

## Trans and Gender Identity Policy

<b>Operational Owner:</b>	Equality and Diversity Adviser
<b>Executive Owner:</b>	Will Davies (Director of HR)
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<b>Related documents:</b>	Equality Policy Harassment and Bullying Procedure

### Approval History

Version	Reviewed by	Brief reason for review	Approved by	Date
1.0	LGBTQIA+ Equality Group		LGBTQIA+ Equality Group	December 2020
	Executive Board		Executive Board	February 2021
1.1	HR Policy Group	Interim review	HR Policy Group	November 2022

## **1 Introduction**

### **1.1 Purpose**

- 1.1.1 The University of Surrey celebrates and values the diversity of its University community including its staff and students. The University is committed to treating all employees and students with dignity and respect and seeks to provide a positive working and learning environment free from discrimination, harassment or victimisation.
- 1.1.2 The University of Surrey will not discriminate against people on the grounds of their gender identity or gender expression. Where this policy refers to 'trans people', this refers to 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 have non-binary, non-gender or gender fluid identities and individuals who may not identify as trans but who are impacted by matters covered under this policy. While not a gender identity, the University offers its full support to intersex individuals, who are also protected under this policy.
- 1.1.3 The University of Surrey is committed to providing a supportive environment for trans staff and students, including ensuring access to the appropriate changing and toilet facilities. The University is committed to ensuring that University policies provide clear statements on harassment and bullying and ensuring a clear and positive process for disclosure of trans status and the amendment of University records.
- 1.1.4 The University recognises that to 'out' someone, i.e. to reveal a person's trans status without their consent, whether staff or student, without their permission is a form of harassment and, in a number of contexts, may amount to a criminal offence. The University also recognises that protection under the Equality Act 2010 is extended to trans individuals from the moment they indicate their intention to transition. We will provide support in line with this, including to those staff or students who identify as non-binary, non-gender or gender-fluid.

### **1.2 Scope (and objectives)**

- 1.2.1 This Policy applies to everyone who visits, works or studies with us and, more broadly, anyone associated with the University of Surrey. This includes staff, students, contractors, visitors and alumni, regardless of race or ethnicity, sex, gender reassignment, disability, sexual orientation, age, religion or belief, pregnancy or maternity status, marriage and civil partnership status or socio-economic background.
- 1.2.2 This policy has been developed in conjunction with trans students, staff and the wider trans community. It outlines the University's commitments to the following principles:

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.

- 1) Requests to change name and gender on records will be handled promptly and staff and students will be sensitively made aware of any implications of the changes.
- 2) We will incorporate trans equality into the discussions about the inclusive curriculum agenda, using curriculum reviews to ensure courses do not rely on or reinforce stereotypical assumptions about trans people and that the course does not contain transphobic material.
- 3) We will ensure confidentiality for all trans staff and students in line with GDPR guidance, not revealing information without the prior explicit agreement of the individual.

- 4) Staff will not be excluded from employment or promotion or be redeployed against their wishes because of their gender identity.
- 5) Transphobic abuse, harassment or bullying (name-calling/derogatory jokes (written or spoken), unacceptable or unwanted behaviour, intrusive questions) are serious disciplinary offences and will be dealt with under the appropriate policies and procedures. Any transphobic material will be removed whenever it appears on the premises in line with the University's Dignity at Work and Study Policy and its Code of Practice on Freedom of Speech.
- 6) We will provide a supportive environment for staff 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.
- 7) We will include gender identity issues in equality training and, having consulted with trans staff and students and the wider trans community, include gender identity when monitoring complaints of harassment by protected characteristic.
- 8) In providing accommodation for students, any concerns or issues raised by trans students will be handled by the Accommodation Office and will be treated fairly and in line with our obligations under equality law.
- 9) Staff and students undergoing medical and surgical procedures related to gender reassignment will receive positive support to meet their particular needs during this period.

### **1.3 Definitions**

- 1.3.1 **Trans** - Trans is an inclusive term for all those whose gender expression falls outside the typical gender norms. The term 'trans' can be used to identify people undergoing gender transition, people who identify themselves as someone with a different gender from that assigned to them at birth (whether or not they decide to undergo medical treatment). This term should only be used as an adjective.
- 1.3.2 **Gender identity** - a person's internal perception of their identity

Please note that all other terminology is explained in Appendix 5 of the policy

## **2 Policy Principles**

### **2.1 Introduction**

The University of Surrey is a diverse, multicultural and international community. As a member of that community all staff, students, contractors or visitors can expect to be treated with dignity and respect and in return, they will be expected to act with respect to all. As an organisation, we are committed to creating an inclusive and welcoming environment. Equality, diversity and inclusion underpins all our work and is at the heart of what we are and what we do. Our commitment is not restricted to the minimum legal requirements of equalities legislation, as we aim to deliver best practice whenever possible. The University recognises equality, diversity and inclusion in its core values which are actively supported by the Vice Chancellor, Council and Executive Board.

### **2.2 Commitment**

The University is committed to creating a working, learning, cultural and social environment that is based on dignity and respect, where difference is valued and celebrated, enriching our community. We aim to ensure all staff and students are supported in being able to reach their full potential, to contribute fully and derive maximum benefit and enjoyment from their involvement in the life of the University.

To achieve this the University lays out the following basic commitments:

You can expect:

- To be treated with dignity and respect
- Not to be bullied, harassed, abused, intimidated or victimised
- To be provided with relevant support, guidance and training
- To have the right to challenge unfair decisions without prejudice

Your responsibilities are:

- To treat members of the University with dignity and respect, meeting the standards laid down in the University's Dignity at Work and Study Policy
- Not to bully, harass, abuse, intimidate or victimise others
- To ensure you have a clear understanding of related University policies
- To positively support measures introduced to advance equality, diversity and inclusion and eliminate discrimination.

The University requires all members of our community to commit to these responsibilities, proactively supporting and upholding them at all times. In addition, the University will comply with all relevant legislation and strive to go beyond the legal requirements through supporting, whenever possible, best practice in areas of equality, diversity and inclusion. We will also provide support, guidance and training to the University community to facilitate the delivery of these commitments.

### 2.3 **Actions**

To further the principles of equality at the University:

- All new staff must complete online training on Diversity in the Workplace and Unconscious Bias
- Staff are encouraged to complete the LGBTQIA+ Awareness Training

## 3 **Governance Requirements**

The Vice-Chancellor, supported by the University's Executive Board, is responsible for ensuring this policy is implemented and monitored. Ultimately, University Council (Governing Body) is accountable for ensuring the University complies with its legal obligations under the Equality Act, including the general duty to have due regard to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations

The University's Equality, Diversity and Inclusion (EDI) Team, in consultation with relevant University committees, is responsible for developing policy and best practice in order to support meeting the legal requirements.

Information contained in this policy forms part of LGBTQIA+ Awareness Training, to which all staff are encouraged to attend. Any issues that are linked to this policy statement are reported to the University's Equality, Diversity and Inclusion Forum and Executive.

If you have any queries about this document or have a confidential enquiry, please contact one of the EDI Advisers at [EDI@surrey.ac.uk](mailto:EDI@surrey.ac.uk). For EDI-related reports (anonymous and identifiable), we encourage our employees and students to use the University's Report + Support system [<https://reportandsupport.surrey.ac.uk/>].

### **3.1 Implementation / Communication Plan**

3.1.1 The policy is communicated through:

- The University Policies website
- Leaders' Alert and staff emails to all employees
- Links in related websites including Human Resources and My Surrey
- References in the University staff induction process
- Students' Union

### **3.2 Exceptions to this Policy**

3.2.1 There are no exceptions to this policy, due to equalities legislation and good practice.

### **3.3 Review and Update**

3.3.1 A full review will be carried out in one years' time.

Interim, minor changes, such as change of a role title or other titles or name which do not change the meaning of the policy will be dealt with by the operational owner.

Major changes that alter the meaning of the policy or are substantial re- writes will be submitted via the full approval route.

### **3.4 Legislative context**

3.4.1 The University of Surrey has a general duty, as a public authority as defined by the Equality Act 2010, to advance equality. It has three aims:

- (i) Eliminate discrimination, harassment and victimisation;
- (ii) Advance equality of opportunity;
- (iii) Foster good relations between persons who share a protected characteristic and those who do not.

The Act requires the University to have 'due regard' to these aims throughout its functions and across all protected characteristics. All members of the community share a part of this responsibility and are required to maintain a positive duty in complying with the equality legislation.

### **3.5 Stakeholder Statements**

3.5.1 Equality: The University is strongly committed to equality of opportunity and the promotion of diversity for the benefit of all members of the University community. The University's approach is to promote equality across the full range of its activities, in employment, teaching and learning and as a partner working with and within local, national and international communities. Equality Analysis is a process which examines how the impact of the policy has been considered on the diverse characteristics and needs of everyone it affects. This policy has been reviewed and no negative impact on equality has been identified.

- 3.5.2 Health & Safety: The University has duties under the relevant legislation to ensure the health, safety and welfare at work of all staff, students and visitors and that its operations do not expose, staff, students and visitors to risks to their health and safety. As such, the normal principles contained within the University's Health & Safety Policies will apply.

#### **4 Confidentiality**

- 4.1 If a colleague or a student discloses to you that they have transitioned / are transitioning or intend to or are considering transitioning, it is the responsibility of all staff and students to treat this information confidentially. No identifying information should be shared with any person at any time without the individual's explicit consent.
- 4.2 In line with our responsibility under the Gender Recognition Act 2004 and relevant data protection legislation, any disclosure made by a student or staff member will be treated with absolute confidentiality.
- 4.3 The individual's explicit consent will be sought before any information about their transition or intent to transition is passed to anybody, both within and external to the University and any implications of not providing consent will be explained.
- 4.4 The University of Surrey has obligations to monitor staff and student equality data. The University is absolutely committed to maintaining anonymity in our reporting and will not report on numbers of trans staff or students where there is any risk of identifying individuals. Individuals are given the option not to disclose this information, however confidential disclosure helps us to monitor the impact of any changes in policy or practices.
- 4.5 With your consent and from the date agreed with you, the University will endeavour wherever possible to amend or destroy records held which make reference to your former name and/or gender marker. Any records which cannot be amended will be stored confidentially; you will be made aware of these records and of who, if anyone, can access them. Please be aware that this may require us to disclose your identity to a small number of staff members, although only with your explicit consent.
- 4.6 While you are not required to legally change your name, doing so will enable you to change identification documents, bank accounts and, in relation to education, degree and qualification certificates.
- 4.7 Degree certificates can only be issued in your legal name. In order for the University to issue a degree certificate in your chosen name, you must provide Academic Registry with proof of legal name change no later than 3 months before the date of your graduation.

If you legally change your name due to transitioning after graduating, we can arrange this. Contact My Surrey Hive [hive@surrey.ac.uk](mailto:hive@surrey.ac.uk) to request the issue of new certificates. This will require you to send the University your original certificates.

#### **5 Transitioning at the University**

- 5.1 It is important to note that transitioning is a personal, not medical, process. It should never be assumed that a trans individual suffers from gender dysphoria or that they intend to undergo any medical processes relating to their transition, nor should trans people be asked about their intention to undergo these processes.

- 5.2 If you decide to transition while studying or working at the University, you do not need to inform anybody of your intention. If you do decide to inform the University, on-going support will be provided by specific contacts; details of these are outlined in the Guidance and Frequently Asked Questions in Section 6.
- 5.3 The process of transitioning will be led entirely by you. It would be useful to arrange a meeting between you and the person you disclose to in order to discuss what next steps, if any, you would like to take and to seek advice from you on the kind of support you would like us to provide.
- 5.4 An action plan can be put in place to guide you through the process of transitioning. This may include:
- Outlining any potential periods of absence
  - Making referrals for support
  - Identifying who may need to be informed and whether / how / when you wish for this to happen
  - Making changes to records
  - The date, if applicable, from which you wish to use a different name or change records
  - Planning if awareness training to colleagues/other students required
- 5.5 In order to provide the best possible support, it may be necessary for the person to whom you make a disclosure to contact the Equality and Diversity Team to request anonymous advice. No identifying information will be shared without your explicit consent.
- 5.6 It can be useful to agree a date from which you intend to live in your affirmed gender so that the University can organise the changing of records, names and other matters to coincide with this date. However, some people may prefer not to set a date and the University will do all it can to ensure you are able to express your gender in the manner and at the time which works for you.
- 5.7 You have a legal right under the Equality Act 2010 to access facilities – such as changing rooms and toilets – according to the gender with which you identify. This may mean that you may change the facilities you use at the point when you start to live in your affirmed gender. Ultimately it is your choice to use whichever facilities you feel comfortable using.
- 5.8 You should not be asked and will not be expected to use disabled/accessible facilities as an alternative.
- 5.9 If you feel it would be helpful to let others in your School or Department know that you will be using different facilities (for example, if you regularly use changing rooms with other students), your Personal Tutor or Line Manager can assist you with communicating this within your School or Department. You should discuss your preference as to how this information is shared with your Personal Tutor or Line Manager. These individuals can contact the Equality and Diversity Team for confidential advice about this process. You do not need to seek permission to use the facilities you prefer once you have started to live in your affirmed gender.
- 5.10 All new University buildings will include gender neutral toilets and the University has ensured existing buildings also have gender neutral toilets. If there is a lack of gender neutral facilities in the area where you work or study, this should be reported to the Equality and Diversity Team - [edi@surrey.ac.uk](mailto:edi@surrey.ac.uk)
- 5.11 The University will support you in your choice of dress in connection with your gender

identity.

## **6 Non-Binary, Non-gender, Gender-Fluid and Intersex Staff, Students and Visitors**

- 6.1 Some trans people do not identify as either male or female, they identify as both and possibly to varying degrees, or they have a fluid sense of gender identity.
- 6.2 All support outlined in this policy applies in equal measure to all trans people regardless of their gender identity.
- 6.3 The University provides the option of selecting gender markers other than 'male', 'female' and 'other' for both staff and students.
- 6.4 Where an individual's gender identity varies, this will not affect their access to facilities and support, which can be decided by the individual based on their own sense of gender identity at that time.
- 6.5 Intersex is not a gender identity. It is an umbrella term that refers to physical variations in sex characteristics. It may affect up to 2% of the population and many people are unaware that they are intersex. It is sometimes referred to as variations of sex characteristics (VSC) or differences of sex development (DSD).

Intersex is not protected under the Equality Act 2010. However, the University recognises the specific needs and challenges that may be encountered by some intersex people and will extend all support and protection outlined in this policy to these individuals.

All issues of confidentiality (4), bullying and harassment apply. Furthermore, the university is aware that some individuals may be receiving ongoing medical treatment or monitoring, and all staff and students will receive positive support to meet this particular need. We also recognise that in some circumstances there may be additional barriers to intersex individuals obtaining Gender Recognition Certificates. The university does not require and will not ask for a GRC (see FAQs). However, see Appendix 1 for government guidance on GRCs.

We are aware that this may not cover specific issues experienced by intersex individuals/people with VSC. If more support is needed, see FAQs for contact details of support services or contact the Equality, Diversity and Inclusion Team: EDI@surrey.ac.uk

## **7 Guidance and Frequently Asked Questions for Students and Staff**

- 7.1 Gender transition will be different for everyone - there is no "right" or "wrong" way and you can therefore expect to be asked how you want issues considered and dealt with. Please take time to consider your options, and if you need more time please say. The process of transitioning whilst at the University should be led by you. The guidance should also be of use if you have transitioned before joining the University.

The following FAQs and guidance have been put together as a starting point but will not cover all eventualities.



## 1.1 FAQ and Guidance for Students

Question	
<p>Where can I get confidential advice or support around transitioning?</p>	<p><b>Internal:</b></p> <ul style="list-style-type: none"> <li>• <b>University of Surrey Equality, Diversity and Inclusion Team</b> <a href="mailto:edi@surrey.ac.uk">edi@surrey.ac.uk</a>;</li> <li>• MySurrey Hive <a href="mailto:hive@surrey.ac.uk">hive@surrey.ac.uk</a></li> <li>• <b>Centre for Wellbeing</b> <a href="mailto:centreforwellbeing@surrey.ac.uk">centreforwellbeing@surrey.ac.uk</a> 01483 689498</li> <li>• <b>Accommodation</b> <a href="mailto:accommodation@surrey.ac.uk">accommodation@surrey.ac.uk</a> 01483 682466</li> <li>• <b>The Students' Union:</b> LGBT+ Student Society <a href="mailto:ussu.information@surrey.ac.uk">ussu.information@surrey.ac.uk</a></li> </ul>
<p>I am applying to study at the University of Surrey. How do I enrol with my affirmed name and gender?</p>	<p>The UK government now specifies the type of identification students are required to present during enrolment. This is a passport, visa or birth certificate combined with other forms of identification.</p> <p>As not all trans people will hold a birth certificate that is reflective of their affirmed gender, where the University of Surrey requires official confirmation of a person's identity, you will be given the option of providing more than one type of official identification, for example a driving licence, passport, birth certificate, a Statutory Declaration or change of name by Deed Poll.</p> <p>Some of the documents listed above will be required as proof of legal identity but will be stored securely by Academic Registry in a system accessible only by approved members of Academic Registry staff.</p> <p>If you have legally changed your name and updated your identification documents, you can enrol as normal using this name and the gender marker that most closely matches your affirmed gender (i.e. male, female, other).</p>

<p>I wish to transition or am in the process of transitioning, - who do I need to contact within the University?</p>	<p>This can be decided by you, however it is recommended in the first instance to approach The Centre for Wellbeing, who will be able to provide support and guidance throughout the process of transitioning and beyond.</p> <p>You can also contact your Personal Tutor</p> <p>or the Equality, Diversity and Inclusion Team. edi@surrey.ac.uk</p>
<p>Who will they tell?</p>	<p>The disclosure will be treated as confidential. No one else will be informed until you have been involved in a discussion about who needs to be informed and when and have given your consent.</p> <p>If you want to make changes to your student record, a small number of other staff members will likely need to be informed, with your consent (see sections on name and record changes below).</p> <p><b>Areas for consideration:</b> In exceptional circumstances, where the person who you tell is concerned for your safety or that of others, they have a duty to inform relevant bodies. In such instances, disclosure would relate only to concerns about your safety or the safety of others and would not involve any disclosure or breaking of confidentiality regarding your gender identity.</p>
<p>What student accommodation options are available?</p>	<p>When submitting an online application for University residences all applicants are asked to indicate if they would prefer single or mixed gender flats. We do our best to meet these requests when allocating rooms but unfortunately this cannot be guaranteed.</p> <p>Applicants can also telephone or email the Accommodation Team to disclose/discuss any specific requirements that they may have relating to accommodation.</p> <p>Once in accommodation, if you wish to change accommodation you can contact your University Residential Warden. They can explain the transfer process and discuss the different options available and move you to the top of the priority list if appropriate. However, all room moves are subject to vacancies.</p>

<p>What records do I need to consider?</p>	<p>The University stores student records in multiple places, including in Academic Hive, in your School/Department and in MySurrey Hive among others.</p> <p>If you are aware of a record that may be held somewhere we wouldn't normally be able to access, e.g. counselling services, you should consider whether these records need to be changed and whether you are comfortable disclosing their existence so that colleagues can make the appropriate changes.</p>
<p>How can I change my name with the University?</p>	<p>You do not need to hold a Gender Recognition Certificate, a Statutory Declaration or evidence of name change via Deed Poll in order to have your details changed on the student information management system.</p> <p>The University will change your name without any documentation or proof of legal name change upon request. This will mean that all correspondence generated to you will use the chosen name by which you have asked to be registered.</p> <p>To change your name with the University, you should contact MySurrey Hive - <a href="mailto:hive@surrey.ac.uk">hive@surrey.ac.uk</a></p> <p>If you change the name under which you are registered at the institution, whether legally or informally, you may need to inform the student loans company, your local authority, any sponsor, and your bank to ensure payments are not delayed. For support with issues of this kind, please contact the Student Money Team – through MySurrey Hive <a href="mailto:hive@surrey.ac.uk">hive@surrey.ac.uk</a> who will be able to help with this.</p> <p>During transition, you may use more than one name. For example, you may enrol under your chosen name while your bank still holds your legal name. This is not illegal as long as it is not used for fraudulent purposes.</p> <p><b>Areas for consideration:</b>  This name will be used for all correspondence including letters sent to the address you provide. You may wish to consider whether you are happy for this name to be visible on correspondence sent in the post, via email etc. and update your address preferences accordingly.</p> <p>Degree certificates can only be issued in your legal name. In order for the University to issue a degree certificate in your chosen name, you must provide Academic Registry with proof of legal name change no later than 3 months</p>

	<p>before the date of your graduation.</p> <p>If you legally change your name due to transitioning after graduating, we can arrange this. Contact My Surrey Hive <a href="mailto:hive@surrey.ac.uk">hive@surrey.ac.uk</a> to request the issue of new certificates. This will require you to send the University your original certificates.</p>
<p>Can I change my gender or title?</p>	<p>You can choose the gender marker or title that reflects your affirmed gender, whether binary or non-binary.</p> <p>There is the option of using Mx instead of Miss, Mr, Mrs on the student and staff records management systems. You may also choose the gender markers of 'male', 'female' or 'other'.</p>
<p>Can I change my ID and email address?</p>	<p>You must first contact MySurrey Hive - <a href="mailto:hive@surrey.ac.uk">hive@surrey.ac.uk</a> to update your name and gender on your student record before these changes can be made. They will be able to help you work with colleagues in IT and the Security Office to ensure the changes are made as easily and confidentially as possible.</p> <p>You can then change your ID card by visiting the Library, where they will be able to update your name, title and photo. You can do this as many times as necessary if your appearance changes while at University.</p> <p>You can also change your email address if you change your name. No legal proof of name change is required.</p>
<p>How will time off for medical or other appointments be dealt with?</p>	<p>It would be useful to have a conversation with your Personal Tutor about any absences you expect to take so that measures can be put in place to minimise any impact on your studies. Wherever possible, you are encouraged to arrange medical appointments outside the times you have scheduled learning activities and to inform your Personal Tutor when this is not possible. You do not need to give specific details about the medical appointments (such as the procedure being undertaken) when informing the University of appointments, provided you can evidence appointment/surgery dates as appropriate.</p> <p>MySurrey Hive are available to provide advice on how to manage long term absences as a result of transitioning or absences relating to being intersex.</p> <p>If your studies are likely to be affected over a long period of time, you should refer to the University's</p>

	Temporary Withdrawal Code of Practice.
Can I dress to reflect my gender identity?	The University will support you in your choice of dress in connection with your gender identity and/or gender expression
If I'm being bullied or harassed within the University about my transition or gender identity, who can I talk to and how can I report this formally if I want to?	<p>Transphobic abuse, harassment or bullying (including name-calling / derogatory jokes / repeated or intentional use of incorrect pronouns or name) will be dealt with under the Dignity at Work and Study Policy which states that the University will not tolerate such behaviour. It will be treated by the University as a disciplinary offence.</p> <p>You should tell your Personal Tutor or Student Services if you experience any form of transphobic abuse. Support is also available from the Equality, Diversity and Inclusion Team and the Centre for Wellbeing.</p> <p>You can also make a report via the University's Report + Support System. This system is a reporting tool to enable staff and students to raise issues and concerns. Reports can be anonymous but obviously cannot be followed up with the person making the report.</p> <p><b>Areas for consideration:</b> If you are subject to bullying, harassment or discrimination in the local community, MySurrey Hive can offer advice and guidance on how to take your complaint further. The University will aim to provide whatever support is appropriate in these circumstances.</p>

<p>Will I still be able to undertake work experience, placements or field work associated with my course or will there be any implications for work?</p>	<p>Sex-related occupational requirements may apply to student placements in health and social care, counselling and youth work.</p> <p>Placement providers should be asked by the University if they have occupational requirements and where they do, these should be clearly communicated to all students. If you do not have a GRC and new birth certificate and you are on a course that involves placements where occupational requirements apply, it is essential that this is discussed at the earliest opportunity. The aim of the meeting should be to identify the most suitable placement with the student and who will need to be informed when a placement provider has occupational requirements.</p> <p>There is no occupational requirement whereby an employer can specify that a post must be performed by a trans person. There is the potential occupational requirement however that a specific post may not be performed by a person of a particular gender. This may apply to certain positions in religious organisations, to certain narrow fields within the military and in specialised services such as rape crisis support.</p> <p>In certain limited circumstances it is lawful to discriminate in employment on the grounds of sex if there is a Genuine Occupational Qualification (GOQ) for doing so. If a trans person has obtained a full Gender Recognition Certificate (GRC), they are deemed in law to be of the gender to which they have transitioned with respect to most jobs and course placements where GOQs apply.</p> <p>Students should discuss with their Personal Tutor or a relevant member of academic staff whether a Genuine Occupational Qualification applies to their course or their intended career path. Where this is the case, this will need to be discussed with the relevant professional body.</p>
<p>Can I obtain a DBS check without disclosing my trans status?</p>	<p>Agencies responsible for checking criminal records in the UK all have specific processes in place for trans people, including those with a full GRC. The Disclosure and Barring Service carries out checks in England and Wales and has a sensitive applications team: <a href="mailto:sensitive@dbs.gsi.gov.uk">sensitive@dbs.gsi.gov.uk</a></p>

<p>What advice is there for studying abroad as part of my study programme?</p>	<p>Guidance on equality and diversity when studying abroad is available on My Surrey.</p> <p>Consideration will have been given to how studying abroad might impact on trans students when the course was developed but if you have any concerns, you should raise these as soon as possible with your Personal Tutor.</p>
<p>I am a trans international student. Are there any different or additional requirements for me?</p>	<p>In the first instance you should approach the International Student Support Team through MySurrey Hive to discuss any implications for your visa. The University will endeavor to use your chosen name and affirmed gender as far as possible in line with visa requirements.</p> <p>Guidance from the Home Office states that the name on your Biometric Residence Permit (BRP) or Residence Card will be issued in the same name as that on your passport. To change the name on your passport, you will need proof of legal name change such as a statutory declaration or evidence of a deed poll. If you are a trans person from a country that does not recognise changes to your name or gender and therefore you are unable to change your name on your passport, you can apply for a deed poll which will allow the Home Office to issue a BRP in your chosen name.</p> <p>You may use a different name on your BRP or Residence Card if your country of origin does not recognize changes to your name or gender.</p> <p>Please note that this could affect students from the European Union, please check the current situation with the International Student Support Team through MySurrey Hive <a href="mailto:hive@surrey.ac.uk">hive@surrey.ac.uk</a> .</p>
<p>Do I need a Gender Recognition Certificate?</p>	<p>You do not need, and will not be asked to produce, a Gender Recognition Certificate at any point. The University will extend to all trans students the same support, guidance and sensitivity whether or not they possess a GRC.</p> <p>If you possess a GRC, you will be legally recognised as your affirmed gender, including in many instances where a Genuine Occupational Qualification applies (see section on placements for more information and exemptions).</p>
<p>What about references?</p>	<p>The University will always endeavor to provide references in your affirmed name and gender and will not disclose your trans status to a potential employer or institution. If you have any concerns, you should discuss these with your referee.</p>

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## 1.2 FAQ and Guidance for Staff

<p>Applying for work</p>	<p>Applicants are able to apply for posts at The University of Surrey without disclosing their trans status. Any disclosure made at any point will be treated with absolute confidentiality and the offer of support will be extended.</p> <p>Where possible, steps should be taken to ensure that a person’s trans status is not disclosed, for example by checking the names used in references before passing them to the person responsible for recruitment and ensuring that documentation showing a person’s legal sex is viewed on a strictly need-to-know basis.</p> <p>As not all trans people will hold official documentation that is reflective of their affirmed gender, where The University of Surrey requires official confirmation of a person’s identity, you will be given the option of providing more than one type of official identification, for example a driving licence, passport, birth certificate, a Statutory Declaration or change of name by Deed Poll.</p> <p>If you wish to confidentially disclose your trans status during the application process, you may do so by contacting the Human Resources individual responsible for administration of the interview, who will not be involved in the interview panel itself.</p>
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<p>I wish to transition, or am in the process of transitioning- who do I need to contact to inform the University?</p>	<p>Whether you have joined the University while transitioning or transition while you are a member of staff, we work in partnership with you to ensure that the appropriate support is identified and the timing of decisions are led by you.</p> <p>No matter who you inform first, the disclosure will be treated as confidential. No one else will be informed until they have discussed with you who you wish to inform, whether anyone needs to be informed, and when.</p> <p>You may want to tell colleagues, students or managers about your decision. You may want to discuss this with your key support contact within the University and also consider change of name, use of pronouns. This process can be led by you or the University, depending on your preference.</p> <p>The following colleagues are able to provide support and advice if you decide to transition and, as such, you may wish to speak to them first:</p> <ul style="list-style-type: none"> <li>• <b>The HR Team</b></li> <li>• <b>Equality, Diversity and Inclusion Team</b> EDI@surrey.ac.uk</li> <li>• <b>The Centre for Wellbeing</b> <a href="mailto:centreforwellbeing@surrey.ac.uk">centreforwellbeing@surrey.ac.uk</a></li> </ul> <p>(Please note limited staff in the Centre for Wellbeing have access to this inbox and will be treated confidentially)</p> <ul style="list-style-type: none"> <li>• <b>Your Line Manager</b></li> </ul> <p>You can also contact the LGBTQI+ Staff Network for confidential support and advice around transitioning.</p>
<p>Where can I get confidential advice or support around transitioning?</p>	<p><b>Internal:</b> The Centre for Wellbeing Equality, Diversity and Inclusion Team LGBTQI+ Staff Network</p> <p><b>External:</b> Stonewall</p>

<p>If I'm being bullied or harassed about my transition or gender identity, who can I talk to and how can I report this formally?</p>	<p>Transphobic abuse, harassment or bullying (including name-calling / derogatory jokes / repeated or intentional use of incorrect pronouns or name) will be dealt with under the Dignity at Work and Study Policy which states that the University will not tolerate such behaviour. It will be treated by the University as a disciplinary offence.</p> <p>You should report any instances of transphobic abuse to any of the following:  Centre for Wellbeing  Line Manager  Human Resources  The Equality, Diversity and Inclusion Team  LGBTQI+ Staff Network  Report + Support</p>
<p>How do I change my name and ID to reflect my change of name and gender?</p>	<p>You do not need to hold a Gender Recognition Certificate, a Statutory Declaration or evidence of name change via Deed Poll in order to change your name with the University.</p> <p>The University will change your name without any documentation or proof of legal name change upon request. The contact you disclose to will have a conversation with you about how changing your name will work across University systems.</p> <p>To change your name with the University, you should liaise with your key support contact who can help arrange this process, or Human Resources.</p> <p>Alternatively, you can contact the Equality, Diversity and Inclusion Team: <a href="mailto:EDI@surrey.ac.uk">EDI@surrey.ac.uk</a></p> <p>During transition, you may use more than one name. For example, you use your chosen name at work while your bank still holds your legal name. This is not illegal as long as it is not used for fraudulent purposes. While you are not required to legally change your name, doing so will enable you to change identification documents, bank accounts, etc.</p> <p>You can apply for a new ID card in your preferred name once your staff record has been amended by approaching the Library. You can also contact IT to request a new email address.</p> <p>Alternatively, your key support contact within the</p>

	<p>University may be able to do this on your behalf to ensure all records are updated at the same time.</p> <p><b>Areas for consideration:</b> This name will be used for all correspondence including letters sent to the address you provide. You may wish to consider whether you are happy for this name to be visible on correspondence sent in the post, via email etc. and update your address preferences accordingly.</p>
<p>What other records do I need to consider?</p>	<p>The University will hold other records of your name and gender marker, including but not limited to:</p> <p>Minutes of meetings Calendar invites Staff profile on intranet Academic publications Recorded lecture materials P45 / P60</p> <p>With your consent and from the date agreed with you, the University will endeavor wherever possible to amend or destroy records held which make reference to your former name and/or gender marker. Any records which cannot be amended will be stored confidentially; you will be made aware of these records and of who, if anyone, can access them. Please be aware that this may require us to disclose your identity to a small number of staff members, although only with your explicit consent.</p>
<p>What about my pension and taxes?</p>	<p>As your original staff record will be amended to reflect your new name, there should be no implications regarding taxes.</p> <p>Guidance on pensions is outlined on the University's Pensions web pages. You should contact the Pensions Office to discuss whether your transition will result in changes to your pension.</p>
<p>How will time off for medical or other appointments be dealt with?</p>	<p>In line with current policies for arranging time for any other medical appointment for staff – including appointments for counselling etc.</p> <p>Where you need time off, the University's policy of managing sickness absence should be used. Other policies e.g. leave/flexible working and work/life balance policies may also be relevant to consider. Managers should try to be as flexible as possible to meet reasonable requests</p>

	<p>for leave or changes in working patterns within the needs of the service and it may be useful to consider the timetable of work and medical appointments together.</p>
<p>Will there be any implications for work?</p>	<p><b>Genuine Occupational Qualifications:</b>  In certain limited circumstances it is lawful to discriminate in employment on the grounds of sex if there is a Genuine Occupational Qualification (GOQ) for doing so. If a trans person has obtained a full Gender Recognition Certificate (GRC), they are deemed in law to be of the gender to which they have transitioned with respect to most jobs and course placements where GOQs apply.</p> <p><b>Criminal Record Checks:</b>  Agencies responsible for checking criminal records in the UK all have specific processes in place for trans people, including those with a full GRC. Employers and placement providers will provide a form that is to be completed by the person whose criminal record is being checked. Before an application is submitted by an employer or placement provider, trans people will need to contact the relevant organisation and contact who will guide them through the process, track the application and maintain confidentiality. The Disclosure and Barring Service carries out checks in England and Wales and has a sensitive applications team: <a href="mailto:sensitive@dbs.gsi.gov.uk">sensitive@dbs.gsi.gov.uk</a></p> <p><b>Academic Publications:</b>  Academic publications are maintained by the publisher and the University is unable to make these changes on behalf of staff. The University will provide support and guidance in contacting publishers.</p> <p><b>Redeployment and Role:</b>  Beyond Genuine Occupational Qualifications, being trans or transitioning at work should have no impact whatsoever on your job description or the support extended to you in performing your role.</p> <p>If you feel it would be helpful to do so however, it might be possible to alter elements of your job during your transition. The University will do everything possible to ensure you are supported in continuing in your role but if you want to explore these options, it is recommended you discuss them with your line manager.</p>

What about references?

The University will always endeavor to provide references in your affirmed name and gender and will not disclose your trans status to a potential employer or institution. If you have any concerns, you should discuss these with your referee.

## **Appendix 1**

### Pensions

The following information has been taken from a guide for workplaces available on [www.gov.uk](http://www.gov.uk).

### **State Pensions and National Insurance Contributions**

When you apply to the Gender Recognition Panel, it is recommended that you ask them to notify Her Majesty's Revenue and Customs (HMRC) upon issue of a full Gender Recognition Certificate. HMRC will update your National Insurance record and notify the Department of Work and Pensions. Or you can choose to notify HMRC directly by sending them your full Gender Recognition Certificate. HMRC will ensure that the amount of National Insurance contributions that you pay will be based on your acquired gender.

You can claim your State Pension when you reach the State Pension age appropriate to your acquired gender. There is a calculator available on <https://www.gov.uk/check-state-pension> which allows you to check the date you can apply for your State Pension, under the current law. Detailed guidance in relation to National Insurance Contributions and State Pension Benefits can be found on [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/677567/gender-recognition-pensions-and-benefits.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/677567/gender-recognition-pensions-and-benefits.pdf)

It is the responsibility of the individual member of the Surrey's Pension Scheme to contact their pension administrator and inform them of their gender transition, the name and title by which they wish to be known, any change in their marriage or civil partnership status and when gender recognition was obtained. The member's pension calculation and any subsequent claim to a survivor's pension can then be correctly calculated by the Pension Scheme's administrators. Failure to notify this information may result in pension accounts being wrongly calculated and the possibility of members or their survivor being distressed by resulting inaccuracies to their data.

## **Appendix 2**

### **Disclosure**

This proforma was adapted from a document supplied by Equality Challenge Unit/Advance HE and may be used by staff wishing to make a disclosure in writing.

Dear

I am writing to notify The University of Surrey that (please tick as appropriate):

I have already transitioned to my self-defined or legally recognised gender

I intend to transition to my self-defined gender

I understand that the information that I share with you will be used to ensure that I can go about my day to day life in my self-identified or legally recognised gender with ease.

I also understand that if appropriate, the information shared will be used to ensure appropriate support for me as an applicant to/ student of /staff member of The University of Surrey.

Please tick:

I understand that the information I share with you will only be passed on with my consent.

I understand that you will contact me within one week where possible to organise a meeting as soon as possible that will provide an opportunity for me to give an overview of my circumstances, discuss the changes that can be made, the support available and any timescales.

**Legal Name:**

**Student/Staff Identifier:**

**Preferred Name:**

**Pronouns:**

**Email:**

**Contact Number:**

**Signed:**

**Print Name:**

**Date:**

### **Appendix 3**

#### **Genuine Occupational Qualifications**

In certain limited circumstances it is lawful to discriminate in employment on the grounds of sex (gender) if there is a Genuine Occupational Qualification (GOQ) for doing so. If a trans person has obtained a full gender recognition certificate (GRC), they are deemed in law to be of the gender to which they have transitioned, and must be treated in that gender with respect to most jobs and course placements where GOQs apply. Please note however that there are a few limited circumstances in which this is not the case.

Examples of grounds for applying GOQs are:

- Privacy and decency
- Personal welfare or educational services – e.g. requiring a counsellor in a rape crisis centre to be female.

Other GOQs may apply if:

- The job involves the holder working in a private home and the employer because of intimate contact in these circumstances can show a reasonable objection.
- The job involves the post holder sharing accommodation, and it is not reasonable on privacy or decency grounds for an individual to do so with either sex while in the process of undergoing gender reassignment.
- The job requires the post holder to provide vulnerable individuals with personal services promoting their welfare, or similar personal circumstances, and in the reasonable view of the employer, those services cannot be adequately provided by a person while undergoing gender reassignment.

In all of these cases, the employer/placement provider must be able to show that they acted reasonably.

As an employer, an HEI may need to apply a GOQ to certain posts in Student Services, for example counsellors, or for positions in single-sex halls of residence. The Equality Act makes it clear that an employer must act reasonably in claiming a GOQ, for example, by considering whether tasks could be carried out by someone else. The GOQ must be identified at the beginning of the recruitment and selection process, and be stated in the application pack. Best practice would then be to request to see a birth certificate for all shortlisted applicants to confirm their legal sex rather than enquiring about trans status, which could in itself be deemed as discriminatory.

If a trans person does not hold a GRC, or is transitioning while in post or on a course that involves placements where GOQs apply, it is essential that the institution and the individual meet to discuss the situation as soon as possible, with the individual's trade or students' union representatives present, if required.

Where a trans person does not hold a GRC, the law allows employers, in very specific circumstances, to prohibit the trans person from taking up a post to which a gender-related GOQ applies. In such circumstances, the employer will need to demonstrate that this restriction is a proportionate means of achieving a legitimate aim. The Equality and Human Rights Commission recommends that HEIs should assume by default that a trans person is eligible for a job or placement, and seek expert advice in rare circumstances where the institution thinks otherwise.

#### **Appendix 4**

##### **Glossary of terms (based on information included in Advance HE guidance)**

Terminology changes and its use can be highly individualised. It is important to be mindful of trends in language as a staff member or student may associate with a term perceived by some, even members of the same community, to be inappropriate.

**Acquired gender** - A legal term used in the Gender Recognition Act 2004. It refers to the gender that a person who is applying for a Gender Recognition Certificate (GRC) has lived for two years and intends to continue living in.



**Affirmed gender** may be used when a person has transitioned but has decided not to apply for a GRC.

**Cisgender** is based on the Latin prefix cis which means 'on this side of'. The Latin prefix trans means 'across from' or 'on the other side of'. The use of cisgender is debated within the trans community and some people prefer the term non-trans as it familiarises the use of the term trans.

A **dual role person** occasionally wears clothing and/or makeup and accessories that are not traditionally associated with the sex they were assigned at birth. Generally, dual role people do not wish to transition and do not necessarily experience gender dysphoria. Some people prefer to use this term.

**Gender** - sex is the biological difference between men and women, however gender includes socially constructed roles.

**Gender identity** - a person's internal perception of their identity.

**Gender expression** - the way a person lives in society and interacts with others. Gender does not necessarily represent a simple binary choice: some people have a gender identity that cannot be defined simply by the use of the terms woman or man. It should be noted that currently, for the purposes of UK law, gender is binary – people can only be male or female.

**Gender dysphoria** 'is a term describing the discomfort or distress caused by the discrepancy between a person's gender identity (their psychological sense of themselves as men or women) and the sex they were assigned at birth (with the accompanying primary/secondary sexual characteristics and/or expected social gender role)' (NHS, 2013). Gender dysphoria is not considered a mental health issue but unmanaged dysphoria or the social stigma that may accompany it and any changes a person makes to their gender expression can result in 'clinically significant levels of distress' (NHS, 2013). In order to qualify for NHS medical assistance to transition, a trans person in the UK must have a diagnosis of gender dysphoria. As not all trans people have gender dysphoria this presents a significant barrier to accessing medical support and the provisions of the Gender Recognition Act.

**Gender reassignment** The legal term used in the Equality Act to describe the protected characteristic of anyone who 'proposes 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 physiological or other attributes of sex' (Equality Act, 2010). This is the protected characteristic that protects trans people from discrimination, victimisation and harassment in employment, education and when using services. Importantly, the act requires no medical supervision or interventions for a trans person to be afforded protection.

**Gender recognition certificates (GRC)** are issued by the gender recognition panel under the provisions of the **Gender Recognition Act 2004**. The holder of a full GRC is legally recognised in their acquired gender for all purposes. A full GRC is issued to an applicant if they can satisfy the panel that they fulfil all the criteria outlined in the Gender Recognition Act. Applicants can be UK residents or from recognised overseas territories who have already acquired a new legal gender. The act requires that the applicant is over 18, has, or has had, gender dysphoria, has lived in their

affirmed gender for two years prior to the application, and intends to live permanently according to their acquired gender status.

**It is never appropriate to ask a trans person for a GRC and regarded as unlawful** because it breaches their right to privacy. Once a person has obtained a GRC their gender history can only be disclosed where there are explicit exceptions in law.

**Gender Variance** – a more neutral term than ‘Gender Dysphoria’ when individuals experience a mismatch between the way they look on the outside and the gender identity they feel inside or denoting a departure from stereotypical gender experience and expression e.g. dressing or behaving in a way which is perceived by others as being outside cultural gender norms.

**Inter sex** - An umbrella term used for people who are born with variations of sex characteristics, which do not always fit society’s perception of male or female bodies. Intersex is not the same as gender identity or sexual orientation.

**Legal Sex** - A person’s ‘legal’ sex is determined by their sex on their birth certificate and the assumption made at birth is that their gender status (boy, girl) matches. For higher education institutions (HEI’s) and colleges a person’s legal sex is only relevant for insurance, pension purposes and in rare cases occupational requirements.

**Non- Binary** - Non-binary is used to refer to a person who has a gender identity which is in between or beyond the two categories ‘man’ and ‘woman’, fluctuates between ‘man’ and ‘woman’, or who has no gender, either permanently or some of the time.

**Pronoun** - A pronoun is the term used to refer to somebody for example she/her/hers/herself or he/him/his/himself. Gender-neutral pronouns include:  
they/them/their/themselves  
che/chim/chis/chimself  
E/Em/Eir/Eirs/Emself  
Per(person)/pers/perself  
Xe/ hir/ hirs/ hirself

**Trans** - Trans is an inclusive term for all those whose gender expression falls outside the typical gender norms. The term ‘trans’ can be used to identify people undergoing gender transition, people who identify themselves as someone with a different gender from that assigned to them at birth (whether or not they decide to undergo medical treatment). This term should only be used as an adjective.

**Note:**

Sexual orientation is a separate issue from gender identity, Trans People may be gay, lesbian, bisexual, straight/heterosexual or identify as having another sexual orientation e.g. asexual, pansexual etc. Sexual relationships may remain the same through the transition process, or they may change.

**Transition** is the process of a person changing their social role in order to match their gender identity. Examples of transitioning include telling friends, family and colleagues, changing names, asking people to use different pronouns and changing the way gender is expressed. For some people, this may involve medical assistance such as hormone therapy and surgery.

**Transphobia** is a term used to describe the fear, anger, intolerance, resentment and discomfort that some people may have as a result of another person being trans. This can result in discrimination, harassment, victimisation and hate crime.

**Transsexual person** – this can be a sensitive term that some people will find offensive as ‘transsexual’ remains a medically defined term, appearing in diagnostic guides, and ascribed to people by doctors. This term should be used with caution due to the sensitivity of the term. While some people may find the term offensive, others may use it to describe themselves.