**EDINBURGH NAPIER UNIVERSITY**

**Guidance for Students Transitioning Gender**

1. **Introduction**
	1. This guidance is designed to focus on the support and advice that Edinburgh Napier University can offer to students who are undergoing any form of gender reassignment. It also aims to offer advice and guidance to individuals who are helping to support students.

1.2 This guidance is accompanied by a guidance document for University staff who may have a role in advising students. The University recommends that both the student and staff members read the relevant guidance.

1. **Scope of the Guidance**
	1. This Guidance provides assurance on the following key principles:

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) The University will respect the confidentiality of all trans students and will not reveal information without the prior agreement of the individual.

c) The University will provide and ensure a supportive environment for students who wish their trans status to be known.

d) The University welcomes, and will provide, appropriate facilities for trans student groups.

e) Transphobic abuse, bullying or harassment will be treated very seriously and dealt with under the appropriate University procedure.

1. **Guidance Statement**
	1. As part of our wider Inclusion strategy Edinburgh Napier University is committed to providing an inclusive and welcoming community where students are enabled to fulfil their potential and are treated as individuals. This includes providing support and understanding to those individuals who wish to take, or have taken, steps to present themselves in a gender different to their birth gender.
	2. The University recognises that this can be a very difficult and complex time for an individual and would wish to act in a sensitive and supportive way by having helpful arrangements in place to ease any transitional period. The University fully recognises its legal responsibility to protect the rights of transgender people and to ensure that no individual is subject to discrimination or victimisation as a result of the gender in which they present themselves
2. **Legislation relevant to this guidance**
	1. The *Equality Act 2010* strengthened and streamlined previous equalities legislation. Gender reassignment is one of the nine protected characteristics within the Act and is also included in the Public Sector Equality Duty.
	2. The definition of gender reassignment within the Act gives protection from discrimination to a person who has proposed, started or completed a process to change their sex. The Act also protects:

a) trans people who are not under medical supervision;

b) people who experience discrimination because they are perceived to be trans people; and

c) people from discrimination by association because of gender reassignment.

* 1. The *Human Rights Act 1998* (HRA): underpins all equality legislation that relates to employers in the public sector and those for whom they provide services. Article 8, in particular, requires trans and non-binary people to be treated with respect, dignity and fairness, and to protect their privacy in family life and correspondence. Article 3 creates and absolute ban on degrading treatment. Article 14 is also important; it does not stand alone, but it ensures that all the other Articles under the HRA are delivered in a non-discriminatory way
	2. *Data Protection Act 1998* (DPA: All IT records of the individual’s personal life and medical history (“sensitive personal data”) must be secured in line with the Data Protection Act, including password-protection, and should be “kept for no longer than is absolutely necessary’. Any named person who needs to access this private information, must still ask permission of the individual concerned, unless there is an emergency situation and the individual is unable to give permission.
	3. The *Gender Recognition Act 2004*: A Gender Recognition Certificate enables the person to have a new birth certificate, if their birth was registered in the UK, and to be legally recognised ‘for all purposes’ according to their new gender role and expression, including in marriage, same-sex marriage and civil partnership.
	4. In terms of the University community this legal framework means that – at its simplest – at all times, staff must ensure students covered by this guidance are not treated less favourably than any other student based on their circumstances.
1. **Guidance on Terminology & ‘Transitioning’**
	1. What is ‘trans’?
		1. The Advance HE (Equality Challenge Unit) advises:

“*Trans is an inclusive term for people who may identify themselves as transgender, transsexual, transvestite, but also includes identities such as agendered, polygendered, non-gendered or gender queer*.”

5.1.2 A full list of useful terminology is available in guidance produced Stonewall at the following link: <https://www.stonewall.org.uk/help-advice/glossary-terms>

* 1. Gender reassignment (‘transitioning’)
		1. What is gender reassignment?

There are a small number of people in the UK whose gender identity does not match their appearance and/or anatomy. This is sometimes called gender dysphoria. People who decide to adopt the opposite gender to the one assigned at birth are known as ‘transgender people’. Some transgender people want their bodies to match their gender identity. The process is known medically as ‘gender reassignment’ or ‘gender transition’. However, the term transgender also includes persons who cannot, or have decided not to undergo medical treatment. More information regarding the gender reassignment process is included in Appendix A.

1. **Guidance on respect for trans students**
	1. The following informal guidelines on how to treat people who are transitioning should be considered by members of the University Community:
* Think of the person as being the gender that they want you to think of them as.
* Use the name and pronoun that the person asks you to. If you are not sure what the right pronoun is, then simply ask. If you make a mistake with pronouns, correct yourself and move on. Do not make a big deal out of it.
* Respect people’s privacy. Do not ask what their ‘real’ or ‘birth’ name is. Trans people are often sensitive about revealing information about their past, especially if they think it might affect how they are perceived in the present.
* Similarly, respect their privacy. Do not tell others about a person’s trans status. If documents have to be kept that have the person’s old name and gender on them, keep them confidential.
* Respect people’s boundaries. If you feel it is appropriate to ask a personal question, first ask if it is ok to do so. Personal questions include anything to do with one’s sex life, anatomy (not just genitalia) and relationship status – past, present or future. Questions such as ‘Are you on hormones?’ can be considered personal.
* Listen to the person, and ask them how they want to be treated and referred to.
1. **Sources of Support**
	1. There is no requirement for a student who is undergoing gender reassignment to inform the University unless it has an implication as outlined later in this guidance. Who and when to raise issues with the University is a matter of student choice, however the University’s services are best able to support students when they aware of their circumstances.
	2. A student who wishes support from the University should contact the named ‘trans student’ support, based within the Student Wellbeing & Inclusion team. They will work with the student to agree an action plan to cover the period of the transition. Confidentiality will be maintained at all times. Contact details for this support can be found on myNapier at:

<https://my.napier.ac.uk/Wellbeing-and-Support/Pages/Student-Wellbeing-2019.aspx>

* 1. A student going through the process of gender reassignment can seek support from the ENSA Advice team: https://www.napierstudents.com/isas/.

7.4 PDTs may also be able to sign-post support and provide advice to students regarding their student journey – for example through discussion of breaks in training or suspension of study which may be required to support time out of the university.

7.5 For changes that may affect a student record (e.g. change of name) support is available from the Head of Student Administration. Contact details for this can be found on myNapier at: [URL to be confirmed]

1. **Transition Action Plans**
	1. A student, ideally with their main support contact, is encouraged to write an action plan together for managing their transition whilst at the University. This will include considering dates of transition and communication plans, the University being guided at all times by the individual’s preferences. Under no circumstances should any communication or actions be taken without the explicit consent of the individual. These action plans must be kept strictly confidential and any records destroyed after the person has transitioned.
	2. Sample action plans are contained in the Advance HE (Equality Challenge Unit’s) Trans staff and student in HE guide and a framework for transition can be found at Appendix B of this guidance.
2. **Guidance on Practical Considerations**
	1. Identification & Name Change
		1. If a trans student is also an employee of an organisation, they can ask their employer to change their full name, appropriate pronouns and gender on their personnel/organisational records simply by notifying them of their intention to transition, and their name change (this is usually done by providing a Statutory Declaration of Name and Gender Change, but this is not a legal requirement). However, some trans students do not choose to change their name immediately or at all. They may wish to use a shortened version of their name or a nickname. If this is the case it is preferable that tutors or managers are advised of the preferred name in advance so that the legal name is not used in error. Once a trans person has made known their chosen name, this name should be used in all circumstances, rather than their birth name. Also a person who identifies with a certain gender, whether or not they have had surgery, should be referred to using the pronoun they have a preference for (this could be he, she or they).
		2. A full gender recognition certificate (GRC) gives a trans person the means to obtain a new birth certificate but other official identification and services reflective of their preferred gender can be gained without a full GRC including a passport, driving licence and the ability to change bank details. The University has no right to ask for or see this certificate. However, it may ask for a statutory declaration of name change or other official identification.
		3. It is important to recognise that there can be very real cost implications in changing identity documentation and this may not be accomplished all at once especially by students and lower paid employees. The University should be prepared to be flexible wherever possible and to be very clear about what information is required as well as any alternatives that can be offered.
	2. Time Off
		1. Trans students may require time off work or study for a wide variety of medical appointments. Appointments to see a specialist may involve travelling long distances. The amount of time off required following surgery will vary greatly from 1 to 12 weeks depending on the nature of the surgery and the physical demands of the person’s study. In all cases the student should not be treated any less favourably than if they were absence due to sickness or injury.
	3. Criminal record checks
		1. Where these are required, Disclosure Scotland has implemented a process specifically for trans people who do not wish to disclose their trans status to their employer or placement provider. Information can be found on the www.mygov.scot website as follows:

<https://www.mygov.scot/disclosure-types/?via=https://www.disclosurescotland.co.uk/publications/documents/ARTICLE-%20TRANSGENDER.pdf>

* 1. Single sex facilities
		1. A trans person should have access to ‘men-only’ and ‘women-only’ areas according to their gender identity. Ideally there should be access to gender neutral toilet facilities wherever this can be reasonably accommodated, and there are a number of such facilities available at Edinburgh Napier. The University and the individual will agree the point at which the use of facilities such as changing rooms, shower rooms and toilets change from one sex to the other. Requiring the person to use accessible/gender neutral toilet facilities is not acceptable.
	2. University Records, References & Parchments
		1. If a trans student is transitioning at the University and following their statement of intent to transition, their student record should be changed at a mutually agreed time to reflect their preferred gender and name. Email account names, details on Moodle, Outlook, the Library and Timetabling systems, as well as SITS, should all reflect the student’s current name and gender, etc. Contact should be made with the Student Administration Team to enable these changes to student records.
		2. Changes must also be made to all paper records which must be replaced with a full set of new ones in the new name and gender. No records should be changed without the permission of the student concerned. With the exception of degree certificates and pensions, a written note of intent to transition is sufficient for the gender and name on student records to be changed.
		3. References for current or former students who have transitioned must make no reference to the person’s former name or gender, and must use the appropriate pronouns.
		4. The University has undertaken to provide students who have transitioned whilst studying or after studying with replacement parchments (degree certificates) in the acquired gender, names or titles. This can be requested through Student Administration. Former students who have already graduated and have then transitioned after their period of study at the University may require a new parchment to reflect their new name and gender. In these cases, the former student will also be permitted to retain their original parchment to assist with proof (if required) of their previous identity, to link their final award documentation.
		5. No financial charges will apply within the University for new documentation or student cards produced to reflect the new gender.
	3. University Accommodation
		1. When a student applies for accommodation and advises that they are transitioning or intend to transition once at the University, it is advisable to formally agree the point at which they will begin to live day-to-day in their acquired gender. This will enable the correct form of accommodation to be allocated from the start. Students are encouraged to discuss their personal requirements in confidence and in person with relevant staff in accommodation services. The University will ensure as much flexibility and discretion as possible when dealing with student requests in relation to transgender.
		2. For students who begin to transition when living in accommodation, contracts should be flexible to allow students to leave single-sex accommodation when they begin to live in their chosen gender. For further advice and support contact Student Accommodation [ADD Link].
1. **External Support and Advice**
	1. Edinburgh Napier recognises that transitioning gender can be a challenging time for our students. There are a number of external organisations that may be helpful sources of support and advice:

Equality and Human Rights Commission (EHRC) is a statutory body with responsibility for protecting, enforcing and promoting equality across all protected characteristics

The Gender Trust is recognised as an authoritative centre for professional people who encounter gender identity-related issues in the course of their work.

The Beaumont Society is a support network that promotes better understanding of the conditions of transgender, transvestism and gender dysphoria

Gender Identify Research and Education Society initiates, promotes and supports research, particularly to address the needs of people who have a strong and ongoing desire to live and be accepted in the gender in which they identify.

Scottish Transgender Alliance offers guidance to employers on transgender equality issues and good practice in Scotland and provides information to support transgender people in understanding and accessing their human rights.

LGBT Youth

http://www.lgbt-helpline-scotland.org.uk/ provides a range of services for professionals and young people in Scotland.

Stonewall is a charity that works with organisations to support LGBT staff by offering inclusive, equal and inspiring working environments, see Supporting Trans Staff in the Workplace Guidance.

**Approved by: LTASEC**

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**Appendix A**

**The Gender Transition Process Outlined**

How is gender transition achieved?

Transition is achieved by the person undergoing gender reassignment. The process consists of counselling, followed by medication to alter the body and physical characteristics. During the early part of the process it is possible the individual may display characteristics of both genders.

The final stage for some individuals is to undergo surgery. Not all persons going through gender reassignment undergo surgery; it is a personal choice and not a key criterion in the process of definition to gender change. Much of the transition process is more about social aspects such as name, clothes, appearance and personality rather than the medical aspects that are often associated with it.

At some point the person will want to start to live full time in their ‘new’ gender and their name and other records (such as their driving licence, birth certificate and passport) may be formally changed. The person is expected to live and work in their new gender role for a minimum period of one year (in Scotland) prior to any irreversible surgical intervention. This period is often referred to as the ‘real life experience’ or ‘real life test’.

Every individual may choose a wide and differing set of options in the way that they wish to shape their future lifestyle and the choices they wish to make. The most important role that we can play as the employer and University is to offer support and guidance at any or all stages of an individual’s journey and to facilitate any procedures or processes as appropriate.

Intersex

Intersex is a biological condition that people are born with. Intersex people can have a combination of male and female anatomy; as a result, their biological sex cannot easily be classified as either male or female. Until recently, the medical profession encouraged surgery on intersex babies so that the child would conform to stereotypical male or female appearances. Subsequently, many intersex people encountered difficulties later in life as the gender prescribed by the medical profession and society was different from the gender with which they associate. The advice now is to wait until an informed choice can be made.

Not all intersex people opt for surgery, and many will consider themselves to be intersex rather than male or female. While trans issues are different from intersex issues, intersex people who had their gender incorrectly prescribed at birth may decide to transition to the gender with which they identify later in life.

**Appendix B**

**Transition process**

The chart below provides an overview of a typical transition and may prove useful for those managing or representing staff or students throughout the process whether it involves medical intervention or social orientation. It is important to note that every individual’s situation will vary depending on a wide range of factors that can come into play.

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

**Appendix C**

**Example of Action Plan to support students transitioning gender**

* Does the student feel comfortable continuing with their current course/cohort? Are there any temporary or permanent changes to the student’s experience and obligations which should be considered to support the student? (Consider security aspects.)
* What is the expected timescale of the medical and surgical procedures, if known?
* Is any time off required for medical treatment? If so how will this be dealt with?
* What will the student’s new title and name be?
* When do they wish to start using this name and title? Will there be any phasing?
* When do they wish to start dressing and presenting as their gender identity? Again will this be phased? (This may not necessarily be the same date as above.)
* Are there any dress codes which need to be considered?
* When does the student wish to use toilet and changing facilities appropriate to their gender identity? Please note accessible toilets should not be suggested as an alternative.
* When will the Personal Development Tutor be informed and what records and or systems will need amending? When should other members of academic staff/student support staff be informed, and how should this happen?
* When and how should other students be informed of the transition?
* Is there any education material which could be used?
* When should other University departments/services be advised of the transition? What other University departments need to be made aware? E.g. ENSA, Sports Centre, Accommodation and Residential Staff.
* If any bullying or harassment occurs how will it be dealt with?
* Actions Agreed:
* Date of next meeting:

[ENDS]