

HUMAN RESOURCES

Gender Reassignment and Trans Equality Policy



1. The legal framework

- 1.1 The Equality Act 2010 includes gender reassignment as one of nine protected characteristics. The Act offers far reaching protection from discrimination on grounds of gender reassignment and protects:
- a person who has proposed, started or completed a process to change their gender;
 - trans people who are not under medical supervision;
 - people who experience discrimination because they are perceived to be trans;
 - people from discrimination by association because of gender reassignment. For example, it would protect the parents of a trans child from being discriminated against because their child is transitioning.
- 1.2 The Act also makes it unlawful on the grounds of gender reassignment to:
- subject someone to harassment – unwanted conduct that violates a person’s dignity and creates an intimidating, hostile, degrading, humiliating or offensive environment;
 - victimise someone because they have made a complaint or allegation or have given evidence against someone else in relation to a complaint of discrimination; and
 - discriminate against someone in some circumstances after the working relationship has ended.
- 1.3 The Gender Recognition Act 2004 allows trans people who are able to satisfy the Act’s evidence requirements to apply to the gender recognition panel in order to seek full legal recognition of their acquired gender. If an applicant is successful they will be issued with a full or interim gender recognition certificate (GRC). A full GRC enables the person to obtain a new birth certificate which does not disclose the fact that they have changed gender. The Gender Recognition Act also makes the disclosure without permission by a third party of an individual’s trans status a criminal act.

2. Policy Statement

- 2.1 The London School of Hygiene and Tropical Medicine celebrates and values the diversity of its workforce and student body. It aims to create an environment in which all staff and students feel equally welcome and valued, and in which transphobic behaviour is not tolerated.
- 2.2 The School recognises that there can be differences between a person's anatomical gender and their gender identity/expression. The School will not discriminate against people on the grounds of transvestism, transsexualism, intersex conditions or any process of gender reassignment, begun or complete. Where this policy refers to 'trans people', it has in mind people living with any of these identities. When it refers to 'gender identity', it covers both the fixed identity of people living in the gender of their birth and the more fluid identities of many trans people.
- 2.3 The School will ensure that:
- Students will not be denied access to courses, progression to other courses, or fair and equal treatment because of their gender identity.
 - The curriculum does not rely on or reinforce stereotypical assumptions about trans people, and that it does not contain transphobic material.
 - Where a person's trans status is known, their confidentiality will be respected and information about their trans status will not be revealed without prior agreement of the individual.
 - Staff will not be excluded from employment or promotion because of their gender identity.
 - Transphobic abuse, harassment or bullying (e.g. name calling/derogatory jokes, unacceptable or unwarranted behaviour, and intrusive questions) is a serious disciplinary offence and will be dealt with under the appropriate staff or student disciplinary procedure.
 - Transphobic propaganda in any form (including written materials, graffiti, music or speeches) is not tolerated. The School undertakes to remove any such propaganda from its premises and to take action against those responsible.
- 2.4 The School will provide a supportive environment for staff or students who wish their trans status to be known. However, it is an individual's right 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 a criminal offence. All staff and students at the School are responsible for upholding the School's policy concerning gender identity, for fulfilling their part in its implementation and for availing themselves of information in this regard.

2.5 For an explanation of terms see Appendix A.

3. Practical issues

3.1 Confidentiality and Disclosure

In specified circumstances, the Gender Recognition Act prohibits disclosure of the fact that someone has applied for a gender recognition certificate (GRC) or disclosure of someone's gender before the acquisition of a GRC. Such disclosure constitutes a criminal offence liable by fine. The School will at all times respect the confidentiality of its students and staff. No member of staff or student may inform a colleague or student that a person is transitioning without their consent. No one should disclose past gender reassignment of a staff member or student without consent.

Students or staff who are considering or have decided to transition, are encouraged to meet to discuss different options and implications and agree a support plan. In the case of staff, this will normally be with the line manager, Director of Human Resources or Equality and Diversity Manager. In the case of students, this will normally be with the Head of Registry Services or Student Welfare Advisor.

3.2 Use of Facilities

A trans person should have access to 'men only' and 'women only' areas such as changing rooms and toilets, according to the gender in which they present. It is not acceptable to restrict them to using disabled toilets or other unisex facilities. This may mean that a person changes the facilities they use at the point when they start to live in their acquired gender.

3.3 Staff Recruitment and Student Applications

The School will be flexible about the form of identification asked for during the recruitment/application process. Where a birth certificate or passport is essential, candidates will be assured that the School will keep confidential former names or gender.

3.4 Degree Certificates

The School will need legal proof of name change before degree or diploma certificates can be reissued. This can be a statutory declaration of name change or birth certificate. Asking students or alumni for a gender recognition certificate or evidence of medical supervision is not appropriate and may be unlawful.

3.5 References

References for current or former students or staff who have transitioned will make no reference to the person's former names or gender and will use the appropriate pronoun. If the School receives a reference for someone who has previously transitioned, which refers to them by a previous name, this information will be treated as confidential.

3.6 Record Keeping

When an individual transitions during their employment or education the School will agree with them the date from which their name and if appropriate, gender, is changed on all relevant records and public references including identification passes, library cards, contact details, email addresses, formal records, website references, payroll details etc. The Gender Recognition Act 2004 does not require the School 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.

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: Director of Human Resources only' or 'Confidential: Head of Registry only'.

4. Harassment

- 4.1 Any incidents of misconduct, harassment, bullying or victimisation will not be tolerated by the School and will be dealt with as quickly as possible in accordance with the School's Dignity at Work and Study Policy. All voyeuristic, intrusive and personal questions or discussions are unacceptable.

5. Resolution of complaints

- 5.1 Any member of staff or a student who feels that they have not been treated fairly in accordance with this Policy should first try to resolve the matter informally by discussion with the individuals' involved. If that fails, the individual should take the matter up with their line manager, Dean or Head of Department. If the issue remains unresolved the respective Staff Grievance Procedures and Student Complaints Procedures should be used.

Appendix A - Explanation of terms

Acquired gender

The new gender of a person who has socially transitioned and had their gender reassigned and/or legally recognised. It is possible for an individual to transition and receive legal recognition of their acquired gender without medical assistance.

Gender dysphoria

Gendered dysphoria is a medical condition in which a person has been assigned one gender (usually at birth on the basis of their genitalia), but identifies as belonging to another gender.

Gender recognition certificate

Gender recognition certificates (GRC) are issued under the Gender Recognition Act 2004 by the gender recognition panel. The holder of a full GRC is legally recognised in his or her acquired gender for all purposes.

Gender recognition panel

The gender recognition panel was set up by the Gender Recognition Act 2004 and consists of lawyers and doctors who assess whether an individual is able to satisfy the Act's evidence requirements for the issuing of a GRC.

Gender reassignment

Gender reassignment is a process undertaken under medical supervision to reassign a person's gender by changing their physical sexual characteristics.

Real life experience

Real life experience is a phase during gender reassignment in which the individual must live, work and study in the gender with which they identify before they can start hormone therapy and/or undergo surgery.

Trans

An inclusive term used by those who identify themselves as transgender, transsexual or transvestite.

Trans man

A person may describe themselves as a trans man when they are transitioning or have transitioned from female to male.

Trans woman

A person may describe themselves as a trans woman when they are transitioning or have transitioned from male to female.

Transgender

An umbrella term used for people whose gender identity/or gender expression differs from their birth sex. Transgender people may or may not alter their bodies hormonally and/or surgically.

Transitioning

Transitioning is the term used to describe someone changing from one gender to another with or without medical intervention.

Transphobia/transphobic

Transphobia or transphobic are terms used to describe discrimination that can be experienced by trans people, which arises as a result of their expression of their gender identity.

Transsexual person

A transsexual person is someone who feels a consistent and overwhelming desire to transition to their preferred gender. Someone in this position will have the medical condition gender dysphoria.

Transvestite or cross dresser

The terms transvestite and cross dresser refer to someone who dresses in the clothing typically worn by the opposite sex. Generally, people who are transvestites/cross dressers do not wish to alter their body and do not necessarily experience gender dysphoria.

Appendix B – Sources of Support at the School

For Staff:

Equality and Diversity Manager
Human Resources Partners
Gower Street Counselling Service
Unite
University and Colleges Union [UCU]
Unison

For Students:

Student Welfare Advisor
Student Counsellor
Student Representative Council

EXTERNALLY AVAILABLE SUPPORT

The Beaumont Society

Support network that promotes better understanding of the conditions of transgender, transvestism and gender dysphoria.
www.beaumontsociety.org.uk

Depend

Offers free, confidential and non-judgemental advice, information and support to family members, partners, spouses and friends of trans people.
<http://www.depend.org.uk>

Equality Challenge Unit

Funded by the higher education sector, the ECU has published guidance on trans staff and students on which the University's Policy and guidance is based. www.ecu.ac.uk

Gender Trust

Support and information for anyone with any question or problem concerning their gender identity, or whose loved one is struggling with gender identity issues. <http://gendertrust.org.uk/>

FTM London

Support group for female to male transgender or transsexual people offering information resources, networking and a monthly meeting for the FTM community. <http://www.ftmlondon.org.uk/>

Press for Change

UK experts in Transgender Law
<http://www.pfc.org.uk>