## 13. Recruitment

13.1. People who have already transitioned have no obligation to disclose their gender history. Job applicants and interviewees will not be asked their gender identity during the recruitment process apart from the equality monitoring questions that is a separate form to the application form (online) and is detached prior to the actual recruitment exercise – it is not a relevant criterion in selection. Neither is there any obligation for a transgender person to disclose this as a condition of employment. If they choose to disclose, this is not in itself a reason for not offering employment, and non-disclosure or subsequent disclosure is not grounds for dismissal. Appointing officers who become aware that an applicant is Trans will maintain full confidentiality in relation to this.

13.2. In the vast majority of cases, the gender of a worker is of no relevance to their ability to do a particular job. However, the Equality Act 2010 does allow for an exception where being of a particular sex is an “occupational requirement” of that post.

13.3. If the appointment requires criminal record checks, SGUL will highlight to all applicants the confidential procedure available to Trans members of staff. They may contact the DBS for a sensitive check which does not reveal their gender identity. To contact the sensitive applications team, please telephone 0151 676 1452 or email [sensitive@dbs.gov.uk](mailto:sensitive@dbs.gov.uk).

13.4. SGUL recognises that it can be difficult and expensive for a Trans person to change their qualification certificates. If these are in a former name then where possible a record will be made that the certification has been seen, but a copy will not be taken. If it is absolutely necessary to store a copy, they will be stored securely and only accessed by HR.

## 14. References

14.1. Where a reference request is received for an existing employee who has transitioned, SGUL will respect the employee’s privacy and only respond using the employee’s correct name and gender since transitioning in the reference. SGUL will not mention previous names or gender identity, unless specifically asked to do so (in writing) by the Trans person. Disclosure on sickness absence will not include time taken off for medical appointments related to transition. This information is strictly confidential and managers must be very careful of any record keeping in this.