**University of Stirling**

**Transgender Guidelines for Students and Staff**

**CONTE NTS**

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1. **Introduction (Staff and Students)**

This guidance has been developed to support members of the University of Stirling in meeting the requirements of the University of Stirling’s Transgender (Trans) Policy.

In support of the policy aims and in-line with the stated principles in the University of Stirling’s Staff and Student Trans Policy, these guidelines outline practical advice, guidance, and courses of action which staff and students can expect to be taken, taking into account the uniqueness of each individual’s situation. Specifically, the guidance aims to:

* assist members of the University in understanding gender diversity with regard to the activities of the institution.
* clarify roles and responsibilities for supporting students and staff who wish to make, or have already, made changes to their gender identity.
* ensure the University has procedures in place for changing student and staff records and for storing confidential information in relation to gender identity.

The guidance is also intended to increase staff and student awareness of gender identity and support a positive working environment for trans people. It should be read together with the Equality Challenge Unit’s Guidance [**Trans staff and students in HE and colleges: improving experiences**](http://www.ecu.ac.uk/publications/trans-staff-and-students-in-he-and-colleges-improving-experiences/) **[[1]](#footnote-1)**

**Please note that this guidance is informative, not prescriptive, and is intended to form the basis for support of trans individuals**.

***This guidance will be regularly reviewed and updated as necessary. Trans guidelines for University of Stirling staff is currently under development and will be made available shortly.***

1. **Approach (Staff and Students)**

The University of Stirling celebrates and values the diversity of its student and staff bodies, and believes that the institution benefits academically, socially and culturally from that diversity. The University of Stirling treats all employees and students with respect, and seeks to provide a positive working and learning environment free from discrimination, harassment or victimisation.

The University is committed to ensuring that staff and students are treated fairly and have the opportunity to thrive and fill their potential, regardless of their gender identity. This commitment is underpinned by the Equality Act 2010[[2]](#footnote-2). Under the Act, an individual who is planning, undergoing, or has undergone a gender transition process is protected against harassment, victimisation and discrimination (See section 2.16).

The Act also protects:

* Trans people who are not under medical supervision.
* People who face discrimination because they are perceived by others as trans.
* People who are discriminated against because they are associated with someone who is in the process of transitioning or has transitioned.
1. **Definitions (Staff and Students)**

This guidance uses the term ‘transgender’ (trans) as an umbrella term for those whose gender identity or expression differs in some way from the sex assigned to them at birth:

* People who are taking or have taken steps to change the gender identity they were assigned at birth. This includes 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 purpose of reassigning the person’s sex by changing physiological or other attributes of sex.”*
* People who do not identify with a permanent binary gender identity, including those who identify in other ways, e.g. non-binary or agender.

The University recognises that, while gender identity is a very personal matter, and definitions and terminology will vary, the guidance below is provided to support and promote better understanding of gender identity and trans concepts across the University community.

A glossary of terms can be found in **Appendix 4.** Terminology is evolving and the list provided is not exhaustive.

**SECTION 1: MANAGING THE TRANSITION - STUDENTS**

1. **Rights and Responsibilities**
	1. **All trans students** have the following rights.
* To choose whether or not to disclose their gender identity, and to whom they disclose it, and the circumstances where this may be disclosed
* To request the University to update its documents, records and systems to reflect their new gender role, once they have decided to commence living full time in their new gender role
	1. **All students** have these responsibilities.

• To respect the dignity of all trans students

• To challenge or report incidents of discrimination, bullying and harassment, or victimisation relating to gender identity

• To withhold information about an individual’s transgender status from any other person (both internal and external to the University) unless given explicit written permission by the individual

• To comply with the law in relation to the protected characteristics of gender reassignment under the Equality Act 2010.

1. **Supporting individuals**

The University recognises that there are complex issues that a person might face during transition. This guidance will help to ensure that the most appropriate support is provided to students.

Students should be encouraged to contact Student Support Services who will be able to provide counselling support. However, they are not health specialists and if a student becomes seriously distressed they should speak to their GP or another appropriate professional. Information about the services provided by Student Support Services (SSS) is available at <https://www.stir.ac.uk/student-life/support-wellbeing/student-support-services>. Students can email Ask@stir.ac.uk or call 01786 466022 to make an appointment.

1. **Informing the University**

The University encourages students to disclose their intention to change their gender identity so that appropriate support can be provided. The University respects an individual’s right privacy, however support cannot be offered if an individual takes the decision not to disclose this information.

A student who is planning to transition should speak with an appropriate member of staff, e.g. Personal Tutor, Programme Director of Research Supervisor or senior member of faculty support staff, who, with their permission, will contact Student Support Services to assign a ‘named contact’ who can discuss with them what support the institution can offer before, during and after the transition process.

If a student does not feel ready or able to discuss their situation with an appropriate member of Faculty staff, they may wish instead to speak, in the first instance, to someone within the University’s Student Support Services, e.g. Counselling and Emotional Wellbeing. Students can email Ask@stir.ac.uk or call 01786 46602. In either case, the student should be supported to develop a confidential Action Plan.

1. **Confidential Action Plan**

4.1 Once a student has notified the University of their intent to transition or that they are transitioning, a face-to-face meeting in a private space should be arranged with their named contact to discuss what support the institution can give before, during and after the transition process.

4.2 The student should have the option to be accompanied by a colleague, friend, family member, trade union or Students’ Union representative to this meeting.

4.3 During the meeting, the student and their ‘named contact’ should discuss how they anticipate the transition may impact upon their work or study, identify the support they need and any dates that have been set, e.g. for medical appointments.

4.4 During the initial meeting, the named contact will:

* Provide reassurance that the University will provide support during the student transition, and explain the study support options available.
* Ensure that the individual is referred to any guidelines of support and put in touch with the appropriate staff members, e.g. Student Support Services
* Explain that the individual will be required to give explicit written consent before their transition can be discussed with others on a need-to-know basis, and before any university records are changed.
* Ensure that the individual is aware of any documentation that they may need to provide, e.g. written notification of intent to transition, written request for name and gender on records to be changed, evidence of name change if appropriate, appointments, and if appropriate, new identification.
* Establish what changes can be made to records and the time of the changes.
* Agree who needs to be made aware of the changes, such as to names and pronouns, records, and who needs to be informed and how. This may include

Dean of Faculty, Personal Tutor, Advisor of Studies, Programme Director, colleagues, fellow students and external providers, (e.g. Accommodation Services, placement providers, funding bodies).

* Explain that any complaint of unacceptable behaviour, e.g. harassment or bullying or transphobic abuse will be taken seriously by the University and fully investigated

4.5 Once the necessary level of support has been agreed, it will be documented in the form of a confidential Action Plan. **Appendix 2** provides a list of topics that should be considered when agreeing an action plan. Please note that this does not cover everything and equally not all trans people will want to or be able to take all of the steps mentioned.

4.6 Each individual’s situation will vary depending on a range of factors, including whether or not a person opts to undergo surgical or medical procedures.

4.7 In addition, many trans people will choose to socially transition but not undergo any medical treatment, or will alter their gender expression without undertaking any other steps of transition.

4.8 The most important consideration is that all students, whether they identify as trans or not, are supported to express their gender in the way they are most comfortable.

4.9 The confidential Action Plan should be kept confidential by the named contact, and discussion should take place with the individual to agree where copies should be kept and who should have access.

4.10 The University acknowledges that establishing a confidential Action Plan can be very difficult due to the complexity of the timeline involved in relation to the procedure of physically transitioning. The Action Plan is most appropriate for the non-medical aspects of the transition, e.g.

* change of name or personal details, such as title;
* which amendments to records and systems will be required;
* when to inform the person’s department, etc. whether they want to inform relevant people in person or for this to be done on their behalf;
* whether they want to continue in their current programme of study as scheduled, or consider deferral or another arrangement;
* ways to minimise disruption to studies.

4.11 The confidential Action Plan will be reviewed regularly by the named contact and the individual concerned as circumstances may change. Support for a person’s transition should end through mutual agreement when the student feels that appropriate support arrangements have been implemented and there are no outstanding issues to be resolved within the Action Plan.

1. **Changing student records**

5.1 All records should be held in line with the requirements of the General Data Protection Regulations (GDPR). When developing new and revising existing records systems, the

University will consider whether gender needs to be recorded and how the information will actually be used. If gender does need to be recorded, consider whether the options of ‘other’ and non-binary’ can be included alongside male and female.

5.2 Ensuring that records are reflective of a person’s name and gender is necessary to enable them to go about their daily university life. Changes will need to be made to personnel records, student records, library cards and contact details for example. The Equality Challenge Unit has produced a useful checklist which can be found at:

[www.ecu.ac.uk/guidance-resources/inclusive-environment/providing-support/trans-people](http://www.ecu.ac.uk/guidance-resources/inclusive-environment/providing-support/trans-people).

5.3 The University recognises that a person may want to change their title, forename(s) and gender at an early stage of the transition process, and that this change be reflected across all university documents.

5.4 The individual should agree with their named contact the date that changes should be made to their personal records.

5.5 In order for changes to be made to the individual’s personal records, certain other staff may need to be informed that the person is transitioning. It is essential that the person gives written permission before they transition or before the fact that they are trans is disclosed to any other member of staff. However, as far as possible, the individual’s records should not disclose the fact that they have transitioned.

5.6 With the exception of qualification certificates for which evidence of formal name change is required, notification of name change is sufficient for records to be changed. However, as highlighted above, a change in name from that in which a person enrolled is likely to require changes to other organisations’ records, for example UCAS, funders.

5.7 Students are required to provide a passport, visa or birth certificate combined with other forms of identification during enrolment. If identification is required for other purposes, students will be given the option of providing more than one type of official identification, e.g. a driving licence, passport or birth certificate plus supporting documents.

1. **Student Recruitment / References**
	1. References for current students who are trans must make no reference to the person’s trans status. Failure to keep information confidential, unless the individual has given explicit written consent would be a breach of the General Data Protection Regulations, and where a person has a GRC, the Gender Recognition Act.
	2. A reference received for someone who has transitioned, which refers to them by a previous name or gender, should be treated as confidential.
	3. A person should not be questioned about their trans experience during an interview for admission to any University of Stirling programme of study.
2. **Preferred name and pronoun**
	1. A person should be referred to by their preferred name and pronoun. If there is uncertainty regarding the correct pronoun to use, the person should be asked how they would prefer to be addressed.
	2. It is never appropriate to put quotation marks around a person’s chosen pronoun.
	3. Once a person has made their chosen name known, this should be used in all circumstances, rather than the name they used during application, registration, and recruitment or on commencement of post.
	4. If a person has a fluid gender identity or if they are unable to be fully out, it is advisable to discuss with the person what their chosen name should be.
	5. If a name change or a preferred ‘known as’ name has been updated in the Student Record, this name should be used in all circumstances and appear on class-lists, email addresses and electronic accounts.
	6. Thoughtful planning and management of the transition process within the confidential Action Plan should help to avoid uncertainty and embarrassment in this regard.
	7. Some trans people choose not to formally change their name straight away, have no intention of changing their name or are unable to if they are not out with their family. Young trans people, in particular, may use a nickname or a shortened version of their full name. Tutors should ensure that they use the student’s preferred name.

7.8 If a person requests that reference to their previous gender and name is removed from all documents except those that cannot be changed, the University will do so*. (ECU Guidance.*

1. **Degree certificates / Name on degree certificate (including re-issuing degree certificates)**

When an individual is invited to a graduation ceremony and open the online registration form, their full name will be shown. This name is taken from their student record and reflects the name to be printed on their official degree certificate. If their name is incorrect then the University will need to see some proof before the official record is updated e.g. birth certificate.

8.2 It is not appropriate to ask for evidence of medical supervision in order to amend records, as not all trans people will be under medical supervision or wish to do so. It is unlawful to require a Gender Recognition Certificate.

8.3 The person should provide written consent to facilitate change of personal records.

8.4 It is not normally permissible to change the name on documents after an award has been made. However, within the Gender Recognition Act, there are exceptions for trans people who hold a full GRC and given the potential implications of not having a degree certificate in the same name as other identification that employers must request, the University will extend these exceptions to trans people who do not hold a GRC.

1. **Confidentiality**

Confidentiality of information relating to a person’s trans status is crucial. It is an offence under the Gender Recognition Act 2004 to disclose information about a person’s gender history, or any application they may have made for a Gender Recognition Certificate, unless that disclosure is made with the person’s explicit written consent.

**SECTION 2: PRACTICAL ISSUES (STUDENTS)**

1. **Time off for medical appointments**

 Where a person needs to take time off study for medical reasons because of gender reassignment, they should not be treated any less favourably than if the absence was due to sickness or injury. If the leave taken coincides with coursework deadlines, examinations or placements, consideration should be given to alternative forms of assessment, extensions to coursework deadlines and how the student can demonstrate the learning outcomes and/or placement requirements within the timeframe available. If it is necessary for a student to retake a module or take a leave of absence from their studies, consideration will need to be

given to the support that they may need to enable them to successfully complete their course within a reasonable timeframe

1. **Field trips, placements and study abroad**

Where students are expected to undertake placements or study abroad, consideration should be given to the suitability of the proposed country for trans students and any staff who support them in country. If a student is on a course focusing on a particular country and either the law changes in that country or there is evidence of a negative shift in societal attitudes, the student may need to be supported in finding an alternative placement in another country. In addition a student may not have the necessary documentation in their self-identified gender to travel. Students should be considered, and if they would like to be, involved, in risk assessments related to field trips, placements and study abroad.

1. **Accommodation**

Where accommodation is provided to students, every effort should be made to be flexible and treat issues raised by trans students with sensitivity and consideration shortly after a student applies for University accommodation. Accommodation Services will allocate student accommodation according to the student’s gender and preferences (mixed or single-sex) and it is important, where possible, to consult the student on where they will feel most comfortable. Students are encouraged to inform Accommodation Services of their trans status so that appropriate support can be put in place to help provide the student with a positive experience whilst living on campus. This is also helpful when dealing with practical issues such as:

* ensuring mail is collected or delivered safely, in the case of a name change;
* Accommodation Services staff use the student’s preferred name/pronoun at all times.
1. **Gender Neutral Facilities**

Gender neutral toilets are available within the Students’ Union.

1. **Support Groups**

 The University of Stirling’s official LGBT+ Society is dedicated to providing a social and support network for all LGBT+ students. E-mail: lgbtstirlinguni@gmail.com. The University of Stirling’s official LGBTQ+ Society is dedicated to providing a social and support network for all LGBTQ+ students. <https://www.stirlingstudentsunion.com/clubssocieties/societies/lgbt/>

1. **Discrimination and Harassment**

The University does not tolerate harassment, victimisation or discrimination on the grounds of age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity,

race, religion or belief, sex, sexual orientation, and is committed to working with our diverse University community in a wholly positive way to embed respect, equity, and inclusion.

The University recognises that there are a range of potential barriers and discrimination that could affect students. These include:

* verbal or physical harassment/threats/intimidation
* refusing to acknowledge the gender identity of the individual or to use their chosen name
* revealing the trans status of the person to others without their consent
* passing judgement on how “convincing” the person is in ‘passing’ in the gender that they self-identify as
* refusing to allow a trans person to use single-sex facilities appropriate to their acquired gender
* less favourable treatment in regard to sickness or other absences
* refusal to acknowledge the rights of a trans person, or that a transition has occurred;
* refusing to address the person using their correct pronoun or name
* sexual harassment of a trans person

The University of Stirling aims to remove barriers and tackle any discrimination that any student faces.

The University’s Anti-Bullying and Harassment Policy for students is available at: <https://www.stir.ac.uk/media/stirling/services/policy-and-planning/documents/StudentAntibullyingandHarassmentPolicy.pdf>

1. **Complaints**

The University encourages any student considering making a complaint to consult the Students’ Union, who have sabbatical officers and staff with experience of supporting students with complaints. They can:

* help the individual decide whether making a complaint is the best course of action, or whether another procedure may be more appropriate.
* explain how the complaint procedure works, and what the potential outcomes may be
* read drafts of any correspondence an individual writes to the University (including complaint forms), to help them make their case as clearly as possible.
* support an individual at any meetings attended with University staff in relation to their complaint if requested.

You should contact either the Vice President Education and Students or the Advocacy & Inclusion Development Coordinator at the Students’ Union at: theunion@stir.ac.uk or telephone 01786 467166

The University’s Complaints Handling Procedure <https://www.stir.ac.uk/about/contact-us/complaints/> should be read in conjunction with the University’s statements and policies in relation to Equality & Diversity and Bullying and Harassment. These policies can be found at: <http://www.stir.ac.uk/equalityanddiversity/> and <http://www.stir.ac.uk/media/services/registry/planning/StudentAntibullyingandHarassmentPolicy.pdf>

**SECTION 3: MANAGING THE TRANSITION – STAFF**

This section is currently development and will be made available shortly.

***Sources:***

* + **ECU Guidance: Trans staff and students in HE and colleges: improving experiences** [**https://www.ecu.ac.uk/publications/trans-staff-and-students-in-he-and-colleges-improving-experiences/**](https://www.ecu.ac.uk/publications/trans-staff-and-students-in-he-and-colleges-improving-experiences/)
		- **Oxford University transgender guidelines** [**http://www.admin.ox.ac.uk/media/global/wwwadminoxacuk/localsites/equalityanddiversity/documents/transgender/Transgender\_guidance\_Mar2014.pdf**](http://www.admin.ox.ac.uk/media/global/wwwadminoxacuk/localsites/equalityanddiversity/documents/transgender/Transgender_guidance_Mar2014.pdf)
		- **Birmingham University Transgender Guidelines https://intranet.birmingham.ac.uk/collaboration/equality/documents/Staff-policies-and-guidance/UoB-Trans-guidance-for-staff-and-students.pdf**

**Appendix 1**

**Notification of change of gender, name, title and pronouns**

This form is for trans applicants/students who intend to change their name, gender, title and pronouns and want to inform the University of Stirling so that their records can be updated.

*(Please refer to section 4 and 7 of the University of Stirling Transgender Guidelines)*

**Preferred names, gender, pronouns and title**

*I confirm that my current student records are:*

* reflective of my preferred names, gender, pronouns and title (delete as appropriate)
* not reflective of my preferred names, gender, pronouns and title (delete as appropriate)

**Current details on record**

|  |  |
| --- | --- |
| Name on student record: | Student number/identifier: |
|  |  |
| Known as: | Date of birth: |
|  |  |
| Email: | Contact number: |
|  |  |

**Changes requested:**

|  |  |
| --- | --- |
| Title: | Pronouns: |
|  |  |
| Forename(s): | Surname (if applicable): |
|  |  |
| Email: | Contact number |
|  |  |
| Date change should take effect from: |  |
|  |  |
| Signed | Date: |
|  |  |

**Appendix 2: Confidential Action Plan**

*(Please refer to sections 4 and 5 of the University of Stirling Transgender Guidelines)*

I understand that you will be my named contact and that information that I share with you will be used to ensure that I can go about my day to day life in my self-identified or legally recognised gender with ease.

I also understand that, if appropriate, the information shared will be used to ensure appropriate support for me as an applicant to/ student of the University of Stirling. This will with my consent and on a strictly need to know basis.

**Signature: ……………………………………………………………………………..**

**Suggested template for action plan:**

|  |  |
| --- | --- |
| **Named Contact** | Single point of contact to support the individual and agree an action plan. |
| **Timetable** | ***What is the likely timetable for transition, e.g.***Dates of name changeUse of facilities (toilets, changing rooms)Change of records |
| **Name** | ***What identification needs to be change and when? e.g.**** Student card
* Academic Registry
* Students’ Union
* Relevant funding bodies

***What documents and records need to be changed and when? e.g.**** Student records
* Class lists
* Name on degree certificate
 |
| **Potential topics to consider when developing the confidential action plan** | * The date from which the person will present in accordance with the gender they identify with
* How information relating to the person’s transition will be managed and by whom
* The process for changes to their student records and other documentation, including class lists
* Is the student taking any extended time off?
* Does they student want to continue their current programme of study?
* Is time off needed for medical appointments/procedures
* What adjustments can be made to minimise the impact on the student’s learning. e.g. extensions to deadlines, resit exams, etc.?
* Are any adjustments needed to work placements?
* Are extensions to deadlines required if student needs time out to attend medical appointments
* Are any arrangements required in relation to social activities, e.g. where changing facilities are based on gender
* Expected timescales of any medical procedures, if known
* Details of any other University services which need to be made aware of the transition
 |
| **Support** | * The named contact should ensure that the individual is aware of on-going support available, e.g.
* Student Support Services
* Occupational Health
* Financial advice
* Complaints procedure
* Anti-Bullying and Harassment Policy and contacts

(also see Appendix 2 for links to useful contacts and resources) |

**Appendix 3: Links to useful information**

**University of Stirling:**

|  |  |
| --- | --- |
| Student Support Services | <http://www.stir.ac.uk/student-support/> |
| Occupational Health | <http://www.stir.ac.uk/hr-od/workingatstirling/healthwell-being/occupationalhealth/>  |
| Personal Tutor Code of Practice | <https://www.stir.ac.uk/about/faculties-and-services/academic-registry/academic-policy-and-practice/personal-tutor-scheme-policy-and-guidance/> |
| Students’ Union | <http://www.stirlingstudentsunion.com/> |
| LGBT Society | <https://www.stirlingstudentsunion.com/clubssocieties/societies/lgbt/> |
| Complaints Procedure | <http://www.stir.ac.uk/complaints/> |
| Anti-Bullying and Harassment Policy - Staff | <https://www.stir.ac.uk/internal-staff/human-resources-and-organisation-development/policies-and-guidance/anti-bullying-and-harassment/> |
| Anti-Bullying and Harassment Policy – Students | http://www.hr-services.stir.ac.uk/documents/StaffAntiBullyingandHarassmentPolicy.pdf |

**External Resources:**

|  |  |
| --- | --- |
| Changing name  | <http://www.scottishtrans.org/wp-content/uploads/2013/03/statutory_declaration_for_change_of_name.pdf> |
| Equality and Human Rights Commission  | <http://www.equalityhumanrights.com/advice-and-guidance/your-rights/transgender/transgender-additional-resources/>  |
| Gender Identity Research and Education Society  | [www.gires.org.uk](http://www.gires.org.uk)  |
| LGBT Youth Scotland  | [www.lgbtyouth.org.uk/](http://www.lgbtyouth.org.uk/)  |
| National Union of Students  | [www.nus.org.uk/en/nus-scotland/](http://www.nus.org.uk/en/nus-scotland/)  |
| Press For Change  | [www.pfc.org.uk/](http://www.pfc.org.uk/)  |
| Scotland Government  | [www.scotland.gov.uk/Topics/People/Equality/SexualOrientation](http://www.scotland.gov.uk/Topics/People/Equality/SexualOrientation)  |
| Scottish Trans  | [www.scottishtrans.org/link-categories/transgender-intersex/](http://www.scottishtrans.org/link-categories/transgender-intersex/)  |
| The Equality Network  | [www.equality-network.org/](http://www.equality-network.org/)  |
| The Gender Trust  | [www.gendertrust.org.uk/](http://www.gendertrust.org.uk/)  |
| Transgender Scotland  | [www.transgenderscotland.org/](http://www.transgenderscotland.org/)  |
| Transgender Zone  | [www.transgenderzone.com](http://www.transgenderzone.com) |

**Appendix 4: Glossary of terms**

**Acquired Gender**

A legal term used in the Gender Recognition Act 2004. It refers to the gender that a person who is applying for a gender recognition certificate (GRC) has lived for two years and intends to continue living in. *Affirmed gender* may be used when a person has transitioned but has decided not to apply for a GRC.

**Cisgender**

A term used to describe people who are not transgender. Cisgender is based on the Latin prefix cis which means ‘on this side of’. The Latin prefix trans means ‘across from’ or ‘on the other side of’. The use of cisgender is debated within the trans community and some people prefer the term non-trans as it familiarises the use of the term trans (see below).

**Dual Role**

A dual role person occasionally wears clothing and/or makeup and accessories that are not traditionally associated with the sex they were assigned at birth. Generally, dual role people do not wish to transition and do not necessarily experience gender dysphoria. Some people prefer the term *alter ego.*

Historically the terms transvestite and cross dresser were used to describe dual role people, but they are now considered to be outdated. While some people may use the terms to describe themselves, other people may find the terms offensive.

**Gender**

Gender refers to the cultural and social distinctions between men and women. It consists of three related aspects: a society’s constructed *gender roles*, norms and behaviours which are essentially based on the sex assigned at birth; *gender identity*, which is a person’s internal perception of their identity; *gender expression*, which is the way a person lives in society and interacts with others. Gender does not necessarily represent a simple binary choice: some people have a gender identity that cannot be defined simply by the use of the terms woman or man.

It should be noted that currently, for the purposes of UK law, gender is binary – people can only be male or female. However, there is growing pressure from campaign groups for this to change in line with other countries including Australia, Bangladesh, Denmark, Germany, India, Nepal and New Zealand.

**Gender Expression**

While gender identity is subjective and internal to the individual, gender expression refers to all of the external characteristics and behaviours that are socially defined as either masculine or feminine, such as clothing, hairstyle, make-up, mannerisms, speech patterns and social interactions. Typically, trans people seek to make their gender expression match their gender identity, but this is not always possible. It is best practice to not assume someone’s gender identity on the basis of their gender expression. If you are not sure, it is best to ask a person how they would like to be addressed.

**Gender incongruence and gender dysphoria**

*Gender incongruence* is a medical term used to describe a person whose gender identity does not align, to a greater or lesser extent, with the sex assigned at birth. Where this causes discomfort it is known as gender dysphoria. *Gender dysphoria* ‘is a term describing the discomfort or distress caused by the discrepancy between a person’s gender identity (their psychological sense of themselves as men or women) and the sex they were assigned at birth (with the accompanying primary/secondary sexual characteristics and/or expected social gender role)’ (NHS, 2013).

Gender dysphoria is not considered a mental health issue but unmanaged dysphoria or the social stigma that may accompany it and any changes a person makes to their gender expression can result in ‘clinically significant levels of distress’ (NHS, 2013).

In order to qualify for NHS medical assistance to transition, a trans person in the UK must have a diagnosis of gender dysphoria. As not all trans people have gender dysphoria this presents a significant barrier to accessing medical support and the provisions of the Gender Recognition Act. See page 17.

**Gender reassignment**

The legal term used in the Equality Act to describe the protected characteristic of anyone who ‘proposes 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’ (Equality Act, 2010).

This is the protected characteristic that protects trans people from discrimination, victimisation and harassment in employment, education and when using services. Importantly, the act requires no medical supervision or interventions for a trans person to be afforded protection.

**Gender recognition certificate**

Gender recognition certificates (GRC) are issued by the gender recognition panel under the provisions of the *Gender Recognition Act 2004*. The holder of a full GRC is legally recognised in their acquired gender for all purposes. A full GRC is issued to an applicant if they can satisfy the panel that they fulfil all the criteria outlined in the Gender Recognition Act. Applicants can be UK residents or from recognised overseas territories who have already acquired a new legal gender. The act requires that the applicant is over 18, has, or has had, gender dysphoria, has lived in their affirmed gender for two years prior to the application, and intends to live permanently according to their acquired gender status. See page 17.

*It is never appropriate to ask a trans person for a GRC and regarded as unlawful* because it breaches their right to privacy. Once a person has obtained a GRC their gender history can only be disclosed where there are explicit exceptions in law:

* in accordance with an order of or proceedings before a court or tribunal, when it is strictly relevant to proceedings
* for the purposes of preventing or investigating crime, where it is relevant
* for the purposes of the social security system or a pension scheme

**Gender variance**

Gender variance, also referred to as gender non-conformity, is behaviour or gender expression that does not match socially constructed gender norms for men and women.

**Intersex**

An umbrella term used for people who are born with variations of sex characteristics, which do not always fit society’s perception of male or female bodies. Intersex is not the same as gender identity or sexual orientation.

Until recently, parents of intersex babies were encouraged to elect for surgery so that their child would conform to stereotypical male or female appearances. As a result, many intersex people can encounter difficulties as the gender assigned at birth may differ from their gender identity and surgery may have compromised sexual, urinary and reproductive function. Today, parents are advised to delay surgery until their child reaches puberty so that the child can inform decision-making. Some parents do not observe this advice and attitudes will vary country by country.

Not all intersex people opt for surgery, and many will consider themselves to be intersex rather than male or female.

Some intersex people may decide to transition to their self-identified gender and start to identify as trans.

**Legal Sex**

A person’s ‘legal’ sex is determined by their sex on their birth certificate and the assumption made at birth is that their gender status (boy, girl) matches. For higher education institutions (HEI’s) and

colleges a person’s legal sex is only relevant for insurance, pension purposes and in rare cases occupational requirements.

For the purposes of everyday life (including banking, personal identification and travel), a person’s legal sex may not be the same as their self-identified gender. For instance, a trans woman can have identity documents such as a passport, driving licence and employment records based upon her gender as female, but have a birth certificate which states that she is male.

**Lesbian, gay, bisexual, trans plus (LGBTI+)**

While being trans or having a trans history is different from sexual orientation, the forms of prejudice and discrimination directed against trans people can be similar to those directed against lesbian, gay, bisexual plus (LGB+) people and historically the two communities have coexisted and supported each other. As a result, advocacy and support groups often cover LGBT+ issues. Trans people can also identify as LGB+.

**Non binary**

Non-binary is used to refer to a person who has a gender identity which is in between or beyond the two categories ‘man’ and ‘woman’, fluctuates between ‘man’ and ‘woman’, or who has no gender, either permanently or some of the time.

People who are non-binary may have gender identities that fluctuate (genderfluid), they may identify as having more than one gender depending on the context (eg bigender or pangender), feel that they have no gender (eg agender, non-gendered), or they may identify gender differently (eg third gender, genderqueer).

Research by the Scottish Transgender Alliance (2016) found that 65 per cent of non-binary respondents identify as trans. Just as with trans men and trans women, non-binary people transition and live their lives in various ways – which may or may not include medically transitioning (ie taking hormones or having surgeries).

A pronoun is the term used to refer to somebody for example she/her/hers/herself or he/him/his/himself. Gender-neutral pronouns include

* they/them/their/themselves
* che/chim/chis/chimself
* E/Em/Eir/Eirs/Emself
* Per(person)/pers/perself
* Xe/ hir/ hirs/ hirself

**Real-life experience or experience**

‘Real-life experience’ or ‘experience’ are the terms used by the medical profession and refers to the period in which an individual is required to live, work and study full-time in their affirmed gender before they can undergo genital surgery. Previously the requirement applied to hormone replacement as well as genital surgery. Some trans staff and students may be asked by a gender identity clinic to provide confirmation from their institution that they are undertaking real-life experience or experience.

The trans community is campaigning for UK law to be based on self-identification as is currently the case in other European countries. ECU recommends that colleges and HEIs recognise a student or staff member’s self-identified gender.

**Sex**

Sex refers to the biological status of a person as male or female in their physical development. Sex is judged entirely on the genital appearance at birth but internal reproductive organs, skeletal characteristics and musculature are also sex differentiated.

**Sexual orientation**

Sexual orientation is different from gender identity. Trans people, like any other people, can have a wide range of sexual orientations beyond those recognised by the Equality Act including heterosexual, lesbian, gay, bisexual, asexual, pansexual, omnisexual and demisexual.

**Trans and transgender**

Trans and transgender are inclusive umbrella terms for people whose gender identity and/or gender expression differs from the sex (male or female) they were assigned at birth. The term may include, but is not limited to, trans men and women, non-binary people and dual role people. Not all people that can be included in the term will associate with it.

The terms trans should only be used as an adjective, for example, trans people, trans man or trans woman. However, a trans person may say ‘I am trans’.

**Trans history**

A person with a trans history will have transitioned to their self-identified gender. Consequently, they may no longer identify as a trans person, and simply see their transition as one part of their history.

**Trans man**

A person who was assigned female at birth but identifies as a man or towards the masculine end of the gender spectrum. He usually uses male pronouns and is likely to transition to live fully as a man. The terms ‘female-to-male’ or ‘FtM’ are shorthand for indicating the direction of a person’s transition but these terms can be seen as offensive. Other people may use these terms to describe themselves.

**Trans woman**

A person who was assigned male at birth but identifies as a woman or towards the feminine end of the gender spectrum. She usually uses female pronouns and is likely to transition to live fully as a woman. The term ‘male-to-female’ or ‘MtF’ are shorthand for indicating the direction of a person’s transition but these terms can be seen as offensive. Other people may use these terms to describe themselves.

**Transition**

Transition is the process of a person changing their social role in order to match their gender identity. Examples of transitioning include telling friends, family and colleagues, changing names, asking people to use different pronouns, and changing the way gender is expressed. For some people, this may involve medical assistance such as hormone therapy and surgery.

**Transphobia**

Transphobia is a term used to describe the fear, anger, intolerance, resentment and discomfort that some people may have as a result of another person being trans. This can result in discrimination, harassment, victimisation and hate crime.

**Transsexual**

Transsexual is a term that was traditionally used to describe a person diagnosed with gender dysphoria. Increasingly trans people are not comfortable with the use of this term preferring instead trans or transgender. While some people may find the term offensive, others may use it to describe themselves.

1. <http://www.ecu.ac.uk/publications/trans-staff-and-students-in-he-and-colleges-improving-experiences/>

<https://www.gov.uk/guidance/equality-act-2010-guidance> [↑](#footnote-ref-1)
2. <https://www.gov.uk/guidance/equality-act-2010-guidance> [↑](#footnote-ref-2)