

Rose Bruford Transgender Policy for Students

1. Introduction

The purpose of this policy is to explain Rose Bruford College's procedure in the field of Trans consideration in order to minimise the distress and disruption to all students by:

- Ensuring staff and governors are dealing with Trans matters inclusively
- Promoting an inclusive environment for any Trans students and raising awareness of gender equality
- Ensuring that Trans students do not suffer from discrimination, harassment or victimisation

2. Definition

Trans is an encompassing term for all those who do not identify with the gender they were assigned at birth, this includes those that are transgender, transsexual and non-binary. The term Trans is used to identify:

- A person whose gender is different from the sex they were assigned at birth
- A person who is undergoing social gender transition – such as name change
- A person who is undergoing medical gender transition - this is sometimes incorrectly referred to as a “sex change”
- A person who expresses an intention to undergo a social or medical gender transition

A Trans person feels that their external appearance (*sex*) does not match up with the way they feel internally about their gender identity. A Female to Male (*F2M*) person will have the external appearance or body of a female and identify their gender as male; a Male to Female (*M2F*) person will have the external appearance or body of a male and identify their gender as female.

Gender Reassignment can involve several procedures, including medical, legal (such as name changes by deed poll) and social aspects (including presenting their new identity to others).

The word Trans is sometimes used interchangeably with the term gender-variant but usually has a narrower meaning and different connotations than gender variant, including non-identification with the gender assigned at birth. Students that experience or show gender variance may or may not be transsexual, as some will not retain their gender variance following puberty because gender variance can be fluid.

Gender Dysphoria (*or* Gender Identity Disorder) is a clinical condition that can present from as early as age 2 and can only be diagnosed by a medical and/or psychiatric expert. A person diagnosed with Gender Dysphoria may require treatment, e.g. hormone blockers (currently not available in the UK under the age of 16), to ameliorate the symptoms associated with being Tran. A Trans person may live

their life without being or needing to be diagnosed as having Gender Dysphoria. It must be understood that some people with Gender Dysphoria may not want any treatment. Some may choose to be known by a different name or to wear different clothes. However, most or all Transgender people (and their families) will need some expert support as they grow and develop.

3. Legislation

Data Protection Act 2018 (UK)

Information about a person's Trans status is considered "sensitive personal data" and is subject to tighter controls than other personal data.

The College publishes a Student Privacy Notice to advise students on what data is held and how it is processed:

<https://www.bruford.ac.uk/media/documents/StudentPrivacyNotice.pdf>

The College's Data Protection Policy 2018 can be accessed here:

<https://www.bruford.ac.uk/privacy-policy/>

The Human Rights Act 1998

The following Articles from The Human Rights Act 1998 support the rights and needs of Transgender people to live their lives in their true gender.

- Article 8: right to respect for private life and family life
- Article 10: freedom of expression
- Article 14: the prohibition of discrimination

The Gender Recognition Act 2004

The Gender Recognition Act 2004 is mainly concerned with the process by which a person can get a Gender Recognition Certificate, and amend their original birth certificate to match their true gender. This can only occur after a person reaches 18 years of age but is something that many younger people may aspire to.

Equality Act 2010 (Great Britain)

The Equality Act 2010 ensures legal protection against discrimination, harassment and victimisation (direct or indirect) for everyone under the nine protected characteristics defined in the Act, one of which is Gender Reassignment (also known as Transgender).

The Equality Act 2010 (2:1:7) states that:

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 purpose of reassigning the person's sex by changing physiological or other attributes of sex.

The Act applies to employment, education and a range of other areas where discrimination may take place. In order to be protected under the Act, a student will not necessarily have to be undergoing a medical procedure to change their sex, but they must be taking steps to live in the opposite gender, or be proposing to do so.

Sex Discrimination (Gender Reassignment) Regulations 1999

- Individuals who intend to undergo, are undergoing or have undergone gender reassignment are protected from discrimination in work, school and vocational training (including higher education study).
- Less favourable treatment relating to absences arising from gender reassignment is unlawful if:
 - the treatment is less favourable than if it had been due to sickness or injury
 - the treatment is less favourable than if it had been due to some other cause and, having regard to the circumstances of the case, it is reasonable not to be treated less favourably.
- Less favourable treatment includes the arrangements relating to terms and conditions or arrangements under which employment, education or vocational training is offered.

Discrimination

The Equality Act 2010, as outlined above, ensures legal protection against discrimination in employment, education, the provision of services and the delivery of public functions, in relation to the nine protected characteristics defined in the Act, one of which is Gender Reassignment.

The legislation states that we must not discriminate against a student because of their Transgender status. Discrimination can be direct or indirect. Indirect discrimination occurs when a provision, criterion or practice applies to everyone but puts a person with a particular protected characteristic at a particular disadvantage, and it cannot be justified as a proportionate means of meeting a legitimate aim.

4. Attendance

Rose Bruford College will make reasonable adjustments to accommodate absence requests for treatment and external sources in line with their absence policy. Sensitive care will be taken when recording the reason for absence.

5. Transphobia and Bullying

Transphobia is the term used for the negative feelings and attitudes towards Trans people because of their gender identity and/or gender expression. Rose Bruford College has a robust anti-bullying policy. In line with this policy, transphobia incidents will be recorded and dealt with in the same manner as other incidents that are motivated by prejudice, e.g. racist or homophobic incidents. Transphobia can have serious consequences for the person targeted and any such cases will be dealt with under the **Anti Bullying and Harassment Policy**.

6. Training

In order to ensure all staff and Governors have the skills to deal with Trans issues, Rose Bruford College will hold training sessions on topics such as:

- Safe Guarding
- Confidentiality

- Gender Identity
- Tackling transphobia

7. Changing/Toilet Facilities

A Trans person should have access to 'men-only' and 'women-only' changing rooms and toilet facilities, according to the gender in which they present. This may mean that a person will change which facilities they use at the point they start to live in their acquired gender. It may be helpful to explain the situation to other students who use these facilities; however this will only be done after consulting the Trans person and only if the Trans person wants this conversation to occur. It is not acceptable to restrict a Trans person to use only disabled or unisex facilities.

Any staff that are likely to deal with access to single sex facilities, for example in the Students' Union or security, should be given specific training on how to deal with any complaints or issues.

8. Transition Arrangements

Any Trans person wishing to transition can seek support from any staff member they feel comfortable with as a primary contact, this can include their Tutor, Programme Director, Admin Staff or a member of Student Services. It is very important that a Trans student is also encouraged to talk to the Student Services team to discuss their transition.

The Student Services team will organise a meeting with the student to offer advice on support available to them during their transition and to create an action plan, including a rough timescale, to ensure the appropriate steps are taken during the student's transition. These arrangements will be kept confidential and staff who should know of the transition will be agreed.

The action plan will enable to the College to make arrangements, such as arranging requested time off for the student and amending student records. This action plan will remain flexible in response to the student's needs. *See Appendix 1 for a suggested plan.*

9. Student Records

If a Transgender student wishes to be known by their new name and gender, this will be supported. Furthermore, the change of name and associated gender identity will be respected and accommodated by the College. It is a real indicator that the Transgender student is taking steps to, or proposing to move towards a gender they feel they wish to live in. A written notification of intention to transition is sufficient for a Trans persons new name and gender to be used within the College.

Official records and college systems, such as student records, student ID card, student e-mails will be updated at the point at which a trans person provides the College with written notification of intent to undergo transition. This will not apply to official transcripts and degree certificates (see below) .

10. Confidentiality

A person's record should always reflect their current name and gender. Any documents relating to the Trans person's status will be kept confidential and only viewed by people when required, with the permission of the Trans person. The action plan agreed with the student will make clear where disclosure will happen.

11. Gender Recognition Certificate

If a Trans person receives a Gender Recognition Certificate, they have the right to request that all references to their former name and gender, as well as any documents which may reveal to a third party that a change has occurred, are removed. In this case, all past records should be updated and replaced with their new name, such as replacing their birth certificate on file and changing any acceptance letters to show their new name.

12. Degree Certificates

A degree certificate is a legal document and should be issued with the legal name the student is registered with at the completion of their studies. Therefore, a legal proof of name change (such as deed poll, Statutory Declaration of Name Change or a birth certificate) will be required to issue or re-issue a degree certificate in a Trans person's new name. Requiring a Trans student or alumni to provide a Gender Recognition Certificate is unlawful and Rose Bruford College also does not recommend requesting a doctor's letter as proof, as not all Trans people will choose to undergo medical supervision.

13. Graduation and Awards

As stated above, a legal name change is required before a degree certificate can be issued in a Trans person's new name. A person facing this issue should contact Student Services to discuss this further.

14. Ongoing Support

Student Services are available to support students at any stage of transition. Counselling services are also available through Student Services. This service is also available to offer advice to any student regarding issues around transition.

If a student requires time off, it is important to discuss the process, support and any adjustments which may be needed for their programme and studies to not be affected.

15. Placements and Study Abroad

With regards to a visit abroad, for example on the ERASMUS or American Exchange programme, anyone can be searched at borders and other places. Different countries will have policies and procedures they will follow. Rose Bruford College will contact the relevant border control or agency in advance to ensure that any policy or risk assessment completed by the College is accurate for that visit.

There are countries that are not as legally and culturally open as the UK. In fact, some have laws that make it illegal to be part of the Transgender community. Some countries even make it an offence not to report to the authorities that someone is part of the Transgender community. Rose Bruford College will consider and investigate the laws regarding Transgender communities in any country considered for a college visit.

16. Admissions

No student will be discriminated against on the grounds of their gender in the admissions process. Rose Bruford College is an inclusive College and does not discriminate against any student because of their background, gender, race or disability.

17. Alumni

If a graduate attains a legal name change after leaving college by Deed Poll, Statutory Declaration of Name Change or Birth Certificate, they will have the right to request for their records to be amended. If a Gender Recognition Certificate is attained, the graduate will also be able to request for all references and documents in their previous name to be removed and amended to reflect their new name and/or gender. Please see the ***Gender Recognition Certificate*** section for more information.

In order to receive a new degree certificate, the graduate must return the original certificate or sign an affidavit declaring that the original certificate is lost and they cannot recover it. A standard replacement certificate fee will be payable in advance, as with any new certificate request.

Appendix 1

Suggested checklist when discussing a student's transition

For each section of this checklist, timescales, dates and who is responsible should be considered:

Name change

Identification cards/name badges that may need changing (including, but not limited to):

- University ID card
- National Union of Students card (NUS)
- professional membership cards
- accommodation access card
- volunteer or mentor identification

Documents that may need to be replaced or altered, including:

- online records, academic biographies, staff & student directory
- all student/staff records and databases, enrolment forms, finance records
- programme and module lists
- personal tutor records
- occupational health/disability/counselling records
- committee minutes and records, e.g. boards of study, academic boards
- certificates, e.g. council tax exemption, training attendance, degree
- club and society membership records
- payroll (and banking details)
- student loan company/local education authority
- company insurance
- volunteering or mentoring records

Some of the above may require legal proof of name change before amendments can be made.

When a Trans person has received a Gender Recognition Certificate, they have the right to request that all records in their former name and gender are removed and replaced with their current name and gender. It is good practice to regard those who have changed their gender as if a Gender Recognition Certificate was held, from the date of Transition onwards, subject to any other legal requirements.

Process

You should also think about who should inform the following:

- students and other colleagues
- Human Resources
- support departments (finance, student records, accommodation, etc.)
- club and society members
- Volunteer or mentor groups

Internal Support

- Student Services
- Counselling Service (accessible through Student Services)
- Equality & Diversity

External Support

- LGBT Foundation – <https://lgbt.foundation/>
- Action for Trans Health - <http://actionfortranshealth.org.uk/>
- Sparkle - <http://www.sparkle.org.uk/>
- Citizens Advice - <https://www.citizensadvice.org.uk/>