



# **Our approach to supporting trans, non-binary and gender non- conforming staff**

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# Table of Contents

<b>Aim</b>	<b>1</b>
<b>Policy Statement on Equality, Diversity and Inclusion</b>	<b>1</b>
<b>Equalities legislation</b>	<b>2</b>
<b>Introduction</b>	<b>2</b>
<b>Principles</b>	<b>3</b>
<b>Section 1: Support for individuals</b>	<b>3</b>
<b>Section 2: Support and guidance for managers</b>	<b>8</b>
<b>Section 3: Guidance for colleagues</b>	<b>10</b>
<b>Section 4: LGBTQ+ Forums/Networks</b>	<b>11</b>
<b>Section 5: Guidance for People and Culture staff</b>	<b>11</b>
<b>Section 6: An overview of transitioning</b>	<b>14</b>
<b>Section 7: Definitions and terminology</b>	<b>15</b>
<b>Policy information</b>	<b>20</b>

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# Aim

This document sets out how the University supports new and existing trans, non-binary and gender non-conforming staff and those who transition whilst at Essex. It is a resource for trans, non-binary and gender non-conforming staff, for those with management responsibilities for trans, non-binary and gender non-conforming staff, for colleagues of trans, non-binary and gender non-conforming staff and for People and Culture staff.

Our approach to supporting trans, non-binary and gender non-conforming staff is one of a suite of documents that sets out how we aim to create an inclusive environment in which all staff feel safe and supported. Other related documents include our [Athena SWAN Bronze Institution Action Plan](#), which focuses on our commitment to gender equality more broadly, our Zero Tolerance Approach to Harassment and Bullying', our Equality, Diversity and Inclusion Policy and our strategic approach to supporting all staff; 'How we Work at Essex'.

# Policy Statement on Equality, Diversity and Inclusion

The University of Essex fosters good relations between people who share a relevant protected characteristic and those who do not, celebrates diversity, challenges inequality and is committed to nurturing an inclusive and diverse community that is open to all who have the potential to benefit from membership of it, and which ensures equality of opportunity for all its members. We expect all our campus communities, employees, workers, contractors, students, invitees and visitors to be treated, and to treat others, with dignity and respect. We have a zero-tolerance approach to discrimination, harassment and bullying. Zero tolerance means that (i) we will take action and (ii) the action will be proportionate to the circumstances of the case.

We are committed to meeting our obligations under the Equality Act 2010, which requires the University show no discrimination as required by law on account of age, disability, gender reassignment\*, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The University will always act lawfully, and this may include taking action to support people with particular protected characteristics, including disability and sex. In addition to its obligations under the EA, the University shall adopt policies, practices, and procedures that define expected standards of behaviour and specify any additional characteristics, beyond those required by law, to which protection is provided, for example, in relation to political belief, social background and refugee status.

\*The University's policies, practices and procedures specifically extend to all gender identities including trans, non-binary and gender non-conforming people.

For the purposes of this Policy Statement the term ‘trans’ is an umbrella term to describe people whose sense of gender (their gender identity) does not match or sit easily with the gender they were assumed to have based on the sex they were assigned at birth. The term ‘non-binary’ is an umbrella term for people whose gender identity does not sit comfortably with ‘woman’ or ‘man’. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

## Equalities legislation

Under the Equality Act 2010, it is unlawful to discriminate against or treat someone unfairly because of the protected characteristic ‘gender reassignment’, defined as “if a 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 the physiological or other attributes of sex.” Individuals do not have to be under medical supervision to be protected by the law.

The Equality Act 2010 has previously been criticised for not providing sufficient protection to the trans community by limiting its scope under the “gender reassignment” characteristic so as to exclude the wide variety of non-binary and agender or gender fluid identities. However, a 2020 case in the Birmingham Employment Tribunal (*Ms R Taylor v Jaguar Land Rover Ltd* [2020] UKET 1304471/2018) held that the “gender reassignment” characteristic does include persons who identify as non-binary, gender fluid or transitioning and a person does not need to have, or be proposing to have, medical treatment in order to fall within the “gender reassignment” characteristic.

To the extent there is any remaining uncertainty in the law, the University confirms that it will interpret the Equality Act 2010 as covering all gender identities and will commit to safeguarding the dignity and respect of all trans staff regardless of their formal legal standing.

Under the Gender Recognition Act 2004 it is a criminal offence to disclose information acquired in an official capacity, which include as an employer, to any other person about a person’s application for a Gender Recognition Certificate or about their gender before the Gender Recognition Certificate is granted.

Information about an individual’s gender identity, including their gender history, will amount to special category data under the General Data Protection Regulation (GDPR) and must be processed in accordance with those principles.

## Introduction

The University is committed to establishing an inclusive environment in which all staff are valued and respected for being the gender they know they are.

We recognise that laws, policies and processes alone do not create inclusive environments, and this is why we take a holistic approach, which places as much emphasis on how people behave as it does on policy and process.

This document sets out our approach to supporting trans, non-binary and gender non-conforming staff in the context of our broader commitment to celebrating the diversity of our students and staff, nurturing communities of belonging in which all are accepted without exception, and promoting inclusion, well-being, resilience and empowerment to enable everyone to reach their full potential.

People and Culture developed this document in collaboration with members of our LGBTQ+ networks.

# Principles

The way in which the University supports trans, non-binary and gender non-conforming staff is based on five key principles:

1. Staff can self-identify their gender for University purposes
2. No bullying or harassment of trans, non-binary and gender non-conforming staff will be tolerated
3. The needs of each trans employee will be addressed individually
4. We all have a part to play in ensuring the process of transitioning at work will be successful. We recognise that every transitioning journey is unique and will be led by the person transitioning<sup>1</sup>
5. An individual's trans status will be kept confidential, in line with the person's wishes and the law.

You can use the title Mx if you wish.

## Section 1: Support for individuals

We want all trans, non-binary and gender non-conforming staff, to feel welcome and confident that the University understands what it means to be trans, non-binary and gender non-conforming and that our people and processes recognise that every journey is unique.

### Prospective and new staff

#### Named People and Culture contact

All prospective and new trans, non-binary and gender non-conforming staff have the option of being allocated a named member of People and Culture staff to support them through the recruitment process. If you choose to take up this option it means that you can contact your named contact directly with any questions you may have, rather than using our general [staffing@essex.ac.uk](mailto:staffing@essex.ac.uk) email address.

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<sup>1</sup> Trans staff are encouraged to share relevant information with their line manager in order to aid the provision of support.

Your named contact can advise on the support, facilities and services available to you at the University and act as a link between you and your line manager.

Our Resourcing Team can arrange for you to have a named contact. Their contact details are here: <https://www.essex.ac.uk/staff/professional-services/hr-resourcing-team>

## **Right to work documentation**

We ask all those invited for interview to provide us with evidence of their 'right to work' in the UK. This usually involves you being asked to bring the relevant documentation with you on the day of interview and showing it to a member of the selection panel.

If you only have right to work documentation in your birth name and gender, and you do not want to disclose your trans, non-binary or gender non-conforming status to the interview panel, you can speak to your named contact in People and Culture, if you choose to have one, (or any other member of People and Culture staff) for advice prior to attending your interview.

## **Disclosure**

Prospective and new staff are under no obligation to disclose their gender history at any point during the recruitment process or at any point after being employed. However, if you do wish to disclose this information, we will treat it confidentially and in line with your wishes.

Should you be appointed and wish to disclose your trans, non-binary or gender non-conforming status to the University, your named People and Culture contact will, if you wish, talk to your line manager (either with you or alone) about how, or whether, you want colleagues to be informed, your pronouns and anything else that is important to you, in order that this can be planned in a thoughtful and sensitive way.

You can record your gender as non-binary or gender non-conforming via our self-service system [HR Organiser](#)

## **Facilities**

Everyone working with the University should be treated with dignity and respect. As part of this, all staff will immediately have access to the bathrooms and changing facilities that correspond to their gender expression. If anyone (whether trans or otherwise) requires additional privacy, for whatever reason, they are welcome to use the separate gender-neutral toilets which are located throughout our campus. However, it is for staff to determine which facilities they wish to use.

The University has a zero tolerance approach to harassment and bullying. This means that i) we will take action and ii) the action will be proportionate to the circumstances of

the case.

## **Dress codes**

The University does not have a dress code that requires members of our community to dress in a particular way. Some roles do however require a uniform to be worn. If you are trans, non-binary or gender non-conforming and you are required to wear a uniform, we will discuss clothing options with you, and you can choose the uniform that is most appropriate and comfortable for you.

## **Benefits**

All our benefits and family-friendly policies are inclusive and apply to everyone, including lesbian, gay, bi and trans staff and same-sex couples as well as heterosexual individuals and couples.

# **Existing trans, non-binary or gender non-conforming staff and staff who transition while at Essex**

## **Disclosure**

We respect the right of individuals to choose whether to be open about their trans, non-binary or gender non-conforming status or not. We also want to ensure that trans, non-binary and gender non-conforming staff have access to the same opportunities as cis<sup>2</sup> male and female staff and that they have access to appropriate support. If you do disclose your trans, non-binary or gender non-conforming status, it will be held in confidence, in line with the General Data Protection Rules (GDPR) and your wishes.

## **Initial conversations**

If you want to talk to someone about your trans, non-binary or gender non-conforming status, there are a variety of people you could approach including your line manager or a member of People and Culture. If you would prefer to speak to someone outside the University, you may want to approach your trade union or specialist support providers.

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<sup>2</sup> **Cis/Cisgender** One of a number of terms people might use to describe the experience of having a gender that matches their sex assigned at birth in the typically expected way. In other words, a man assigned male at birth, or a woman assigned female at birth.



## Planning your transition at work

Once you have decided to transition at work, we encourage you to discuss any plans you might have, and timelines, with your line manager and/or a member of People and Culture staff. The discussion would usually include consideration of:

- When you want colleagues to be informed
- What exactly you want people to know
- Whether you want to inform relevant people or for this to be done on your behalf
- How you want people to be informed e.g. in groups/individually, in person/by email
- Any planned appointments you have and ways to minimise disruption in the workplace
- Any anxieties you may have about how to manage people's reactions Whether you would like to be allocated a named member of People and Culture staff to support you throughout your time at Essex
- Whether you would benefit from having a mentor who identifies as trans, non-binary or gender non-conforming

The timescales, activity and communication will be driven and led by you so if at any point during the discussion you decide you want to delay being open about your transition at work, any information you have already shared will be kept confidential, in line with your wishes.

## Changing your details on University systems

In order to change your name, your gender from one binary gender to another and/or your title for use internally at the University e.g. on the Outlook address book, you need to provide your named People and Culture contact (if you have one) or the People and Culture section ([staffing@essex.ac.uk](mailto:staffing@essex.ac.uk)) with the relevant information. You do not need to have changed your name legally to do so.

If you want to record your gender as non-binary or gender non-conforming for university purposes, you could do so via [HR Organiser](#).

Your name on HMRC (Her Majesty's Revenue and Customs) and pension scheme records can only be changed if you have a legal document that proves a change of name e.g. a deed poll, a statutory declaration of name change.

Your gender on HMRC and pension scheme records can only be changed when you have a Gender Recognition Certificate<sup>3</sup>.

As soon as your record is changed, your new name and title will appear on the Outlook address book, so it is visible to all members of the community.

### **Time off for medical appointments/surgery**

The University expects managers to support people to manage their own time and create a healthy work life balance in order to support a wellbeing culture. The University also recognises that trans staff may need significant periods of time off work as they progress through their transition and wants to be as flexible as possible in order to accommodate each individual's needs.

Time off work to attend medical appointments related to your transition is paid in accordance with our Special Leave policy and therefore not classed as sickness absence. Where possible, you should arrange for the appointments to be scheduled at times that minimise disruption to your work commitments.

If you choose to have surgery the time you need to take off work for the surgery itself, and to recover, will be treated as sick leave and will be managed with support from colleagues in People and Culture. If the length of time you need off means that you run out of sick pay, you can discuss options with your manager, Occupational Health and your link Senior Employee Relations Adviser.

It is possible, for example, to have additional paid time off for procedures related to your transition. As a guide, we would expect managers to grant around five additional days of paid leave in any 12-month period.

It may also be possible to arrange a phased return to work (if you are deemed fit to do so) which involves working from home or changing duties for a specified period or to take a period of annual leave.

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<sup>3</sup> **Gender Recognition Certificate** A gender recognition certificate (GRC) allows trans people to be legally recognised in their affirmed gender. A GRC allows trans people to obtain a replacement birth certificate with their new legal gender on it, and legal rights and responsibilities will correspond with their legally updated gender. It also protects trans people from others disclosing any other gender they may have been known by previously. A GRC is not a required for updating a passport, in employment or accessing a gender identity clinic. Changing gender legally is a personal decision, and not all trans people will apply for a GRC.

# Section 2: Support and guidance for managers

## Your responsibilities

As a manager, you will play a vital role in supporting your trans, non-binary or gender non-conforming member of staff. You are responsible for:

- Ensuring that the information disclosed to you is used in accordance with the wishes of your member of staff and the law
- Working with your member of staff to plan relevant communications, changes to records, ways to minimise disruption in the workplace whilst being as flexible as possible
- Sharing information with others in accordance with the wishes of your member of staff
- Managing any changes within a team sensitively and effectively, supporting others to adjust to the changes and understand the needs of their colleague
- Addressing any repeated refusal to address your member of staff by their correct name and pronoun
- Challenging transphobic language, jokes, behaviour, assumptions and culture within your team/department/section, regardless of whether this is from employees or service users
- Ensuring that all your direct reports have completed their essential equality and diversity training, which includes content around trans equality and non-binary gender identity
- Where applicable, ensuring your member of staff is supplied with a uniform that is most appropriate for them

## Initial disclosure

You may be told that a member of your staff is trans, non-binary or gender non-conforming directly by the individual themselves or by a third party e.g. a member of People and Culture staff where the individual has given permission for this information to be shared with you. As a supportive manager, you should refrain from making any assumptions or generalisations. Your role is to contribute to ensuring the experience is positive for both the individual and the working environment.

## Formulating a plan

In order to both support the individual and minimise disruption in the workplace, you will need to work with your member of staff to plan their transition at work. This process must be led by the trans individual, but you could use your coaching skills to support the individual in thinking through the process if that would be helpful to them.

During these discussions you should not ask intrusive, personal questions e.g., about any planned surgery, you should focus on what your member of staff needs from you in order for the process to be as smooth as possible at work. If you are unsure about whether a question is appropriate or not, it is probably best not to ask it.

### Useful information:

- Your member of staff can bring a colleague, member of People and Culture and/or a trade union representative to any meeting arranged to discuss their transition
- Not all trans people will have a plan in place for their transition and therefore may not be able to provide answers to some of your questions
- Plans may change as the individual progresses through their transition, and you will need to be responsive to this
- You should keep a shared record of what has been agreed but be aware that this may change

## Additional and ongoing support

In addition to this guidance, support is available from the following sources:

- Your link Senior Employee Relations Adviser in People and Culture
- The Head of Equality, Diversity and Inclusion
- Peer support from other managers who have supported a trans, non-binary or gender non-conforming member of staff
- [The LGBTQ+ pages on the University website](#)

Trans, non-binary and gender non-conforming staff, like other staff, need your continued support. You can do this by:

- Keeping an open channel of communication with your trans, non-binary and gender non-conforming staff member(s) of staff in order to ensure you can respond to any changes to their needs

- Supporting them to be part of University forums and networks that provide them with appropriate spaces to discuss their experiences (see Section 4 of this document)
- Equipping and empowering all your staff to combat transphobia if they see or hear it e.g. by encouraging them to attend Bystander Intervention training

## Toilets and other gendered facilities

Please see the facilities section, under section one above, regarding the University's policy on access to facilities.

If a colleague feels uncomfortable with the principles under this section of the policy, you should in the first instance speak with them in private to talk through their concerns. If there is conflict between a trans colleague and another colleague or colleagues about shared toilet use, a practical solution should be arrived at where possible. In all cases careful, open, sensitive and respectful conversations are required which respect the views of all concerned. Example solutions could be that colleagues use different toilets on different floors, or that one employee uses a gender neutral or other toilet and one uses the toilet of their chosen gender. It should not be assumed that the trans employee should be required to use a gender-neutral toilet or other toilet as this runs the legal risk of unlawful harassment on the grounds of gender reassignment.

## Section 3: Guidance for colleagues

Colleagues of trans, non-binary and gender non-conforming staff have a vital role to play in ensuring their experiences at work are positive. Transitioning is a deeply personal process, but it is also a public experience for those transitioning.

Knowing what good support looks like can be a challenge and you are not expected to become an instant expert on trans, non-binary and gender non-conforming identity issues. These tips should help:

- **Keep your reactions to a minimum and listen.** Tell your colleague you will support them in every way you can but don't ask intrusive questions, read the situation and consider what it might be appropriate to ask them. Your colleague will appreciate a positive response but will not want you to make a big deal of it
- **Get their names, titles and pronouns right.** An individual's name, title and pronouns are central to their identity. If you're not sure, it is fine to politely ask – this is much less awkward than getting it wrong and being corrected. If you do get it wrong, apologise and move on. Also be aware that names, titles and pronouns may evolve over time
- **Be their ally and address any inappropriate remarks or behaviours.** This is not just the responsibility of your trans, non-binary or gender non-conforming colleague or their manager – it's everyone's responsibility
- **Do your own research.** Take some time to read about transitioning, non-binary and gender non-conforming identities in order to be better informed and a better ally. [Stonewall](#), the Gender

Identity Clinic and Mermaids are all good sources of information

- **Treat your colleague as an individual.** All trans, non-binary and gender non-conforming people have different experiences and varying degrees of comfort talking about it. Respect their right to tell you only what they want you to know and follow their lead. Your colleague is not necessarily an expert in trans, non-binary and gender non-conforming identity issues, so avoid making this assumption
- **Keep what your colleague tells you to yourself.** Just because your colleague has told you some specific things about their transition or gender identity does not necessarily mean they are happy for you to tell others. Leave it up to your colleague to share information with others

Mistakenly mis-gendering someone once or twice is acceptable. Repeatedly mis-gendering someone is not acceptable.

## Section 4: LGBTQ+ Forums/Networks

We have the following forums/networks:

**LGBTQ+ Forum:** The Forum provides a space for LGBTQ+ staff to share experiences and resources, find peer support, and discuss current issues and upcoming events. The Forum also contributes to policy development in relation to LGBTQ+ related issues at the University.

**Essex LGBTQ+ Alliance (ELGBTA):** The ELGBTA is a network of Essex-based organisations who work together to share resources and best practice and promote LGBTQ+ inclusion for the benefit of everyone in the workplace.

**LGBTQ+ Allies:** The Allies are a group of staff committed to ensuring the University is an inclusive and LGBT+ friendly environment.

## Section 5: Guidance for People and Culture staff

Members of People and Culture staff have a vital role to play in supporting trans, non-binary and gender non-conforming staff. Being able to respond fully, confidently and respectfully to the specific needs of trans, non-binary and gender non-conforming people, be they employees or potential employees, is critical to ensuring everyone People and Culture staff interact with have a positive experience.

As part of our service, we offer all trans, non-binary and gender non-conforming staff, including prospective and new staff, the option of having a named contact to support them throughout their time at Essex. This information should be recorded on the individual's electronic record.

Be mindful that complying with People and Culture processes is a daunting prospect for some trans, non-binary and gender non-conforming staff.

## Recruitment

Sometimes the names on a trans person's documentation e.g. passport, driving licence, birth certificate may not tally and in this situation, verifying right to work (RTW) documentation and evidence of qualifications or published work needs to be dealt with sensitively.

Reassure the individual that they can use the name and gender of their choice internally at the University and that the University will:

- only retain the information it requires in order to verify their RTW documentation and evidence to support their appointment
- hold their data securely and not share it
- respect their privacy by not asking unnecessary questions.

## Records

Relevant records of employees transitioning whilst at the University should be changed at a mutually agreed time following receipt of notification of a change of gender and name and with the permission of the employee concerned.

It is not necessary for an individual to provide a legal change of name e.g. a Deed Poll certificate, in order to change their gender and name for use internally at the University – written notification is sufficient.

An employee's HMRC and pension scheme records can only be changed when relevant legal documentation is provided. A deed poll is sufficient for an individual's name to be changed; in order for their gender to be changed, a Gender Recognition Certificate must be provided.

When the name on a staff record is changed, a new staff card should be issued. No reference should be made to an individual's previous name or gender in any future communication with that person<sup>4</sup>. Doing so can have a detrimental effect on a trans person's mental health and may trigger anxiety or depression.

Once you have changed an individual's records, check to make sure it has changed everywhere you expect it to have changed.

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<sup>4</sup> **Deadnaming** Calling someone by their birth name after they have changed their name. This term is most often associated with trans people who have changed their name as part of their transition.



## References and educational qualifications

References provided by the University for current or former staff who have transitioned must not refer to the person's former name or gender and must use the appropriate pronoun.

If a prospective member of staff indicates in their application that they do not want the University to contact referees before interview, you should be mindful that this may be because they are trans and they have not informed their previous employer of their change of name and gender.

Once an individual whose referees were not contacted prior to interview has been conditionally offered a position, they should be contacted (by their named People and Culture contact if they have one) to check whether they are happy for the University to go ahead and contact their referee(s) before proceeding.

If the references and/or evidence of educational qualifications received are in the individual's previous name and gender, confidentiality must be respected, and the information only used for its intended purpose.

## Pensions

Only people with a full Gender Recognition Certificate (GRC) can have their pension records changed by HMRC or the occupational pension provider.

## Absence

Absence from work or study in order to undergo any transition-related treatment should be treated in the same way as any other type of absence therefore normal sick pay arrangements apply. Our Special Leave policy which relates to staff taking time off for medical appointments also applies and flexibility in taking holiday or rearranging working hours or academic commitments should be offered.

In addition, managers are expected to be flexible as possible in order to accommodate each individual's needs and, as a guide, should grant around five additional days of paid leave in any 12-month period for procedures related to transition.

Managers of trans, non-binary and gender non-conforming staff should be encouraged to create the kind of environment in which all staff feel welcome, included and supported.

This includes supporting them in being as flexible as possible whilst minimising workplace disruption.

## DBS Checks

Trans people requiring a DBS check can choose to use the DBS's Confidential Checking Process which is in place for applicants who do not wish for the name or gender they were assigned at birth to be disclosed to the University. Individuals wishing to use this process should be advised to contact the Government's Sensitive Applications Team (SAT) and be made aware that they will still be required to send details of their previous legal identity directly in a separate correspondence to the SAT. The SAT can be contacted either by sending an email to [sensitive@dbs.gov.uk](mailto:sensitive@dbs.gov.uk) or by calling 0151 676 1452.

If the individual chooses not to use the process and is happy for the name or gender, they were assigned at birth to be disclosed on the completed Disclosure, then the individual can complete the Disclosure Application Form (DAF).

## Visas

Staff who are working on a work permit or student visa must comply with any work permit/visa regulations, which relate specifically to name or gender change in order that their documentation remains valid.

International students who live in the UK can change their name and gender on records held by UK institutions but to update records held in their country of origin, such as passports, they need to follow their own country's procedure. The appropriate Embassy or High Commission may be able to provide further advice on how individuals can change their names. Members of staff who are also students with Tier 4 visas are required to report a legal name change to the UK Visa and Immigration authorities.

# Section 6: An overview of transitioning

Transitioning is a term used to describe the process and steps an individual takes in order to live in the gender they identify as.

Transitioning is a unique process for each individual and may include any number of changes to a person's life. There is no 'right' or 'wrong' way to transition. For some this involves medical intervention, such as hormone therapy and surgery, but not all trans people want or are able to have this. There may be a variety of reasons including cost, time or simply not feeling the need to.

Transitioning could also involve dressing differently, changing official documents, telling friends and family that you are transitioning, or a number of other things. The start of or intent to transition will be different for everyone. It is about the individual.

After an individual transitions they may not identify as trans; they may simply see the process as being part of their past and not current identity. For example, an individual who has transitioned and identifies as female, may refer to herself as a woman, not a trans woman. This personal decision should be respected at all times and only communicated as necessary.

Many people falsely believe that in order to transition a person must undergo a medical intervention, such as hormone treatment or surgery, or gain a Gender Recognition Certificate (GRC).

It should not be assumed that the goal of every individual's transition is to change their physiology or legal gender. If a trans person chooses not to undergo any medical intervention or gain a GRC, they are still entitled to dignity and respect along their chosen path of transition, whatever that may consist of.

Remember that a trans journey is a very personal experience that takes place in a very public way.

## **Section 7: Definitions and terminology**

These definitions are intended as a resource for all staff to support the use of inclusive language and terminology. They may be of particular interest to trans, non-binary and gender non-conforming staff, those with management responsibilities for trans, non-binary and gender non-conforming staff, for colleagues of trans, non-binary and gender non-conforming staff and for People and Culture staff.

Terms and language regarding trans people and trans issues are evolving rapidly and many terms may mean different things to different people. The definitions given here are common, but there is not a universal understanding of these terms, and it is not an exhaustive list.

### **AFAB/AMAB**

Refers to 'assigned female at birth' and 'assigned male at birth'.

### **Agender**

One of a number of terms people might use to describe the experience of having no gender (or very little gender), or a neutral gender. Some people regard this experience as falling under the non-binary umbrella.

## **Ally**

Someone who actively supports those with identities that differ from theirs. Allies confront discrimination against trans and non-binary people.

## **Cis / Cisgender**

One of a number of terms people might use to describe the experience of having a gender that matches their sex assigned at birth in the typically expected way. In other words, a man assigned male at birth, or a woman assigned female at birth.

## **Coming out**

Most commonly used to describe the voluntary sharing of one's trans / non-binary identity, experience or history with others. Can also be used to refer to the time when a person accepts they are trans / non-binary. An individual may 'come out' multiple times to different people over many years.

See also: **Outing**

## **Deadnaming**

Calling someone by their birth name after they have changed their name. This term is most often associated with trans people who have changed their name as part of their transition.

## **Discrimination<sup>5</sup>**

Discrimination occurs when a person is treated less favourably than another because of a particular characteristic they possess (Equality Act 2010).

## **Equality Act 2010**

Under the Equality Act 2010, it is unlawful to discriminate against or treat someone unfairly because of the protected characteristic 'gender reassignment', defined as "if a 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 the physiological or other attributes of sex." Individuals do not have to be under medical supervision to be protected by the law.

The Equality Act 2010 has previously been criticised for not providing sufficient protection to the trans community by limiting its scope under the "gender reassignment" characteristic so as to exclude the wide variety of non-binary and agender or gender fluid identities. However, a 2020 case in the Birmingham Employment Tribunal (*Ms R Taylor v Jaguar Land Rover Ltd* [2020] UKET

1304471/2018) held that the “gender reassignment” characteristic does include persons who identify as non-binary, gender fluid or transitioning and a person does not need to have, or be proposing to have, medical treatment in order to fall within the “gender reassignment” characteristic.

To the extent there is any remaining uncertainty in the law, the University confirms that it will interpret the Equality Act 2010 as covering all gender identities and will commit to safeguarding the dignity and respect of all trans staff regardless of their formal legal standing.

## **Gender**

A wide-ranging term used to describe several different but intersecting aspects that are mainly social, cultural and behavioural: Gender as a concept refers to the social and cultural ideas we hold about masculinity and femininity, and what it means to be ‘a man’ or ‘a woman’. These ideas vary across time, across location and across cultures and are therefore often described as ‘culturally constructed’. Although it is constructed, gender is both powerful and real. Gender affects almost every aspect of the world we live in, including goods, services, spaces, practices, laws and language. When these ideas about gender become rigid and inflexible, they are often called gender stereotypes. These are the roles, interests, attributes and behaviours typically expected of a person based on other people’s perception of that person’s sex and/or gender. Stereotypes often limit or constrain a person’s life, closing down opportunities and self-expression and causing harm.

## **Genderqueer**

A gender diverse person whose gender identity is neither female nor male, is between or beyond genders, or is some combination of genders. This identity is usually related to, or in reaction to, the social construction of gender, gender stereotypes and the gender binary system.

## **Gender Binary**

The idea that there are only two genders—female/male or woman/man. Both sets of terms are often used to refer to both sex and gender.

## **Gender Fluid**

This is one of a number of terms people might use to describe the experience of having a gender that varies. It could include someone who identifies as either female or male at different times. This may be a variation over time, or in another way, for example according to different environments / settings.

## **Gender Identity**

Everyone has a gender identity including cisgender people. Gender identity is a person's internal, deeply held sense of their gender, which may or may not correspond to the sex assigned at birth.

## **Gender Expression / Gender Presentation**

Is a person's behaviour, mannerisms, interests, and appearance that are associated with gender specifically with the categories of femininity or masculinity. This also includes gender roles. These categories rely on stereotypes about gender.

## **Gender Non-Conforming**

Is a broad term that describes those who do not confirm to social expectations of gender. Gender non-conforming does not equate to being trans and/or non-binary.

## **Gender Recognition Act 2004**

The Gender Recognition Act of 2004 allows transgender people to gain full legal recognition of their acquired gender and change their sex on their birth certificate. At present, this does not include non-binary people.

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

A gender recognition certificate (GRC) allows trans people to be legally recognised in their affirmed gender. A GRC allows trans people to obtain a replacement birth certificate with their new legal gender on it, and legal rights and responsibilities will correspond with their legally updated gender. It also protects trans people from others disclosing any other gender they may have been known by previously. You do not need a GRC to change your gender markers at work or to legally change your gender on other documents such as your passport, but you do need one to change your HMRC (Her Majesty's Revenue and Customs) and pension scheme records. Changing gender legally is a personal decision, and not all trans people will apply for a GRC.

## **Gender Role**

The behaviours, values, and attitudes that a society considers appropriate for different genders. In this context, it is usually referencing the gender binary.

## **Intersex**

A term often used to describe people who are born with sex characteristics (including genitals, reproductive organs and/or chromosome patterns) that vary from typical binary notions of male or female bodies.

## **Outing**

'Outing' is when a person discloses another person's trans or non-binary identity or history without that person's consent. See also: **Coming Out**.

## **LGBTQ+**

The acronym we choose to use at the University for lesbian, gay, bi, trans and related communities. The PLUS (+) ensures that we are inclusive of all identities and experiences to make our community feel welcomed and that nobody is left out.

## **Non-Binary**

An umbrella term for people whose gender identity does not sit comfortably with 'woman' or 'man'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely. Some people use it as an umbrella term, encompassing a spectrum of experiences such as those described under gender fluid and agender.

## **Pronoun**

A word that stands in for a name to avoid constant repetition of that name, such as she/her, he/him, they/them, ze/zir. For example, 'Kusum took Kusum's ball to the park – Kusum loves playing football' is usually written as 'Kusum took her ball with her to the park – she loves playing football'.

## **Queer**

In the past a derogatory term for LGBTQ+ individuals. The term has now been reclaimed by LGBTQ+ young people in particular who reject traditional categories around gender identity and sexual orientation but is still viewed to be derogatory by some.

## **Questioning**

The process of exploring your own sexual orientation and/or gender identity.

## **Sex**

The term usually used to refer to a person's biological and physical characteristics associated with the

categories of male and female. Sex is assigned at birth and is typically determined by the baby's primary sex characteristics (genitalia and reproductive organs).

## **Stereotype**

A widely held but fixed and oversimplified image or idea of a particular type of person or thing without regard for their individual differences. Though often negative, can also be complimentary. Even positive variants can have a negative impact, however, simply because they involve broad generalizations that ignore individual realities.

## **Trans**

People may use the term 'trans' to describe themselves if their own sense of gender (their gender identity) does not match or sit easily with the gender they were assumed to have based on the sex they were assigned at birth. Some people regard non-binary experiences as falling under this umbrella and others consider those experiences separate.

## **Transgender man**

A term used to describe a person who was assigned female at birth but identifies and lives as a man. A transgender man may or may not undergo hormone therapy (testosterone) or have surgery. This term may be shortened to trans man, and many trans men identify simply as men.

## **Transgender woman**

A term used to describe a person who was assigned male at birth but identifies and lives as a woman. A transgender woman may or may not undergo hormone therapy (oestrogen and progestin) or have surgery. This term may be shortened to trans woman, and many trans women identify simply as women.

## **Transsexual**

An older term used to refer to someone whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth, particularly associated with those that had medical intervention and a gender binary. The term is referenced in the Equality Act 2010, and the Gender Recognition Act 2004, however, some consider it outdated and offensive.



## Transitioning

Is a term used to describe the process and steps an individual takes in order to live in the gender they identify as. These changes can be: **social** (e.g. changing your name and/or pronoun; how you dress / present yourself; the gender on documents like your passport; which toilets you use), **medical** (e.g. using hormones and/or surgery), and/or **legal** (e.g. changing your legal sex).

NOTE: Some trans people make a social transition and don't seek medical support. Of those who do use medical support, not everybody takes up every option, and people may use medical support in different ways. Not all trans people transition.

## Transphobia

The fear or dislike of someone based on the fact they are trans, including the denial/refusal to accept their gender identity.

# Policy information

**Title:** Our approach to supporting trans, non-binary and gender non-conforming staff

**Policy Classification:** Guidelines

**Security Classification:** Open

**Security Rationale:** Applies to all employees

**Nominated Contact:** Director of Inclusion

**Responsible UoE Section:** People and Culture

**Approval Body:** Council

**Signed Off Date:** TBC

**Publication Date:** TBC

**Minimum Review Frequency:** Bi-annually

**Policy Review Expiry Date:** September 2024