

## Trans Inclusion Policy Statement

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Queen Mary recognises that trans people are often the subject of discrimination and harassment. We want to create an environment where trans people can be themselves and are treated with kindness, dignity and respect.

Where this policy refers to ‘trans people’, it has in mind a broad range of people whose gender identity does not align with the sex/gender they were assigned at birth. This includes those who have non-binary, agender, gender queer or gender-fluid identities (see Appendix 2: Definitions and Terminology for further information).

Queen Mary will at no time discriminate against, or tolerate discrimination against, people on the grounds of their gender identity or gender expression. Queen Mary will support all trans staff and students and visitors and will work to ensure they are able to live, work and study in a safe, respectful and supportive environment.

This policy document provides an overview of the approach Queen Mary will take in supporting trans staff and students, as well as an overview of the current legislation (Appendix 1) and guidance on definitions and terminology (Appendix 2). For further information about the support Queen Mary will provide, and advice for managers, colleagues and student support staff, please see the relevant guidance documents: Trans Policy Guidance for Students and Trans Policy Guidance for Staff.

Queen Mary commits to the following.

### **To be fair, supportive and respectful**

- Queen Mary will work to create a supportive and respectful environment for all trans staff and students, including those who wish their trans status to be known.
- Trans staff and students requiring reasonable time off and/or adjustments will receive support from Queen Mary, who will accommodate their needs where possible. This includes staff and students undergoing medical treatment and/or surgical procedures. Trans staff are entitled to the same sickness absence and pay as other staff.
- Requests to change name and gender on records will be handled promptly and respectfully. Queen Mary will support trans staff and students to communicate any changes to others. This will always be done according to the preferences of the trans individual.

### **Confidentiality**

- Queen Mary will respect the confidentiality of all trans staff and students and will never reveal any information about someone’s gender identity, trans status or history without the explicit and prior consent of the individual. It is the right of the individual to choose whether they wish to be open about their gender identity, trans status or trans history. To ‘out’ someone as trans without their consent is a form of harassment and may amount to a criminal offence and/or disciplinary proceedings under the [Dignity at Work and Study](#)

[Policy](#) (also see Appendix 1 – Overview of the Legislation).

### **Zero tolerance approach to transphobia**

- Queen Mary will not tolerate any form of transphobia, harassment, discrimination or bullying. Transphobic behaviour could include name-calling, derogatory jokes or gestures, intrusive or hostile questioning, refusing to use someone's correct pronouns or name, threatening to 'out' someone as trans, as well as unwanted physical contact and violence. Transphobic attitudes expressed in the form of written materials, graffiti, music or speeches, will also not be tolerated and will be removed from the premises. These are all serious disciplinary (and in some cases criminal) offences and will be dealt with in accordance to our [Dignity at Work and Study Policy](#).
- Trans staff and students will not be discriminated against or treated unfairly because of their gender identity. Staff will not be excluded from employment or promotion or be redeployed against their wishes because of their gender identity. Students will never be denied access to courses because of their gender identity or because they propose to or have transitioned.

### **Access to facilities**

- Trans staff, students and visitors must be able to use the bathrooms/changing rooms that they are most comfortable using without fear of harassment. No one should question or make assumptions about people's rights to use a particular bathroom/changing room. Some [gender-neutral facilities](#) are currently available within the Mile End campus and Estates and Facilities will consider the need for gender-neutral facilities in future projects/work.
- In providing accommodation for students, any concerns or issues raised by trans students will be handled by the accommodation office and will be treated fairly and in line with Queen Mary's obligations under equality law.

### **Creating an inclusive workplace and learning environment**

- Queen Mary will ensure that Human Resources Business Partners (HRBPs) receive trans awareness training. Trans awareness training will also be made available for colleagues/managers of trans staff as well as student facing support staff. Future equality training will also include information about gender identity and trans issues and inclusion.
- Queen Mary will consider gender identity when monitoring complaints of harassment.
- Faculties and Schools will be encouraged to periodically review the curriculum to ensure that it is inclusive and that it does not rely on or reinforce stereotypical assumptions about trans people.
- Queen Mary recognises the importance of intersectionality, and how different experiences will have shaped the lives of trans staff and students. Queen Mary will strive to ensure that trans people do not face discrimination on the grounds of their gender identity or in relation to other aspects of their identity, for example, their sex, race, age, religion or belief, disability or sexual orientation.

**We hope that this policy is a positive first step to supporting trans staff and students. However, we acknowledge that this a complex and evolving area and so we welcome your feedback on any part of the policy. You can feedback to your HRBP or the EDI team at [hr-equality@qmul.ac.uk](mailto:hr-equality@qmul.ac.uk).**

## Appendix 1 – Overview of the Legislation

**Gender Recognition Act 2004** - Gender Recognition Act 2004 allows people who meet certain criteria to apply for a [Gender Recognition Certificate](#). This certificate allows people to obtain certain specific legal documentation, for example birth, death, and marriage certificates, in their new legal gender. The Gender Recognition Act makes it illegal to disclose someone's trans status without their explicit consent. You should never ask somebody for a GRC, and having one is not a requirement for transitioning at work.

**The Equality Act 2010** - Gender reassignment is one of the nine distinct protected characteristics covered under the Equality Act. According to the Act, someone has the protected characteristic of gender reassignment if they are 'propose to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes of sex'.

Both The Equality Act and the Gender Recognition Act have been challenged for using [outdated and inadequate language](#), so at Queen Mary we use the term "gender identity" rather than "gender reassignment". Please see Appendix 2 – Definitions and Terminology for further information.

Under the **General Data Protection Regulation (GDPR)**, whether a person is trans is considered "special category data". This means that information about someone's gender identity, trans status or history cannot be recorded or passed on to anyone else without the explicit and prior consent of the trans individual.

## Appendix 2 – Definitions and Terminology

Queen Mary acknowledges the fluidity of language in this area, which is varied and frequently changes as perceptions change. We are keen to use terms which are generally accepted and in some instances, we have taken our definitions from sources such as Stonewall and the Gender Identify Research and Education Society (GIRES). It is worth noting that some of the language used here and throughout the guidance documents is not the same language used in the Equality Act 2010. We have chosen to use language which we hope is more up-to-date and inclusive of a range of people's experiences and identities. Please send any feedback on this, or any part of the policy, to [hr-equality@qmul.ac.uk](mailto:hr-equality@qmul.ac.uk).

While the language in these policy documents provides some guidance, different individuals may choose to self-identify and describe themselves in a variety of ways, and this must always be respected.

- **Acquired gender** - A legal term used in the Gender Recognition Act 2004. It is defined as the gender that a person who is applying for a gender recognition certificate (GRC) has lived in for two years and intends to continue living in. This term is generally not used within the trans community and many people prefer to use the term "affirmed" gender.
- **Cisgender** - often shortened to 'cis', is a word to describe people whose gender identity aligns with the sex/gender they were assigned at birth (i.e. people who are not trans may identify as cisgender).
- **Cross dresser** - someone who chooses to wear clothes not conventionally associated with their gender. This activity is a form of gender expression. Cross dressers are generally comfortable with their assigned gender and do not intend to transition. "Cross dresser" is now used in preference to the term "transvestite", which is considered to be outdated and can cause offence.
- **Gender** - is complicated and is often expressed in terms of masculinity and femininity. Gender is largely culturally determined and is often assumed to 'match'/align with the sex assigned at birth (for example, someone assigned male at birth is generally also assigned the gender of boy/man, while someone assigned female at birth is assigned the gender girl/woman). Gender often refers to the socially constructed characteristics of women and men and the roles, relationships and norms associated with them.
- **Gender dysphoria** - used to describe when a person experiences discomfort and anxiety because their gender identity does not align with their sex/gender assigned at birth. This is also the clinical diagnosis for someone who doesn't feel comfortable with the sex they were assigned at birth.
- **Gender expression** - how a person chooses to outwardly express their gender, within the context of societal expectations of gender, for example through their appearance and behaviour. A person who does not conform to societal expectations of gender may not, however, identify as trans.
- **Gender identity** - a person's innate sense of their own gender, their internal sense of self, which may or may not align with the sex (and related gender) they were assigned at birth. For trans people, their own internal gender identity does not align with the sex/gender they were assigned at birth (for example, a trans woman could be a person

who was assigned male at birth but identifies and lives as a woman). Unlike gender expression (see above), gender identity is not visible to others.

People have the right to self-identify their gender, and many people reject the whole idea of a gender binary (man/woman), and describe themselves with terms such as **non-binary**, genderqueer, and gender fluid (see non-binary definition).

- **Gender reassignment** – the legal term used in the Equality Act 2010 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 transgender people (referred to in the Equality Act as transsexual people) from discrimination, victimisation and harassment in employment, education and when using services. Importantly, the act requires no medical treatment or interventions for a transgender person to be afforded protection.

The Equality Act has been challenged for using [outdated and inadequate language](#), and the term “gender reassignment” is one that [Stonewall's Trans Advisory Group](#) feels should be reviewed. At Queen Mary we use the term “gender identity” rather than “gender reassignment”.

- **Gender Recognition Certificate** (GRC) – is provided to an individual who has made a successful application under the Gender Recognition Act 2004 to the Gender Recognition Panel. The individual must show that they have lived in their acquired gender for two or more years and intends to do so permanently, and they must have been medically assessed as having gender dysphoria. However, no medical treatment is required.

A GRC gives an individual legal recognition in their acquired gender, giving that person the rights and responsibilities belonging to someone of that gender. The individual will be able to obtain a new birth certificate (if the birth was registered in the UK). There are strict privacy provisions around GRCs and it is an offence for a person who has acquired this information about another individual in an official capacity to disclose it to any other person (Gender Recognition Act s22(1)).

- **Intersex** - an intersex person is born with ambiguous genitalia and/or sex chromosomal variations, making it difficult to classify their biological sex as either male or female at birth. There are many different intersex conditions. An intersex person may self-identify as male, female or non-binary.
- **Non-binary** - an umbrella term to describe people whose gender identity doesn’t sit comfortably with the binary of ‘man’ or ‘woman’. Some non-binary people may identify with some aspects of binary identities (e.g. they may feel they embody some elements of masculinity or femininity or both), while others reject them entirely.

Rather than he or she, non-binary people may use gender-neutral pronouns such as: they, per, zie or fey; and the title Mx may be preferred to Mr, Mrs, Miss or Ms. The term intersex (referring to sex) is not interchangeable with non-binary (referring to gender).

Some people may also describe themselves as genderqueer, gender fluid, pangender, polygender, third gender, neutrois and so on. Non-binary is often also used as an umbrella for these diverse genders, in addition to being used as a distinct gender in itself.

- **Sex** – is assigned to people at birth based on their physical characteristics such as their primary sex characteristics (genitalia) and reproductive functions. The sex assigned at birth is usually male or female, but people who cannot easily be classified in this way are referred to as intersex (see definition above). Sometimes the terms sex and gender are used interchangeably but this should be avoided where possible (see definition of gender and gender identity above).
- **Sexual orientation** - is about who you're attracted to and who you feel drawn to either romantically, emotionally, and/or sexually.
- **Transgender (or trans)** - an umbrella term describing the diverse range of people whose gender identity does not align with the sex/gender they were assigned at birth (for example a trans man could be someone who is assigned female at birth but identifies as a man). By definition, trans includes non-binary people.
- **Transitioning** - the steps a trans person may take to live fully in the gender with which they identify. Everybody's transition is different, involving different stages and over different time periods. Transitioning can include:
  - Social transition: changing your name, pronouns, appearance, and living as a person of your gender.
  - Legal transition: changing your legal name and gender.
  - Medical transition: using procedures such as hormone treatments or surgery to change your body to align with your gender identity.

Not everybody will do all or any of the steps above, but that does not invalidate their gender. It is important to note that transitioning does *not* mean someone's gender identity has changed. The person still has the same identity post transition; instead, they may have changed various aspects of their life to bring these in line with their identity. Transition in non-binary individuals is more likely to be a shift in gender presentation/expression, rather than a complete change of role; it may or may not include medical intervention.

- **Transsexual** – many consider this term to be old fashioned and the term **transgender** is generally considered more inclusive. A 'transsexual' person has the protected characteristic of 'gender reassignment' and is defined in the Equality Act 2010 as someone who is "proposing to undergo, is undergoing or has undergone gender reassignment". It is not necessary for a transsexual person to have to be under medical supervision to be protected in law from discrimination.
- **Transphobia** – a fear or dislike of transgender people, including the denial/refusal to accept someone's gender identity. It is based on prejudice and misunderstanding and can involve verbal abuse, physical violence and other forms of harassment and discrimination.