

Transgender Policy (Students and Staff)

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Policy Control

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1. Purpose

1. The purpose of this Policy is to set a framework for how the University will support its potential, current, and former staff and students who have initiated or undertaken the process of gender reassignment.
2. This Policy applies to transgender staff and students, with a particular focus on those who have indicated to the University that they wish to undertake gender reassignment and live permanently in a gender other than that to which they were assigned at birth.
3. This Policy supports members of the University in meeting the requirements under the Gender Recognition Act 2004 and the Equality Act 2010, which list gender reassignment as one of the nine 'protected characteristics' on the grounds of which people are protected against unlawful discrimination.
4. Under the Gender Recognition Act 2004 it is unlawful to request medical evidence or a gender recognition certificate. A transgender individual may choose to volunteer this information, however it must not be requested.

2. The University's Commitment

5. The University of Bedfordshire is committed to providing an inclusive transgender-friendly culture which encourages its staff and student body to reach their full potential irrespective of their sex. The University believes that students and staff should be treated with dignity and respect and it has zero tolerance towards any form of direct or indirect harassment, victimisation, exclusion or discrimination regardless of a person's gender identity and or any other protected characteristic.
6. The University is committed to ensuring that no prospective, current, or former student or staff member is treated less favourably than any other, whether before, during or after their study or employment at the University on the grounds of gender identity or reassignment.
7. The University will respect the confidentiality of all transgender staff and students, and will not disclose any information without the prior agreement from the transgender individual.
8. The University recognises that the period of transition is difficult and complex, and would wish to act in a sensitive manner to support students and staff during the transitional period. It is the right of individuals as to whether they wish to disclose their gender, however, the University will be unable to offer support if disclosure is withheld.

3. Terminology

9. This Policy will adopt the following terminology throughout:-

'Acquired Gender': the new gender of a person who has had their gender reassigned and/or legally recognised. It is possible for an individual to transition fully without surgical intervention.

‘Chosen Name’: A name chosen by a transgender individual. It is not always the individual’s legal name.

‘Gender Recognition Certificate’: A certificate issued by a Gender Recognition Panel under the Gender Recognition Act 2004 means that a holder of a full Gender Recognition Certificate is legally recognised in his or her acquired gender for all purposes. It gives holders full legal and social recognition of their acquired gender. Applicants must provide paper evidence to the Gender Recognition Panel indicating that they have already changed their name, title and gender role, on a continuous basis, for at least two years, and that they have the intention to live in the altered gender role for the rest of their lives. A medical opinion indicating that the applicant has experienced gender dysphoria is necessary, as are some details regarding treatment. Successful applicants acquire the new gender status ‘for all purposes’, entitling them to a new birth certificate registered under the changed name and title, provided that the birth was registered in the UK. The Gender Recognition Certificate has strict privacy provisions which must not be breached by any person acquiring such information in an official capacity. Disclosure to a third party would be a criminal offence under section 22 of the Gender Recognition Act 2004.

‘Transgender’ (‘Trans’): An umbrella term to cover people whose gender identity/expression differs from their birth sex. For the purposes of this Policy transgender is used to refer to the following groups:

- a. Individuals covered by the Equality Act 2010 definition: ‘A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purposes of reassigning the person’s sex by changing physiological or other attributes of sex.’

and

- b. Individuals who do not wish to transition permanently to a new gender role, or those who choose to live permanently with a more fluid gender identity.

‘Transition’: refers to the process by which a person changes their gender expression to align it with the chosen gender identity rather than the assigned sex. This may involve social change or dress, names, pronouns and titles, and does not need to be necessarily supported by medical and legal interventions.

‘Qualification Certificate’: is an academic certificate that is a document that certifies that a person has received a specific education or has passed an exam or a series of exams issued by the University of Bedfordshire.

4. Policy

Disclosure and Records

10. The University encourages students and staff to give notification of intention to undertake gender reassignment so that it can provide effective study support.

11. The University does respect an individual's right not to formally disclose this information, however, we cannot offer support if a transgender individual decides against disclosure.
12. All notifications submitted by transgender staff or students who wish to disclose their transgender history, or give written notification of their intention to transition will be supported sensitively and the individual will be provided with a named contact to help make necessary arrangements.
13. Individuals may wish to send notification by email, and although this is permitted it should be noted that emails may be retained on the University system and there may be risks attributed to a transgender history being revealed to others.
14. No records should be changed without the permission of the staff member or student concerned.
15. It is very important to ensure a transgender person's file reflects their current name and gender. Any information relating to a person's transgender status should be kept confidentially. Records of absence for medical assistance in respect of the transition, birth certificate, documentation of name change, should be placed in a sealed envelope and attached to a new file with instructions of who should have access to the information.
16. The University understands that where individuals have transitioned they may choose not to change their legal name immediately, or they may choose to use an alternative chosen name. Transgender students or staff may wish to consider relaying this information to their lecturer or line manager so that everyone is clear with regard to their legal name and chosen name.

Disclosure procedure for current staff

17. Staff members who wish to notify the University of their gender transition or intention to transition may do so in writing (a sample letter is provided in Appendix 1). The letter of notification must:
 - a. be submitted in a sealed envelope;
 - b. be marked as 'Private and Confidential'; and
 - c. be addressed to the University's Director of Human Resources.
18. Once the notification is received, the University's Director of Human Resources will allocate a named person to meet the member of staff to draw up an action plan to assist with the transition. Depending on the transgender staff member's personal wishes this meeting may also include their staff manager.
19. The meeting will be conducted in a confidential manner and an action plan will be drawn up to assist with the transition. The action plan is a flexible document that may be changed in line with evolving circumstances. It is not a contract; it is rather a demonstration that the University will act according to the staff member's wishes and in their best interests.

20. In the meeting the following issues may be considered, and may form part of the action plan:
 - a. Date when the member of staff commenced, or intends to commence transition into their acquired gender;
 - b. Agreed time to inform colleagues in the transitioning staff member's department;
 - c. When the transgender staff member wishes colleagues and, if required, students, to be informed, and who will do this;
 - d. If the member of staff intends to undergo surgery, where possible disclosure of dates for this to happen;
 - e. Time off work for medical appointments and surgery, and necessary arrangements to cover this time off work and where possible to indicate proposed dates for this to happen;
 - f. What changes to records are likely to be needed and when these are likely to take place;
 - g. Steps that will be taken in light of pensions, updating bank details and National Insurance numbers;
 - h. When amendments will be made to records and systems, including ID cards and email addresses;
 - i. Any other issues or concerns.
21. The action plan is confidential, and a discussion should take place to agree where copies should be kept, and who should have access to them.
22. There is no obligation for colleagues to be informed of an individual's gender transition. However, in order for a transition to move forward smoothly, some level of prior communication is necessary for those with whom the individual has ongoing working relationships, for instance, staff working in the same office. This would be provided on a limited, 'need to know' basis, so that the requirement to use the new name and pronouns, and to share facilities, is understood by work colleagues.

Disclosure procedure for current students

23. It is a matter of personal choice as to whom the transgender student may contact. However, it is recommended that students wishing to transition or have transitioned and wish to notify the University may do so in writing, (students may use the letter template provided in Appendix 2.)
24. Letters of notification must be submitted in a sealed envelope to the Student Information Desk, the University's Reception Desks, or sent by post and:
 - a. be marked as 'Private and Confidential'; and
 - b. be addressed to the Assistant Director Student Experience and Head of Student Services.
25. Once the Assistant Director Student Experience and Head of Student Services receives notification of a student's intention to transition, a named contact will be

allocated who will organise a meeting setting up an action plan to assist with the student's transition process.

26. The action plan is a flexible document that may be changed in line with evolving circumstances, it is not a contract; it is rather a demonstration that the University will act according to the student's wishes and in their best interests.
27. In the meeting the following issues may be considered, and may form part of the action plan. The plan should clearly state the step by step actions that will be taken at different stages of the transition process and particular attention should be given to the student's programme of study but it may also include:
 - a. Date when the student intends/has commenced their transition;
 - b. Steps that need to be taken to prepare for the phase when the student needs to change their name, personal details and gender records;
 - c. Dates of when amendments will be made to records and systems and how this will be done (for example, identification passes, email addresses, contact details);
 - d. Agreed time to inform fellow students and staff directly involved with the student's learning and who will do this;
 - e. How to support the student through a successful completion of their programme of study;
 - f. Whether the student intends to undergo gender reassignment surgery, and where possible to indicate proposed dates for this to happen;
 - g. Time off studies for medical appointments and surgery, and necessary arrangements to cover this time off study;
 - h. Whether the student wishes to defer, intercalate their programme of study, or continue with their programme, or continue on a part-time basis;
 - i. Any other issues or concerns.

Assessments

28. Where circumstances arise that make it difficult for a transgender student to complete their assessments, or undertake an examination as their circumstances may affect their performance, they are encouraged to raise this with their named contact and complete a mitigating circumstance form¹ at their earliest convenience.
29. Students who do not wish to submit a mitigating circumstance form electronically can submit a hard-copy of their mitigation form with the necessary evidence, by placing it into a sealed envelope labelled 'Private and Confidential' and addressing it clearly to their named contact. The envelope with the notification enclosed can be handed in at the Student Information Desk or at the University's Reception Desks. Once the named contact receives this, they will pass it on to the appropriate team, ensuring that no information is kept on the database.

¹ <https://www.beds.ac.uk/student-experience/studying-at-bedfordshire/student-support/cant-hand-in-a-piece-of-work-or-sit-an-exam/ug-and-pgt>

Time off work and studies

30. Transgender staff and students who are undergoing medical and surgical procedures related to the transition will receive support from the University to meet their particular needs during this period.
31. Where a transgender staff member needs to take time off work for medical reasons, they should raise this with their named contact or their manager. Transgender staff should not be treated any less favourably than if the absence was due to another cause such as sickness or injury.
32. Where transgender staff have taken long term absence they may be asked to attend an Occupational Health Assessment before their return to work, to ensure that the member of staff has fully recovered before returning to full duties, and where necessary adjustments are made to facilitate the return to work.

Recruitment of staff

33. Transgender applicants will be treated no less favourably than anyone else.
34. Appointments are to be made purely on the basis of the best candidate who fits the requirements of the job description and personal specification.
35. There is no obligation for a transgender candidate who is in the process of undergoing or has undergone gender transition to disclose this information at the time of applying. The University does not require applicants to do so.
36. Where a candidate voluntarily chooses to disclose that they are undergoing or have undergone gender transition, the University will not consider the disclosure as an indication of their suitability to carry out the role.

Procedure for graduates of the University

37. Former students of the University may choose to disclose their actual or intended gender transition and request for their student records to be updated to ensure that:
 - a. All future communications and correspondence are sent out using their new name;
 - b. The University can issue updated qualifications certificates, transcripts, award verification letters, and reference requests;
 - c. The University does not inadvertently disclose any transgender history.
38. A former student who has transitioned after graduation can request for their student records to be updated with their new details by submitting a confidential request in a sealed envelope addressed to the Assistant Director Student Experience and Head of Student Services, labelling it as 'Private and Confidential' and accompanied with the following information:
 - a. Name as held on the University's records and student ID number;
 - b. A letter requesting the University to update its student records, and giving explicit consent to notify University staff on a need-to-know basis so that the student's request can be fulfilled;

- c. Any additional requests such as a request for a re-issue of graduation certificates;
 - d. Current contact details including address, email address and contact number;
 - e. The original qualification certificate, or a signed affidavit confirming that they are not in possession of it;
 - f. A copy of a Statutory Declaration of Change of Name, with a signed affidavit confirming that the photocopies are genuine.
39. Once this information has been received the University will need to:
- a. Photocopy the Statutory Declaration of the Change of Name, Birth Certificate or other official documentation with the affidavit;
 - b. Amend the full student record – surname, forenames, sex, title, initials as applicable;
 - c. Add a confidential note to the student’s record explaining and documenting the change;
 - d. Amend the Final Examinations and Preliminary Examinations files, making note of the new details in the relevant places if the surname has changed;
 - e. Send a confirmation letter to the former student notifying them that their student records have been updated;
 - f. Forward requests relating to the reissuing of a graduation certificate to the Graduation Office who will re-issue a new graduation certificate or transcript;
 - g. Where necessary amend the main Graduation List;
 - h. Where a former student has published material held within the University’s library, a request may be submitted for their information to be updated.
40. Where records have been updated by the University, and a reference request has been submitted, the University will make no mention of the transgender student’s former title, forename(s) or gender status, and will use the correct gender pronouns. (To do otherwise without the transgender person’s consent would be a breach of the Data Protection Act 1998, and the Gender Recognition Act 2004.)
41. Where the University receives a reference request for a student who has transitioned which refers to them by a previous name, the University will treat that information as confidential and will not disclose it unless the student has followed the procedure under provision 38 of this Policy.
42. Where the University has not been notified in regards to an individual’s gender transition or has not been informed of name changes, the University will not be able to assist or give accurate responses.

Requesting qualification certificates

43. A qualification certificate is a legal document. The University can only issue a certificate under an individual’s current legal name.
44. The University is not able to issue a qualification certificate in the transgender student’s chosen name.
45. Where a transgender student transitions after graduating and requires a re-issue of a qualification certificate to reflect their new legal name, they may submit a request to the University by following the steps under provision 38 of this Policy. Requests for

the reissue of qualification certificates must be accompanied with the original qualification certificate that was issued to the student. Where it is no longer in the student's possession, an affidavit confirming that the student is no longer in possession of it will be required.

46. Where a transgender former student does not want their student records to be updated, but would still like a qualification certificate issued in their new name they may place a request under provision 38, and also expressly state that they do not wish for their records to be amended. A confidential note will be kept on the student's records indicating the reissue of the qualification certificate. However, in such cases students should be aware that the University will be unable to verify the qualification certificates in the future.

Facilities

47. The University provides single sex and gender neutral toilet and changing facilities at some of its campuses to accommodate non-binary, non-gender and other gender diverse individuals.
48. A transgender individual may use single-sex facilities according to the gender that they identify with from the moment the individual transitions.
49. It is not acceptable for a transgender individual to be limited to using disabled or gender neutral facilities including toilets or changing rooms.

Societies, Clubs and Sports

50. Although a transgender individual may join a sports club or society, discretion is given to specific sports governing bodies under the Gender Recognition Act 2004 to restrict transgender individuals from competing and participating in competitive sports in their acquired gender role based on guidance from the official body responsible for regulating the participation of competitors.
51. Where there is ambiguity or confusion permitting a transgender individual from participating in a particular sporting activity, the specific sport's governing body will be consulted. The governing body's ruling will provide the basis from which to allow or prevent a transgender person's participation in a particular sporting activity on the grounds of gender.

Harassment and Bullying

52. The University of Bedfordshire has zero tolerance towards transphobia and bullying of any of its staff or students.
53. Actions or behaviours which may constitute harassment include but are not limited to: name calling; derogatory jokes; offensive comments and inappropriate questioning. Transphobic materials, in the form of notes, graffiti, music or speeches will also not be tolerated.
54. Harassment or bullying of staff and students because of their gender identity, or perceived gender identity will not be tolerated at the University. Such behaviour will be dealt with under the University's [Student Complaints Policy and Procedure](#), the

[Student Code of Conduct and Disciplinary Policy for Students](#), and the [Bullying and Harassment Policy](#) for members of staff.

55. The University will provide a supportive environment for staff and students who wish for their transgender status 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, whether staff or student, without their permission is a form of harassment and will be treated as such.

Monitoring

56. All aspects of this policy will be subject to ongoing review and amendment as necessary in order to comply with current legislation and to improve its effectiveness. This will include consideration of measures which will assist in promoting an understanding of equality and diversity regarding the representation of transgender staff and students in the University.

5. Appendices

Appendix 1: Guidance letter template for staff

Staff members who wish to notify the University of their Intention to transition may do so by submitting a completed intention to transition letter below, and submitting it in a sealed envelope marked as 'Private and Confidential' and addressed to the University's Director of Human Resources.

Date: xx/xx/xxxx

Staff number: xxxxxxxx

Name as currently held by the University: xxxxxxxxxxxxxxxx

Date of birth: xx/xx/xxxx

Dear Director of Human Resources,

I am writing to notify the University that I am intending to change my gender role, and I plan to change my name in the near future.

As required by the Policy, I hereby give you my explicit written consent to notify people on a need-to-know basis so that a named contact can be appointed to provide support and develop a Confidential Action Plan that will address matters relating to changes to University records, disclosure to others and support available during my transition.

I would welcome the opportunity to discuss with my named contact how my transition may impact on my work. I know it may take some time to put in place the appropriate arrangements.

Yours sincerely

[Your name as it is currently held by the University]

Appendix 2: Guidance letter template for students

Students who wish to notify the University of their intention to transition may do so by submitting a completed intention to transition letter below in a sealed envelope marked 'Private and Confidential' addressed to the Assistant Director Student Experience and Head of Student Services.

Date: xx/xx/xxxx

ID number: xxxxxxxx

Date of birth: xx/xx/xxxx

Name as currently held by the University: xxxxxxxxxxxxxxxx

Dear Assistant Director Student Experience and Head of Student Services,

I am writing to grant you permission to discuss my intention to transition to my new gender role with other staff at the University of Bedfordshire on a need-to-know basis, and would like to discuss with a named contact within the University so that we can agree priorities and a reasonable timescale.

Please also accept this letter as my consent to make the necessary arrangements for University documents, records and systems to be updated so that all references to me in my former name and gender are replaced with my new name and gender role as stated below:

Contact Number:

Email address:

Yours sincerely

[Your name]

Appendix 3: The Law

The process of gender reassignment can take several years to complete and there are different legislative protections at each stage of the process:

The Equality Act 2010

The Equality Act 2010 amends the Sex Discrimination Act 1975 to place a statutory duty on all public bodies such as the University, when carrying out their functions, to have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality between men and women. As part of that duty the University is specifically required to address and eliminate discrimination and harassment of transgender staff and students.

The Gender Recognition Act 2004

The legal position for a person who has fully transitioned is clear and unequivocal. The Gender Recognition Act 2004 allows transgender individuals who are able to satisfy the Act's evidence requirements to apply to a Gender Recognition Panel to seek full legal recognition. If a Gender Recognition Certificate is issued, and the person's birth was registered in the UK, they will be able to obtain a new birth certificate which does not disclose the fact that they have changed gender. Thereafter, the Sex Discrimination Act applies to this person in the same way it would to anyone else. Anyone who acquires information about someone's transgender status is liable to criminal proceedings if they pass that information to a third party without the permission of the individual.

The Data Protection Act 1998

Information about a person's transgender status is considered 'sensitive personal data' and is subject to tighter controls than other personal data. Explicit consent is required before it can be processed. Personal data must be looked after properly following the eight data protection principles, which include ensuring personal data is accurate, secure and processed fairly and lawfully. Failure to change a person's title, name and gender when requested could lead to the following offences under the Act: disclosure of personal information that is used, held, or disclosed unfairly, or without proper security, failure to ensure personal information is accurate and up-to-date, processing of data likely to cause distress to the individual.