

# **SUPPORTING TRANS AND NON-BINARY GENDERED STUDENTS POLICY AND GUIDANCE**

Imperial College London aims to foster an inclusive and diverse community where different backgrounds and cultures are cherished and celebrated, and their different cultural experiences and identities are embraced.

This document outlines the College's position in relation to trans students and addresses some of the supportive and practical arrangements that may be relevant for trans students at the College.

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## 1. Introduction

Imperial College London celebrates and values the diversity of its community and is fully committed to ensuring that it embeds equal opportunities throughout the College. It aims to create an environment in which all students feel equally welcome and valued, and it does not tolerate transphobic behaviour.

This document is designed to enable staff to provide appropriate support to trans students.

The term 'trans' is used throughout this document and is intended to be an inclusive term. It is used to describe any student who:

- Identifies as someone with a different gender from the sex they were assigned at birth and is taking, or has taken, steps to live in the gender with which they identify. For some, this may include medical intervention such as hormone therapy or clinical sex reassignment. For many, it will not be a medical process at all; it may involve style of dress, name, the pronouns that are applicable (such as 'he' or 'she') or changes to official documentation.
- Identifies as non-binary, which means their gender identity is not exclusively male or female; they may identify as both, neither or something else entirely, including having a fluid gender identity.

### 1.1. Policy statement

The College recognises that there can be differences between a person's assigned sex at birth and their gender identity / expression. The College will not discriminate against students who have taken, or are taking, steps to present themselves in a gender that is different to assigned sex at birth or who have a fluid or non-binary gender identity.

Transitioning can be a difficult and complex time for a student, whether or not medical intervention takes place, and the College wishes to act in a sensitive and supportive way by having helpful policies and practices in place.

The College strives to ensure that everyone is treated with dignity and respect, given the support they need, and that the College environment is positive and free from discrimination (direct or indirect), harassment, bullying or victimisation.

The College will:

- treat trans students fairly and equally
- respect trans students' confidentiality
- have effective processes for managing and supporting transition
- ensure agreed actions are centred on the student's wishes
- take action against any member of the College community who bullies, harasses, or discriminates against a trans student.

### 1.2. Scope of the Policy

The policy applies to transgender students specifically, as trans staff are covered by the College's [Trans Staff Support Policy](#). If a student also works for the College, we recommend that they review both policy documents and identify the most suitable guidance (or

combination of parts of each guidance) for their circumstances and the College will aim to accommodate their needs as far as is legally and practically possible.

The custom, practice and legal elements of this policy relate specifically to the UK. Staff should be mindful that some students come from countries in which living their true identity is illegal or from cultures where it is societally unacceptable. Others may come from countries / cultures that have more progressive attitudes and laws or where gender is not primarily seen as a binary issue.

## 2. Transitioning

People are assigned a sex at birth based on physical characteristics – genitalia and reproductive organs. For some people, their sex and gender identity are consistent with each other; that is, they match the prevailing cultural and societal views of what it is to be male or female. Some people feel that their gender identity is not consistent with their assigned sex and others see gender as a spectrum, not a binary choice, and express their gender identity in ways that reflect this.

Transition (or gender confirmation) is the process of changing to a gender with which the individual identifies. This may or may not involve medical or surgical treatment. Gender transition is a journey and the College recognises that the experience will be different for every student. Some students may find it difficult to present themselves as they really are or to talk about their changing identity to fellow students and to staff. Others may face complications such as being unable to reveal their true identity to their families, leading sometimes to estrangement and financial difficulty and sometimes to having to live a different life when at home.

Gender identity is not the same as sexual orientation. Gender identity relates to someone's personal sense being a woman, a man or not fitting into a binary gender. Sexual orientation is about who someone is attracted to.

## 3. Confidentiality

Information about a student's previous name, gender or transition must not be disclosed to a third party, including family and friends. This information may be shared within the College where it is necessary to ensure that a student receives the appropriate support. In either circumstance, the student has to have given explicit consent for information to be shared.

A student should never be asked to provide a Gender Recognition Certificate<sup>1</sup>, but if they have one, it is illegal to disclose that they had a previous identity, that they have transitioned or any details about their birth name, sex assigned at birth etc.

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<sup>1</sup> The Gender Recognition Act 2004 (GRA) enables trans people to apply for a Gender Recognition Certificate (GRC). The GRC is issued when someone has satisfied criteria for legal recognition in their acquired gender, as opposed to being self-affirmed. The interaction of the GRA and the Equality Act 2010 is problematic and a GRC is not required in order to change gender on a passport, driving license, insurance policy, health records or College records.

All trans students, whether self-affirmed or with a GRC, should be treated in the same supportive, non-discriminatory way.

## 4. Bullying and harassment

Students have the right to study, carry out research and socialise in an environment that is free from bullying or harassment. Any staff member or student who is accused of this will be investigated and potentially be subject to disciplinary action. Harassment, bullying and victimisation do not have to include overtly unpleasant words or actions and can constitute one-off events, rather than a series of actions. Inappropriate behaviours may relate to a person's real gender or on their perceived gender. Examples of other behaviours that could be considered harassment include:

- Gossiping about a trans person
- Ignoring an individual
- Using words, exhibiting behaviour or holding events which are transphobic
- Passing judgment about how "convincing" a trans person is in their affirmed/acquired gender
- Deliberately mis-gendering the person (refusing to address the person in their affirmed/real gender, pronoun, or title)
- Deliberately using someone's pre-transition name (sometimes referred to as deadnaming)
- Purposefully disclosing confidential information about someone's gender identity or transition

Harassment or bullying may be physical, written, verbal, non-verbal, online or via social media. It can be intentional or unintentional and it need not be aimed specifically at an individual.

There is more information about harassment, bullying and victimisation as well as the support available for students on [Student Support Zone](#).

## 5. Good Practice Guide

All staff are expected to be sensitive and supportive to trans students and to ensure that they are not discriminated against or harassed. The College recognises that not everyone in the community will yet be aware of the challenges that some students face and may not be familiar with the appropriate language and behaviours that make an environment inclusive for trans students.

### 5.1. Disclosure – What to Say and Do

If a student discloses their trans status, it may be the first time they have told someone and it may be the first time a member of staff has heard such a disclosure. It is important to:

- Acknowledge the importance of the disclosure and be respectful of the trust that the student has shown
- Allow the student to lead the way on how much or little support they need

- Respect the name, pronouns, title and any terms describing their identity that the student uses
- Avoid asking unnecessary, personal and sensitive questions
- Inform the student that further information or advice might be necessary and check whether they consent to their details being shared appropriately or whether initial conversation should take place without identifying them

## 5.2. One-to-One Interactions

Trans students should always be referred to by their chosen name, not their birth name. Staff should never ask what a student's 'real name' is.

A person who identifies as a certain gender, whether or not they have undertaken medical treatment as part of their transition, should be referred to by the gender pronoun (e.g. he/she/they/ze/xe/hir) that they use. If it is not clear what the correct pronoun is, listen for how the student refers to themselves or just ask. For example, 'How would you like to be addressed?' or 'How should I refer to you when speaking to others?'

When titles are being used, the student should be referred to using the title they choose (e.g. Mr/Ms/Mx/Ind/Misc).

Avoid making assumptions about the pitch of a student's voice if discussion is taking place by phone. If the student needs to be referred to during the call, rather than just being spoken to directly, refer to them by their name rather than a gendered him/her pronoun.

Apologise for any mistakes made with terminology, move on and remember for next time.

It is inappropriate and outdated to use the terms 'sex-change' or 'pre/post-operative'. This is because it implies that the process of transition must involve some form of surgery, which may not necessarily be the case.

If a trans person informs a staff member that a word or phrase is inappropriate or offensive, then that staff member should accept the feedback and adjust their usage accordingly.

Staff should not ask personal questions unless relevant and should seek the student's permission first. If it would be inappropriate to ask a question of a student who is not trans, it will not be appropriate to ask it of a trans student either.

## 5.3. An Inclusive Approach

It is not possible to tell whether someone is trans simply by looking. It is also easy to make incorrect assumptions about someone's gender identity. Staff should always assume that a group includes someone who is trans.

To set an inclusive tone at meetings, lectures or other events, it can help to include correct pronouns when making introductions, e.g. 'Hello, I'm Professor X, I use the pronouns they and them'.

It is also good practice to avoid gendered terms when chairing discussions and use other less sensitive terms such as describing articles of clothing. Instead of calling on 'the lady at the back', try 'the person with the yellow scarf'.

When opening a meeting or addressing a group, avoid gendered terms such as 'ladies and gentlemen' in favour of 'good morning everyone' etc.

When creating policies, guidance, handbooks etc., use they and them throughout, rather than 'he or she', he/she or (s)he.

Stonewall has a comprehensive and regularly updated [glossary](#) that covers the terms used in this policy and others that students may use which have not be mentioned.

## 6. Practical Support for Students

There are several ways in which Imperial can provide practical support for students:

- The Accommodation Service will, providing room stock allows, arrange for a student to be housed in, or moved to, the most appropriate accommodation.
- Registry will alter a student's name, gender and title on request and will liaise with other central services who have independent IT systems. At the current time, departments will also be asked to update local systems if those systems do not receive a direct feed from the central record system.
- The College will update a student's email address and ID card.
- The College is working to review and improve its provision of gender-neutral toilets. A list of gender-neutral facilities is available [here](#). Ethos currently has private changing cubicles only in the facilities designated for women and does not have gender-neutral changing space.
- In the event that a student needs time off for medical consultation or procedures, this should be facilitated as far as is practically possible, in the same way that any student needing medical support could expect.
- If a student is facing financial difficulties (for example, if they are becoming or have become estranged from their family which was supporting them), they can get advice and help with accessing support funds from the [Student Financial Advice Team](#).
- Some students will need to complete a Disclosure and Barring Service (DBS) check as part of their conditions of registration. The DBS has a [confidential checking service](#) for trans students who do not want to reveal details of their previous identity to the College. A GRC is not required to use this service.

## 7. Further Information and Advice for Staff

[TransEdu](#) have produced three short videos which present a trans perspective on [personal safety](#), [being mis-gendered](#) and why [gender neutral toilets](#) matter.

The Gender Identity Research and Education Society (GIRES) have developed an online [introduction to gender variance](#).

Any member of staff who would like advice on supporting a student is welcome to contact the [Deputy Director of Student Services](#).

## 8. Resources for Students

### 8.1. Resources within the College

The [ICU's LGBT+ Officer](#) represents the views of Lesbian, Gay, Bisexual and Transgender students to the Union, as well as working on campaigns on issues which affect them.

[IQ](#) (the Imperial College Union LGBTQ+ society) has trans and gender variant officers and offers confidential support as well as a vibrant social calendar for society members.

[Imperial 600](#) is the College's staff and postgraduate student LGBTQ+ network.

### 8.2. Local organisations

Gendered Intelligence offers [young persons' mentoring](#) for trans students and those questioning their gender identity.

[CliniQ](#) provides a queer inclusive and non-judgemental sexual health and well-being service for the trans community. Services offered include clinical services, counselling, support and advice on other issues, peer mentoring, and yoga.

[Galop](#) is a national anti-violence charity focusing on hate crime, sexual violence and domestic abuse. It has a London-specific advice line.

[London Friend](#) gives free and confidential information, support and counselling services for LGBT people.

[Transiness](#) is a support group that offers information, blogs and a positive space for trans and intersex people.

### 8.3. National organisations

[The Beaumont Society](#) is a support network for the transgender community.

[Broken Rainbow](#) is a national organisation offering support to lesbian, gay, bisexual and transgender victims and survivors of domestic violence and abuse.

[Centred](#) is a London LGBTQ+ community group which focuses on community events, networking, LGBTQ+ history and heritage activities, volunteering, community infrastructure and publishing. The group is particularly interested in diverse experiences that may arise from intersectionality.

[Press for Change](#) is a major support and lobbying organisation for UK trans people.

[Switchboard](#) offers a helpline for any member of the LGBTQ+ community.

[The UK Intersex Association \(UKIA\)](#) campaigns and supports intersexed people.



## 9. Appendix A: The Legal framework

### 9.1. The Equality Act 2010

The Equality Act 2010 has 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. Importantly, the definition of gender reassignment within the Act gives protection from discrimination to a person who 'is proposing 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.'<sup>2</sup> As such, people do not have to undergo a medical process to assign a new gender to be protected by the Act. What matters is that a person has the intention to permanently live, or are already living in their preferred gender role.

In short, the Act protects:

- Trans people whether or not they are under medical supervision to undergo gender reassignment.
- People who experience discrimination because they are perceived to be trans people (whether or not they are).
- People who are discriminated against because of their association with a trans person.

The Public Sector Equality Duty requires that the College has due regard to the need to:

- Promote equality of opportunity by removing or minimising 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.

### 9.2. The Gender Recognition Act 2004

In the past, a person's legal gender could only be defined by their birth certificate and could not be changed. The Gender Recognition Act 2004 allows trans people to apply to have legal recognition of their acquired gender, in the form of a Gender Recognition Certificate (GRC). Surgery is not a pre-requisite for obtaining a GRC. A person born outside the UK can also apply for gender recognition in the UK, but may not be able to in their home country. People have no obligation to disclose if they have a GRC.

Section 22 of the Act gives extended privacy rights to anyone who has a GRC or has applied for one. Knowledge about gender recognition is protected information and it is a criminal offence to pass it on without the trans person's consent. This applies to anyone in the course of official duties including employment, service provision (including education), union organisation or representation. It means that if a member of staff or fellow student informs anyone that a student, 'used to be a man/woman' or 'had a sex change' then they

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<sup>2</sup> Equality Act 2010: [www.legislation.gov.uk/ukpga/2010/15/section/7](http://www.legislation.gov.uk/ukpga/2010/15/section/7)

are at risk of prosecution. It is imperative that anyone who may acquire such knowledge understands this.

Many trans people may not apply for gender recognition because they may not fulfil all the requirements for gender recognition or may not be able to or want to undergo permanent gender reassignment. A GRC is not required as 'proof' of transition, and students will never be asked for one at Imperial.

### **9.3. The Data Protection Act 1988**

Under the Data Protection Act 1998, trans identity and gender reassignment constitute 'sensitive data' for the purposes of the legislation. Therefore, information relating to a person's trans status cannot be recorded or passed to another person unless conditions under schedule 3 of the Data Protection Act for processing sensitive personal data are met. Records that refer to a previous name/gender will be destroyed. If they must be kept and cannot be updated, their security must be ensured. If information needs to be passed on, service or departmental staff must agree this on a case by-case with the student, preferably in writing. [To be amended to relate to GDPR from May 2018]

### **9.4. The Human Rights Act 1998**

The Human Rights Act 1998 provides protection to trans people, principally under the right to a private life. The courts have interpreted the concept of 'private life' in a very broad way to cover, among other things, a person's right to express a sexual identity, to live a particular lifestyle and to choose the way they look and dress. It also means that personal information (including official records, photographs and letters) should be kept securely and not shared without the permission of the individual concerned. In addition, the right to privacy states that unless a public authority is acting in accordance with the law, there should be no interference by a public authority with a person's exercise of their right to a private life.