

## Policy Title

### Student Transgender Policy

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## **Student Transgender Policy**

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### **1.0 Introduction/Scope**

The Bishop Auckland College Group (therefore to be termed BACG) believes that transgender students have the right to equal treatment, protection from discrimination and full support from BACG.

This policy is designed to support students undergoing or proposing to undergo gender reassignment. BACG recognises each student and will be supported on an individual basis.

The policy will use the blanket term 'trans' students as a generic term referring to students who identify as transgender, transsexual or transvestite and who may experience similar forms of discrimination around gender roles and gender identity. 'Gender identity' refers to both the identities of students living in the gender of their birth sex and the identities of transgender people.

It is recognised that there are possible differences between physical sex and gender identity and will at no time discriminate against students on the grounds of transgender, transsexual, intersex conditions or any process of gender reassignment, begun or complete.

As this policy can involve processing of personal data, data protection regulations will be adhered to. Please refer to the General Data Protection Regulation policy (ref: POL-DP-01) for further information.

### **2.0 Legislation**

This policy has been developed to ensure that the BACG meets its legal obligations under The Equality Act 2010 (the Act). The provisions of the Act became law on 1 October 2010. It consolidates and replaces the existing equality laws such as the Sex Discrimination Act 1975 and the Sex Discrimination (Gender Reassignment) Regulations 1999 with a single Act. It builds on existing protected characteristics and now includes gender reassignment; the Act applies to transsexual people and ensures that gender reassignment is a protected characteristic.

A transsexual person is defined as someone who is proposing to undergo, is undergoing or has undergone a process to change their sex. To qualify for protection from direct and indirect discrimination and from harassment on the basis of their transsexual status, transsexual people no longer have to show that they are under medical supervisions, they are protected by the Act.

All trans students will be protected from direct discrimination and harassment if this is experienced because someone thinks that a person is transsexual.

BACG recognises its duty to:

- eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act (this includes discrimination by association or perception)
- promote equality of opportunity
- foster good relations between individuals and communities

The Gender Recognition Act (2004) allows transsexual people (aged over 18) to change their legal identity as male or female. The Act gives transsexual people the right to obtain a new birth certificate, affording them recognition of their acquired sex in law for all purposes, including marriage.

The Gender Recognition Act (2004) gives legal recognition in their acquired gender to transsexual people who satisfy the Gender Recognition panel (a judicial body of lawyers and doctors). A person must have or have had:

- gender dysphoria
- lived in the acquired gender for two years prior to application
- intend to live permanently in the acquired gender

Following a successful application, a transsexual person will acquire the rights and responsibilities of their acquired gender from the date of recognition. The Act also includes measures to protect privacy.

### **3.0 Ensuring Equality for Trans Students**

BACG aims to eliminate discrimination in its practices as well as encourage a change in individual behaviours and attitudes to ensure equality of opportunity and treatment for all students.

Abuse, harassment or bullying (e.g., name calling, derogatory jokes, unacceptable or unwanted behaviour and intrusive questions) are disciplinary offences and will be dealt with under the Organisation's Student Behaviour and Disciplinary Procedure (ref: [BAC-SS-01](#)).

Anti-trans propaganda, in the forms of written materials, graffiti, music or speeches will not be tolerated. BACG will remove any such propaganda if/when it appears on the premises.

Staff should ensure that trans students are treated as being of the gender in which they live. Preferred pronouns can be discussed with a tutor or member of the Student Support Team.

In order for equality and respect to be addressed, toilet facilities, records and confidentiality (covered later in this policy) will be dealt with sensitively, appropriately and in a timely way.

### **4.0 Transition Period**

Any student who has taken the decision to go through the transition process can notify Student Support of their intention to formally transition if they wish to do so. A meeting will be arranged with the student to discuss their transition and agree how the College can support them.

When a person starts to present in their preferred gender, relevant departments and services should ensure everything is in place to avoid any contradictory information.

#### **4.1 Communication**

It is appropriate to discuss how other colleagues and students will be informed. The student might want to do this themselves or might want it done for them. If this is the case, it is important that the student still has some control over what people are told and the language that is used.

## **4.2 Records**

The student undergoing the transition will have the freedom to choose a date at which they expect records held by the College to be changed. It may be the day after the first or second meeting, after they begin transitioning or after surgery, or any other time. Following their request, all BACG's records will be changed.

Access to records showing the change of name and any other details associated with a person's trans status will be restricted to appropriate staff who 'need to know' for specific reasons.

Existing and new notification of certificates can only be issued in a new name where a student provides a statutory declaration of name change (Deed Poll or Statutory Declaration) and a form of ID.

Once a student has obtained a Gender Recognition Certificate there must be no disclosure of this information, not least because it may be a criminal act subject to a maximum £5,000 fine. Breaches of confidentiality will be treated in the same serious manner as disclosure of student details to any other member of staff.

## **4.3 Use of Facilities**

There are several non-gendered multi-use toilets throughout the College building. A student should be granted access to 'men only' or 'women only' areas according to the sex in which they permanently present. Under no circumstances will they be expected to use the facilities of their former gender.

## **4.4 Support**

A trans student may be required to undergo a number of medical treatments to support their transition. These may include:

- Therapist visits
- Doctors visits
- Electrolysis
- Laser hair removal treatments
- Time off for surgeries

Staff should be aware that the possible side effects of medication may adversely affect performance and the student may need a reduced timetable for a temporary period

when they return following surgery. A student can speak with their tutor to complete an Extenuating Circumstances Form or apply for a study break.

#### **4.5 Confidentiality**

All trans students can expect to have any requests treated in the utmost confidence and BACG will respond in confidence to any requests made. It is essential that the student grants permission before their status is discussed with any third party.

#### **5.0 Complaints**

BACG will seek to provide a supportive environment for those who make claims of discrimination or harassment. This includes challenging discriminatory behaviour by staff, managers, students or service users.

Acts of discrimination (direct or indirect), harassment, victimisation or abuse on the grounds of gender identity, will be treated as a serious offence and will not be tolerated. Any student who feels they are being subjected to the above behaviour by anyone should raise the matter and it will be dealt with under the Organisation's Student Behaviour and Disciplinary Procedure (ref: [BAC-SS-01](#)).

#### **6.0 Terminology**

##### **6.1 Acquired Gender**

The 'new' gender of a person who has had their gender reassigned and/or legally recognised.

##### **6.2 Gender**

Commonly understood as masculinity or femininity are not physical things we are born with, they are socially constructed and learnt over time. To say something is a social construct means it is a product of that particular society and will vary over different countries, cultures and societies. For example, masculinity in the UK is usually associated with sporting prowess, physical fitness, strength and toughness. Femininity is usually shown, in films and adverts for example, as being associated with beauty (stereotypes of which vary and change) and passivity. In most societies, gender is supposed to be consistent with biological sex: males are expected to behave and look masculine and females feminine. Societies therefore assign gender at birth, attached

to biological sex. Gender consists of two related aspects: gender identity and gender role.

### **6.3 Gender Dysphoria**

This is a medical diagnosis of a consistent and overwhelming desire to live in the opposite gender to that assigned at birth. A person with gender dysphoria can experience anxiety, uncertainty or persistently uncomfortable feelings about their birth gender. They may feel that they have a gender identity that is different from their sex at birth. A person with gender dysphoria may assume an identity in the opposite sex. This may involve undergoing hormone and perhaps surgical treatment to change their sex physically, although medical treatment is not a prerequisite of a trans person or of being recognised in the acquired gender.

### **6.4 Gender Identity**

Gender identity is the gender a person identifies with. Described as a person's internal sense of where they exist in relation to being a man or woman, a mix of the two or, unusually, neither.

### **6.5 Gender Reassignment**

The process of transitioning from the gender assigned at birth to the gender the person identifies with. This may involve medical and surgical procedures.

### **6.6 Gender Recognition Certificate (GRC)**

A Gender Recognition Certificate (GRC) is issued by a Gender Recognition Panel and signifies full legal rights in acquired gender and allows issuing of a replacement birth certificate.

### **6.7 Gender role**

Gender role is the way that a person lives in society and interacts with others, based on their sex and gender identity. The role may also be one an individual is supposed to fulfil based on their sex and the gender attached to that sex, which will vary according to culture and society. Every society has stereotypes about how males and females should behave and look, and these stereotypes define an individual's gender role. For example, males are supposed to have short hair, wear trousers and be tough and independent. Females are supposed to have long hair, wear skirts or dresses and be

stereotypically beautiful (definitions of which vary and change). It is through how we look and behave in stereotypically masculine or feminine ways – our gender role- that displays and signals to others whether we are male or female. Gender roles can also prescribe our careers and lifestyles. For example, women are expected to be responsible for childcare and still do the bulk of household labour in families, men are expected to be breadwinners in their family.

### **6.8 Sex**

Sex describes whether a person is male or female and this is defined at birth by doctors based on biological sex characteristics. Defining biological sex at birth is not always straightforward. Some babies are born intersex; having physical/biological characteristics of both sexes. These babies are usually surgically assigned to one sex or the other although pressure groups are lobbying for children to be allowed to decide for themselves about their sex when they are old enough.

### **6.9 Sex (legal)**

In the past in the UK, the legal sex of a person was defined by their birth certificate and could not be changed. The Gender Recognition Act 2004 means people can now apply to gain recognition of their changed gender for all legal purposes.

### **6.10 Transgender or trans**

A transgender person is someone whose gender identity and/or gender expression differs from their sex assigned at birth.

### **6.11 Transsexual**

A transsexual person is someone who has decided that they want to live their life as a person of the opposite sex.

## **7.0 Related Policies and procedures**

- Student Behaviour and Disciplinary Procedure ([BAC-SS-01](#))
- Anti-Bullying and Harassment Policy ([POL-SS-01](#))

## **Contact Information**

For questions or feedback regarding this policy, please contact:

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## **Summary of significant changes**

For information about changes made to this Policy see the [Change log](#) found on our website.