

University College Birmingham Transgender and Non-Binary Policy for Staff and Students

1.0 Introduction

University College Birmingham is committed to fostering a culture that values diversity and inclusion, ensuring that transgender individuals feel empowered and respected. The University strives to provide equal opportunities for transgender staff and students, eliminate barriers, and create a supportive environment where everyone can thrive.

The University believes that diversity and inclusion bring benefits, and that people work better when they can be themselves

2.0 Aims

This policy outlines University College Birmingham's commitment to supporting transgender staff and students by ensuring a safe, respectful, and inclusive environment. The policy aims to eliminate discrimination, promote equal opportunities, and foster a community where individuals feel free to express their gender identity.

3.0 Scope

This policy applies to all staff, students, contractors, volunteers, and applicants for employment or study. It covers all stages of the employment and educational process, including recruitment, progression, and daily interactions within the University.

The policy accompanies the University's Equality, Diversity and Inclusion Policy. Failure to take account of these policies may result in disciplinary action being taken against an employee or a student.

Definitions

Definitions and terminology related to transgender individuals are constantly evolving. The appendix of this policy offers guidance on commonly used terms. It is important to respect how individuals self-identify and how they choose to describe themselves, and managers and colleagues should honour these preferences. Rather than making assumptions, it's always best to ask how someone wishes to be addressed.

Using inappropriate language or terminology can cause offense and distress, undermining the University's efforts to foster an inclusive environment for transgender individuals.

The University acknowledges that gender identity and sexual orientation are distinct concepts. Transgender individuals may identify as bisexual, gay, heterosexual, or lesbian, and no assumptions should be made regarding their sexual orientation.

Legal Framework

Equality Act 2010

Gender reassignment is one of the nine protected characteristics under the Equality Act 2010. The Act safeguards individuals from discrimination, harassment, and victimisation if they are "proposing to undergo, are undergoing, or have undergone" gender reassignment, whether fully or partially.

There is no requirement for medical supervision, as gender reassignment is considered a personal process rather than a strictly medical one.

The Act also ensures that individuals taking time off for gender reassignment must not face less favourable treatment in employment matters, such as being denied training or promotion opportunities.

Gender Recognition Act 2004

The Gender Recognition Act 2004 allows individuals who identify as transsexual (as per the terminology used in the Act) to apply for a Gender Recognition Certificate (GRC). This certificate grants them legal recognition of their affirmed gender and allows them to obtain a new birth certificate.

The Act protects the privacy of individuals with a GRC by categorising information related to the gender recognition process as "protected information." Disclosing this information without the individual's consent is a criminal offense, except in "specific circumstances," such as preventing or investigating crime.

4.0 Principles

The University has a zero-tolerance policy towards harassment, bullying, or victimisation, and such behaviour will lead to disciplinary action in accordance with the University's procedures.

Examples of harassment against transgender individuals include:

- Verbal abuse, such as name-calling, threats, derogatory remarks, or belittling comments about transgender people;
- Asking an individual if they have a Gender Recognition Certificate (GRC);
- Making jokes or banter about someone's gender identity or transgender individuals in general;
- Refusing to use the correct pronouns for someone's affirmed gender (e.g., calling a trans woman "he") or using their pre-transition name;
- Threatening behaviour or physical abuse;
- Intrusive questioning about someone's gender identity or transition process;
- Excluding a transgender colleague from conversations or social events;
- Refusing to work with someone because they have transitioned;
- Displaying or distributing transphobic images or literature;
- "Outing" someone as transgender or disclosing their transition without consent.

Facilities and Dress Codes

Toilets and Changing Facilities: Transgender individuals will have the right to use facilities that align with their affirmed gender. The University also provides gender-neutral facilities for individuals who prefer additional privacy.

Flexible Dress Codes: Staff and students will be allowed to dress in accordance with their gender identity. The University will provide gender-appropriate uniforms where applicable.

5.0 Roles and Responsibilities

Student-Specific Provisions:

Legal Requirements

While official records, including exam certifications, must use a student's legal name, the University will respect and use a student's preferred /alternative name in all daily interactions.

ID Cards and Registers

Students can update their ID cards and class registers to reflect their preferred/alternative name, even if it differs from their legal name, as long as it is within the legal framework.

Confidentiality of Gender History

Information about a student's gender history will not be disclosed to third parties, including during reference requests, unless explicit consent is provided.

Examination Entries

Legal names must be used for official records and certifications. However, the University will work to ensure that students can use their preferred/alternative name for internal purposes and communications.

Changing Records

Students may request to update their records and identification to reflect their affirmed gender. The University will ensure all systems are updated accordingly to prevent misgendering.

Workplace Provisions for Transgender Staff:

Inclusive Recruitment

Transgender applicants will not be required to disclose their gender history. Recruitment panels are prohibited from asking any questions related to an individual's gender identity unless volunteered by the applicant.

Confidential Handling of Identity Documents

If identity or qualification documents reveal a previous gender, this information will be handled with the utmost confidentiality and stored securely in line with data protection legislation.

Updating Records

All University systems, including HR records, email addresses, and ID badges, will be updated to reflect an employee's new name and gender. A Gender Recognition Certificate (GRC) is not required for these changes.

Respectful Communication

Colleagues and managers are expected to use the individual's chosen name and pronouns. Failing to do so intentionally could be considered harassment and addressed under the University's disciplinary policy.

Training and Awareness

Staff Training

All staff will undergo diversity and inclusion training, including specific modules on transgender awareness. This will focus on preventing discrimination, respecting pronouns, and supporting transitioning colleagues or students.

Raising Awareness

The University will hold regular workshops, events, and awareness campaigns to promote understanding and support for transgender individuals within the University community. The University will confirm with the applicant which name(s) should be used.

Monitoring and Review

Data Collection and Monitoring

The University will collect and monitor data on the gender identity of staff and students, where voluntarily provided, to evaluate the effectiveness of its transgender inclusion policies.

Policy Review

This policy will be reviewed every three years or when necessary due to changes in legislation, institutional changes, or evolving best practices in transgender inclusion.

Privacy and Confidentiality

Gender Recognition Certificate (GRC)

Transgender individuals are not required to hold or disclose a GRC. Any information related to a GRC will be handled with strict confidentiality in accordance with the Gender Recognition Act 2004

Reporting and Resolving Issues

Grievance Procedures

Any transgender individual facing discrimination or harassment is encouraged to report the incident through the University's established grievance channels. The University will investigate all reports in a timely and confidential manner.

Support During the Process

Individuals reporting incidents will be provided with appropriate emotional and procedural support, including access to counsellors or peer support groups.

Conclusion

University College Birmingham is committed to creating a supportive, inclusive, and safe environment for all transgender staff and students. By promoting understanding, ensuring equal opportunities, and taking firm action against discrimination, the University aims to empower transgender individuals to thrive and reach their full potential.

Glossary

Acquired gender

Used in the Gender Recognition Act 2004 to describe a person's gender after transitioning. As this is a legal term, many people now prefer to use the term 'affirmed' gender.

Assigned gender

The gender assigned to someone at birth, based on their physical characteristics.

Gender dysphoria

A recognised medical condition where the individual experiences severe discomfort and anxiety because their gender identity does not align with their biological sex.

Gender expression

How someone manifests their gender identity in society, for example through their appearance and behaviour.

Gender fluid

Is a gender identity best described as a dynamic mix of boy and girl. A person who is gender fluid may always feel like a mix of the two traditional genders, but may feel more boy some days, and more girl other days. Being gender fluid has nothing to do with which set of genitalia one has, nor their sexual orientation.

Gender identity

A person's internal perception of their gender, their sense of self. For transgender people, their gender identity does not match the gender they were assigned at birth.

Gender reassignment (or transitioning)

Process where an individual changes their expressed gender to live fully in the gender with which they identify. example, a person who was born female decides to take steps to live the rest of their life as a man. Gender reassignment does not require medical treatment and is a protected characteristic under the Equality Act 2010.

Intersex

An intersex person is born with ambiguous genitalia and/or sex chromosomal variations, making it difficult to classify their biological sex. There are many different intersex conditions. An intersex person may self-identify as a man or a woman or neither.

Non-binary

An inclusive term to describe people whose gender identity is 'fluid' and not exclusively male or female. A non-binary person may identify as neither male nor female or may feel that they embody elements of both genders, or that they are something different.

Transgender (or trans)

An umbrella term describing the diverse range of people whose gender identity or gender expression differs from the gender they were assigned at birth. The term can encompass individuals who are transsexual, cross dressers or non-binary.

Transphobia

A fear of or a dislike of transgender people. It is based on prejudice and misunderstanding and can involve verbal abuse, physical violence and other forms of harassment.