**EDINBURGH NAPIER UNIVERSITY**

**Guidance for Staff Supporting**

**Students Transitioning Gender**

1. **Introduction**
   1. This general guidance for staff accompanies the ‘*Guidance for Students Transitioning Gender’.* Staff who read this guidance MUST also familiarise themselves appropriately with the guidance for students.
   2. The 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.
2. **Scope of the University’s Guidance**
   1. The University’s guidance for students transitioning gender 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 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 an 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. **General Guidance for staff**
   1. At all times, staff must ensure students covered by this guidance are not treated less favourably than any other student based on their circumstances. Flexibility should be shown where possible to ensure continued learning is facilitated.
   2. A staff member with whom a student discusses transitioning gender should offer very general advice and signposting to services, as well as offering guidance relating to how to mitigate any impact upon academic studies (e.g. any time off to support medical appointments). It is recognised that academic staff are not trained to provide counselling, but will able to direct students to appropriate support services where this is required.
   3. Information given by students should be treated confidentially and with sensitivity, being passed on where necessary with the student’s consent. When a student contacts a member of staff to discuss any circumstances covered by this guidance, a response normally should be made within five working days if possible.
   4. Along with the student, it may be appropriate to decide whether an interruption or deferral is needed and in the case of an interruption of study, the time period this needs to cover. This decision also needs to take into account the academic requirements of the student’s programme. A student who is transitioning gender near to the examination period may need advice on their academic progression and time off might also be needed for medical appointments.
   5. With regard to University records, references and parchments, 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. Contact should be made with the Student Administration Team to enable any changes to student records, email account names, details on Moodle, Outlook, the Library and Timetabling systems, etc.
   6. The University has undertaken to provide students who have transitioned after studying with replacement parchments (degree certificates) in the acquired gender, names or titles. This can be requested through Student Administration.
2. **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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