

TRANS STAFF SUPPORT POLICY

POLICY STATEMENT

Imperial College London celebrates and values the diversity of its workforce, and is fully committed to ensuring that our [Equal Opportunities Policy](#) is embedded throughout the College, that every member of its staff has the opportunity to work to their full potential, is made welcome, comfortable and has equal access to the services and facilities they are in need of.

1. INTRODUCTION TO TRANS PEOPLE

'Trans' is used in this document as an umbrella term to describe the following terms which are defined in [this link](#) and include gender nonconforming, gender variant, non-binary or non-gender people, whose identities do not necessarily fit the usual binary tick-boxes 'man' or 'woman'. Among them are people who experience extreme discomfort because their gender identity (boy/man or girl/woman) is not congruent with the sex (male or female) that they were assigned at birth. The social gender role that is typically associated with their sex may also cause them discomfort. Where either or both these sources of discomfort exist, the person is said to experience 'gender dysphoria'. In these circumstances trans people may change their social role and gender expression to bring them in line with their gender identity.

1.1 Transition

The change of role is known as 'transition', and may be supported by medical interventions to align the person's appearance with the new role.

A person assigned male (at birth) but identifying as a woman (or towards the feminine end of the gender spectrum) is usually described as a trans woman, and a person assigned female but identifying as a man (or towards the masculine end of the spectrum), is described as a trans man. These two groups are roughly equal, 50:50 (please see [this link](#) for a full list of terms).

1.2 Prevalence

It is estimated that 1% of the UK population is gender variant to some degree, i.e. 650,000 people.

2.0 THE TRANS SUPPORT POLICY

The Trans Staff Support Policy is intended to assist Imperial College to put its commitment to equality of opportunity into practice. The Policy will help the organisation and employees, including trans people themselves, to manage any practical issues that may arise. The Policy outlines the College's position and actions required of all members of staff.

Imperial College strives to ensure that the work environment is positive and free from discrimination (direct or indirect), harassment, bullying or victimisation, and that everyone is

treated with dignity and respect. The College has therefore [pledged](#) to take action to eliminate these behaviours by developing procedures and a policy to address them.

The College believes that, as a leading institution, it will benefit from employing trans people at all levels of responsibility, thus providing role models for staff and students who identify as trans.

2. Who the Policy covers

Please note, as mentioned above, where this Policy refers to the term ‘trans people’, it covers the whole range of non-binary and trans people. To this extent the policy covers all staff who identify as trans. The use of language is very varied in this field, it changes continuously, and is personal to individuals. People may self-describe as, for instance: gender queer, pan-gender, poly-gender, neutrois, gender fluid, non-gender, and trans* (the asterisk denotes an emphasis on inclusion of all gender diversity), and so on. Those with intersex conditions will also be accommodated and protected under our Policy. This Policy also protects those individuals who are perceived as trans from discrimination.

3. OUR LEGAL OBLIGATIONS

3.1 The Equality Act 2010

The Equality Act (2010) was introduced to streamline an array of existing equality legislation such as ‘The Sex Discrimination (Gender Reassignment) Regulations 1999, the Race Relations Act (1976) and the Disability Discrimination Act (1995) amongst others.

Legal protection for trans people, under the Equality Act 2010, refers to those who “propose to undergo, are undergoing or have undergone a process (or part of a process)” of gender reassignment and who are deemed to have this ‘protected characteristic’.

Since the ‘part of a process’ may refer to small changes in expression, the legislation may be interpreted to cover a wide diversity of gender identities.

A trans person may have any one or more of the other eight protected characteristics: age, disability, marriage or civil partnership, pregnancy/maternity, race, religion or belief, sex or sexual orientation.

The Act provides protection against discrimination (direct or indirect), harassment and victimisation.

It also protects people against discrimination who are *perceived* to have undergone (or be undergoing) gender reassignment and those *associated* with an individual who has undergone (or be undergoing) gender reassignment.

A claim can be brought against an institution or a person for discrimination or harassment because of gender reassignment (ECU, 2010).

Further information can be found at the following link: <https://www.gov.uk/equality-act-2010-guidance>

3.2 The Public Sector Equality Duty

The Equality Act (2010) also introduced a broader Public Sector Equality Duty. This gives public bodies legal responsibilities to take *proactive* measures to address equality. This is to help tackle and address persistent and long-standing issues of disadvantage and inequality.

As an organisation we are legally required to:

- Promote equality of opportunity by removing or minimise disadvantages experienced by people due to their protected characteristics.
- Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- Foster good relations between trans people and other groups.

3.3 Discrimination and Harassment

At Imperial College, the following will not be tolerated:

- a) direct discrimination, where person A (who has the protected characteristic of gender reassignment) is treated less favourably than person B (who does not share that characteristic);
- b) indirect discrimination, where a policy, protocol or criterion that is neutral in its application to the majority of the population, has a detrimental effect on a person with the gender reassignment characteristic;
- c) harassment unwanted conduct related to a relevant protected characteristic including gender reassignment which has the purpose or effect of violating an individual's dignity. This is behaviour which is unreasonable, unwelcome and offensive and which creates an intimidating, hostile or humiliating environment. Harassment may be overt, subtle or unintentional.
- d) victimisation, where a person complains of discrimination on the grounds of gender reassignment and, as a result, receives further discriminatory or worse treatment.

The College pledges to support all staff experiencing harassment and discrimination by a number of processes (please see: <http://www3.imperial.ac.uk/equality/harassment>).

3.4. The legal right to time off

An employer must not treat a trans staff member less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated:

- if they were absent because they were ill.
- if they were absent for any other reason (and it would be unreasonable to treat them less favourably than another person).

This includes not treating the employee less favourably when deciding about what time off they should have. The request does not have to relate to a medical process, but could be other matters related to their change of gender status. It could, for example, be to take legal advice or to arrange a name change.

(See section 9.4 below for more detail about **time off for medical procedures**)

The Human Rights Act 1998 also provides protection, as it does for all staff, in terms of respect, dignity, and privacy with regard to their identity, and their family life and correspondence.

4. OUR UNDERTAKINGS

Failure to comply with this Policy is regarded as serious and is likely to result in disciplinary action.

Imperial College will also undertake the following:

- Imperial College will respect the confidentiality of all trans staff and will not reveal information without the prior agreement of the individual.
- Staff will not be excluded from employment or promotion because of their gender identity or the way they express it.
- Transphobic abuse, harassment or bullying (name-calling/derogatory jokes, unacceptable or unwanted behaviour, intrusive questions) are serious disciplinary offences and will be dealt with under the appropriate procedure.
- Transphobic propaganda, of any form e.g. written materials, graffiti, music or speeches, will not be tolerated. Imperial College undertakes to remove any such propaganda whenever it appears on the premises.
- Imperial College will provide a supportive environment for staff who wish their trans status or history to be known. However, it is the right of the individual to choose whether they wish to be open about their gender identity. To 'out' someone, without their permission is a form of harassment and, possibly, a criminal offence.
- Imperial College will include gender identity issues in its portfolio of training.
- Imperial College welcomes, and will provide appropriate facilities for, trans staff groups.
- Staff undergoing medical and surgical procedures related to gender reassignment will receive positive support from Imperial to meet their particular needs during this period. We will be flexible in our approach to time off for gender reassignment treatments, and absences for this reason will not impact negatively on opportunities for personal progress within the organisation.
- Imperial recognises that trans staff come from diverse backgrounds, and will strive to ensure they do not face discrimination on the grounds of their gender identity or in relation to other aspects of their identity.

5. GENDER IDENTITY AND SEXUAL ORIENTATION

Assumptions will not be made about the sexual orientation of trans staff members or their partners. Sexual orientation and gender reassignment are not the same thing. Trans people, like the rest of the population, include those who are heterosexual, lesbian, gay, bisexual or asexual. It should not be assumed that their sexual orientation will change after gender reassignment.

6. GENDER IDENTITY AND TRANSVESTITES / CROSS DRESSERS

Transvestites, also referred to as 'cross dressers' regardless of their gender identity are legally protected from harassment and discrimination on the grounds of gender identity. Transvestites who do not experience gender dysphoria and do not identify as trans are protected as above from harassment and discrimination by perception on the grounds of gender identity.

Just as inappropriate behaviour towards trans people is not tolerated, neither will it be tolerated if directed at transvestites at the College, or outside the College by any of our College community. Bullying and harassment of trans people including transvestites or cross dressers amounts to transphobia (actual/ perceived) and is a criminal offence.

7. RECRUITMENT

In recruitment of those with protected characteristics, positive action (not positive discrimination) may be taken where two candidates are equally qualified, but one represents a group that is under-represented in the organisation. The latter may be favoured.

Imperial College will not take account of an employee's gender identity status or history in making employment decisions except where necessary and permitted by law.

If it becomes aware of information relating to an employee's gender history, this information will be kept confidential and not disclosed without the employee's consent. Any records that the organisation needs to keep that relate to an employee's previous gender status, for example relevant qualifications in a previous name, will be kept confidential, within a sealed envelope with only specified staff having access to them. When the College no longer needs to keep those records, they will be destroyed.

The College will be flexible about the form of identification asked for during the recruitment/application process. A birth certificate should not be requested as it is not an identity document. Passports or driving licences may serve as identity documents. Where a previous name and gender status is disclosed during this process, candidates will be assured that the College will keep completely confidential any information relating to former names or gender status.

7.1 References

References for current or former staff who have transitioned will make no reference to the person's former names or gender status and will use the appropriate current titles and pronouns. If the College receives a reference for someone who has previously transitioned, which refers to them by a previous name, this information will be treated as confidential. In these circumstances, an individual may have a Gender Recognition Certificate (GRC). They may choose to reveal this as a means of identification, but it is not permitted to ask for this document.

7.2 Certificates

As a degree certificate is a legal document the College will need legal proof of name change. This can be a statutory declaration of name change, or Deed Poll. Reference to a GRC must not be made, although the person may volunteer such information. A new birth certificate, likewise, will only be in existence if the person has a GRC, so this should not be requested. Passing on information, without permission, where a person is known to have a GRC, could amount to a criminal offence. Staff who were previous students of the College should contact Registry at records@imperial.ac.uk to obtain new certificates. They may also wish to contact the Alumni Office to update future records at alumni@imperial.ac.uk. These requests will be treated as strictly confidential by all parties concerned.

7.3 DBS Checking

The Disclosure and Barring Service (DBS) has implemented a process specifically for trans people who do not wish to disclose their trans status to their employer or placement provider. The DBS provide a designated point of contact for trans applicants, dedicating a small resource to deal with any queries that are raised, and provide help and support throughout the process.

For further information, please visit the applicant section of the DBS website www.homeoffice.gov.uk/dbs . Anyone wishing to use the process may contact the DBS Sensitive Applications Team directly on 0151 676 1452. Alternatively the DBS have a dedicated email address for enquiries from trans applicants: sensitive@db.s.gsi.gov.uk

8. EMPLOYMENT

Informal guidance for managers to consider:

- Think of the staff member as being the gender status in which they now live.
- Use the names, titles (Mr, Mrs, Miss, Ms, Mx) and pronouns ('he' 'she' 'his', 'her' 'they', 'per', 'zie' or 'fey') that the person asks you to. If you aren't sure what the right pronoun is, ask discretely – not in front of others. If you make a mistake with pronouns, correct yourself and move on. See [Resource D](#) –Gender Pronouns Guide.
- Respect people's privacy. Do not ask what their 'real' or 'birth' name is. 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 status on them, keep them confidential.
- Respect people's boundaries, avoid personal questioning.
- Listen to the person, and ask how they want to be treated and referred to.

8.1 Record keeping and changing

When an individual transitions during their employment a date will be agreed with the individual from which their name and if appropriate, gender status, is changed on all relevant records and public references.

The Gender Recognition Act 2004 does not require the College to amend records such as the minutes of meetings that predate the individual's transition. However, it is good practice to consider any documentation that is available to the public, such as committee minutes, and discuss with the individual how to manage any name change that might alert the public

to their transition. Where possible documents may be redacted to avoid unintended disclosure.

Where a change of identity needs to be communicated to an outside body e.g. in the case of migrant workers sponsored under the points based system, this should be discussed with the staff member at the time they plan to transition.

Material that needs to be kept that relates to a person's trans status will be placed in a sealed envelope and attached to a new file with instructions such as 'Confidential: HR Manager only' or 'Confidential: Head of Department/Division only'.

8.2 Dress codes

Imperial College does not insist on any particular dress for its employees or students, except where there are health and safety or security concerns, or where a job or placement requires a uniform or protective clothing to be worn. For more information on the College's dress code policy see [this link](#).

<http://www.imperial.ac.uk/admin-services/secretariat/college-governance/charters-statutes-ordinances-and-regulations/policies-regulations-and-codes-of-practice/college-dress-code/>

Agree with the member of staff when they wish to start dressing and presenting themselves in their affirmed gender and whether this will be a phased process. The manager or HR adviser should make the person aware of the full College dress code found at [this link](#) and if the individual feels that the policy will hinder their presentation during or after transition in some way then the individual's line manager will with the aim of finding a satisfactory compromise, sympathetically consider the issue consistent with the objectives of this policy. Such consideration may include discussing with the individual, agreeing and ensuring that an alternative version of a uniform, including the option of wearing trousers or long skirts, or other options agreed upon with the individual unless there is an over-riding health and safety need.

8.3 Use of Facilities

As soon as a staff member is living in a gender role permanently even if they have not undergone or do not intend to undergo medical or surgical procedures, they are entitled to have access to the facilities of their affirmed gender. This includes toilets and changing rooms.

Under no circumstances should the staff member be asked or instructed to use accessible toilets or the toilet of the sex they were assigned at birth. Unless, they would like to or must use this toilet for accessibility reasons.

At Imperial College we also have a number of gender neutral toilets located at various locations around the college. These may be used by anybody, and trans people may choose to use them, but they **must not** be re-directed to them. An extensive list of these can be found at [this link](#).

9. PLANS TO TRANSITION

It will be necessary to have a formal meeting with the person who is transitioning and agree an individual action plan, including dates by which actions will be taken.

Please see the 'Manager's Toolkit' for a practical plan template at [this link](#).

9.1 Telling colleagues/students/staff

It is important to discuss how and when other colleagues and/or, where appropriate, students will be informed. The person who is transitioning may want to do this for his or herself or may want this to be done for them. Whichever option is chosen, it is important that the person transitioning retains some control over what and when people are told and the language used to explain this.

It is important to follow confidentiality, data protection and disclosure protocols.

9.2 Name and Title Change

It is key to identify which of the following cards/badges need to be changed so that an individual's identity is consistently recognised throughout the institution. Where appropriate, this should include modifying records containing a gender specific title (like Mr, Mrs, Miss, Ms or Mx).

- College ID card
- Computer log-in details

Replace or alter the following records:

- ICIS (Imperial College Information System)
- Payroll details
- Personnel files in HR and Departments
- Supervisor records
- Welfare/disability/counselling records (if applicable)
- Pension details

9.3 Training

It is essential that all relevant people are informed of their responsibility to facilitate a staff member's transition and to take pre-emptive steps to eliminate unlawful discrimination, harassment and victimisation.

Therefore, it may be necessary to provide information or training to colleagues. If this training relates to the transition of a particular person, rather than general training, that person must be involved in the decision-making process about how this is to be undertaken. Specific trans awareness training is advised, because trans people may not feel able to reveal themselves and, consequently, will remain hidden unless a supportive environment is demonstrated.

Contact Leyla Okhai, Equality & Diversity Manager at: l.okhai@imperial.ac.uk for further information and guidance.

9.4 Time off for medical procedures

Not all people who undertake gender reassignment choose to undergo any medical or surgical treatment. However, the individual **may** decide to undergo a number of medical

procedures to support their transition. Managers **must** provide sufficient flexibility to meet the workers needs for appointments (see section 3.4 The Legal Right to Time Off). These may be treated as sick leave, or the worker may make up time as needed. Time off for surgical procedures is treated the same as other scheduled medically necessary procedures. Occupational Health can support with guidance and advice around medical procedures and support a phased return to work.

Medical procedures may include:

- Therapist visits (can have varying frequency, from quarterly to weekly)
- Doctor's office visits
- Electrolysis (can be weekly)
- Laser hair removal treatments (usually 4 treatments, 4-12 weeks apart):
Discuss what the staff member wants, and if requested, where possible, after laser treatments, permit the worker to work from home for a few days after each treatment, while the face heals.
- Time off for surgery will vary depending on the type of surgical interventions required (can need up to 6 weeks off work)

If a staff member wishes to discuss the time off, they need to arrange a time to discuss this advance with their manager - there should be an informal and confidential meeting between the staff member and manager to discuss the individual's needs. During the meeting any time off needed can be recorded and a plan can be put in place in advance, so cover can be arranged if necessary.

10. OTHER MATTERS

10.1 Pension

If a staff member has any queries related to their pension they are to contact the pensions office directly at pensions@imperial.ac.uk or at 020 7594 5539.

10.2 Sources of Information and Support

The following [link](#) lists some useful support contacts both within and outside of the College.

10.3 Media Interest

Staff and students are advised to maintain strict confidentiality and not provide any information. Any media queries should be addressed to the press office who will liaise with the Equality and Diversity Unit on any media statements.

