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**Document details**

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**Referenced policies and documents**

Bullying, Harassment and Sexual Misconduct Policy

Lancaster University Strategic Plan 2020

# Introduction

This policy sets out Lancaster University’s commitment to trans equality and inclusion. It outlines principles to recognise and support each person’s gender identity and expression, and ensure an inclusive, trans-friendly workplace, learning environment and culture, where everyone can thrive and fulfil their potential free from discrimination, bullying, harassment or victimisation.

The associated Guidance document has been developed to provide practical information and support for trans and non-binary students and members of staff. It aims to offer advice and guidance to managers, members of staff and other people who are involved in providing support to manage processes at the individual level.

# Policy Statement

Lancaster University celebrates diversity and is committed to equality of opportunities and fair treatment in our workforce and student community. The University seeks to create cultural change through a spirit of openness and mutual learning to build an inclusive environment where all staff and students feel welcome and valued.[[1]](#footnote-1)

The University recognises that each individual may present diverse gender identity, gender expression and sex characteristics, and acknowledges that there can be differences between biological sex and gender identity and/or expression. We also recognise that some people in our community do not identify with the male – female gender binary.

The University aims to ensure that trans and non-binary people are treated with dignity and respect. No member of staff or of the student community, including prospective and former staff and students, visitors or contractors should be treated less favorably, whether before, during or after their study, employment or visit to Lancaster University.

The University is committed to creating an environment where transition may be safely undergone and recognises the need to protect vulnerable transitioning people.

The University does not tolerate any forms of homophobia, transphobia, harassment, bullying, abuse or other forms of discrimination. It will not discriminate on the basis of people’s actual, perceived or attributed gender identity or expression, as well as on the basis of other intersectional grounds of discrimination, including age, disability, gender, marital or civil partnership status, pregnancy and maternity, race, religious or political belief, sex or sexual orientation.

The University will not tolerate actions or omissions that expose members of our community to abuse, harm or neglect on the basis of their actual, perceived or attributed gender identity or expression.

# Purpose of this policy and of the associated guidance

The University aims to provide support and guidance to members of staff and students, including those who wish to undergo, are undergoing or have undergone a gender transitioning process. It makes a commitment to increase understanding of gender identity and trans issues both individually and collectively through this policy and the associated guidance. The policy refers to the requirements of relevant legislation, including the Equality Act 2010 and the Gender Recognition Act 2004.

The University recognises that transitioning is a very significant decision in a person’s life and aims to raise awareness and understanding among staff and students to support this process.

The University recognises all variations of gender identity beyond the definition of ‘gender reassignment’ provided by the Equality Act 2010, including people who do not wish to undergo or have not undergone a formally and/or legally recognised transitioning process, and individuals that do not necessarily identify with gender binary categories.

The University aims to provide support and guidance for trans and non-binary members of staff and students who do not wish to undergo or have not undergone a formally and/or legally recognised transitioning process, and for those who expressed an intent to transition, and then decided against this.

# Definitions

’Trans’ is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. In this policy, the term trans is used to refer to:

* Persons who intend to take steps, are undertaking steps or have taken steps to align their gender with their gender identity, by changing physiological or other sex attributes.[[2]](#footnote-2)
* People who do not identify with the traditional gender binary categories of male and female, but place themselves within a spectrum of gender identities and expressions, including those who self-describe as transgender, non-binary, gender queer, agender, gender diverse, genderfluid or gender non-conforming.

Please see the Guidance document for further details on the terminology linked with gender identity and expression. This terminology is constantly evolving and highly personal. The list is therefore not exhaustive and is subject to periodic review.

# Principles of the policy

This policy aims to ensure equality and inclusivity for students concerning (but not limited to): admission and progression criteria for students; teaching, research and learning environment; scholarship and grant opportunities under the University monitoring; University accommodation and facilities; health and safety; personal conduct; students’ support.

This policy aims to ensure equality and inclusivity for members of staff concerning (but not limited to): the advertisement of jobs; recruitment, selection and promotion policies; training and awareness; conditions of service, benefits and pay; conduct of work and work environment; University facilities.

The University is committed to ensure an inclusive environment for visitors and contractors where people are treated with dignity and respect.

# Rights and Responsibilities

A trans person has the right to:

* Be openly who they are, expressing their gender identity without fear of negative consequences.
* Be treated with dignity and respect.
* Freely decide if they wish to disclose their gender identity or expression. They can freely decide if they wish to create a support plan in relation to their transition and/or how to communicate their gender identity or expression to others.
* Be addressed with their preferred name and/or personal pronouns, whether these are reflected in official records or not.
* Privacy and appropriate confidentiality of records. Disclosure of information will happen only with their consent, unless there is a statutory obligation to release this information.[[3]](#footnote-3)
* Equal access to education, employment, services and facilities through the University.
* Reasonable adjustments if transitioning is affecting work/education.

If a trans person wishes to request the University support, they have the responsibility to:

* Inform the University as soon as possible of any support needs related to their trans status and/or transition, so that a plan can be put in place with their consent in a timely manner.
* Provide the necessary documentation for changing records in a timely manner.

The University has the right to:

* Request that the trans person provides the relevant documentation required by law in order to change their personal records[[4]](#footnote-4)
* Use the trans person’s birth name when legal processes oblige the University to do so.[[5]](#footnote-5)

The University has the responsibility to:

* Oversee the implementation of this policy and the associated guidance in a fair and transparent manner.
* Ensure that all staff understands and adopts this policy and the associated guidance.
* Take steps to provide assistance and support when requested by a trans student or member of staff, including the creation of a Transition Support Plan if requested by the trans student or member of staff.
* Observe the trans person’s privacy and confidentiality.
* Act as a Key Contact in all matters, including communicating information on trans status and/or transition to other colleagues and/or students, however only with the person’s consent.
* Raise awareness and provide advice and training on gender identity and expression to staff and students.

For further details on actions to support trans students and staff, including guidelines on Key Contacts and on how to create a Transition Support Plan, please consult the University Guidance on Gender Identity and Expression.

# Confidentiality

The University respects the confidentiality of trans people. No information regarding their previous name or identity, transition or Gender Recognition Certificate (GRC) status will be disclosed to any persons without the prior agreement of the person concerned, unless a statutory obligation to release exists.

It is a criminal offence under the Gender Recognition Act (GRA) 2004 and the GDPR for a person to disclose information acquired in an official capacity about a person’s application for a GRC or about the gender history of a successful applicant.

Any actions taken by an individual to undergo or continue transitioning will be kept strictly confidential.

If a person notifies the University of their intent to transition, actions shall be taken as required to change that person’s name and gender on University records, and to remove any references to a person’s previous gender, unless supporting evidence is required.

Updating of University records shall not be dependent upon individuals providing a GRC, but when they do, this information shall be maintained, and confidentiality protected in line with the Gender Recognition Act.

Any materials related to the individual’s transitioning process, including records of absence for medical reasons, will be stored securely and kept confidential.

# Discrimination, harassment, bullying and abuse

Any incidents of discrimination, harassment, bullying and abuse whether perpetrated by staff, students, contractors or other persons will be treated very seriously under the procedures developed by the University in the Bullying, Harassment and Sexual Misconduct policy.

# Legislation

The University is subject to the public sector equality duty to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

For further details on the relevant legislation to ensure equality and inclusion, see Appendix II – Legislation of the University Guidance on Gender Identity and Expression.

Please send any comments on the policy on Gender Identity and Expression and/or the related guidance document to: edi@lancaster.ac.uk

If you require any documents in an alternative format, please contact: edi@lancaster.ac.uk

This policy is available on the EDI Website, at WEBPAGE.com

We would like to thank the Lancaster University Students’ Union, the LGBT Staff Network, and all colleagues across the University that helped us to develop this policy and the associated Guidance.

1. Equality and Inclusion are used in this policy and in the associated guidance to reflect the University’s strategy 2020:

	* Enabling all staff to fulfil their career and personal ambitions.
	* Create a fair and open working environment that embraces all staff and supports them in their personal as well as organisational goals.
	* Engage closely with students, alumni and partners, listening to them and hearing their voices, concerns and ambitions.
	* Continue to enhance the student experience, and in particular our collegiate approach and opportunities for wider learning and development. [↑](#footnote-ref-1)
2. As set out in the Equality Act 2010. [↑](#footnote-ref-2)
3. It may be necessary to disclose information about a person’s trans status for insurance, pension and occupational requirements where a trans person does not hold a GRC. [↑](#footnote-ref-3)
4. Supporting evidence can be provided by presenting one of the following documents: statutory declaration; change of name deed; driving license; passport; national identity card. [↑](#footnote-ref-4)
5. However, the University will be sure to always use the trans person’s chosen name that they go by in every situation that does not legally require them to do otherwise. [↑](#footnote-ref-5)