

Transgender and Non-Binary Equality Policy for Students

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1. Policy

- 1.1. St Mary's University is fully committed to promoting equality of opportunity and creating an inclusive culture for trans and non-binary students, while providing a positive study environment free from discrimination. This commitment is supported by our values of respect, inclusiveness, excellence and generosity of spirit.
- 1.2. The terms 'trans' and 'non-binary' are used throughout this document.
 - The term 'trans' is used to describe any student who identifies as someone whose gender is not the same as, or does not sit comfortably with, the sex they were recorded at birth. The term may include, but is not limited to trans men and women, non-binary people, and gender non-conforming people.
 - The term 'non-binary' is used to describe any student who identifies as someone whose gender identity does not sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely. Students who are non-binary may have gender identities that fluctuate (gender fluid); they may identify as having more than one gender depending on the context i.e., bigender or pangender; feel that have no gender i.e., agender, non-gendered; or they may identify gender differently i.e., third gender, genderqueer.
- 1.3. One of the key aims of this policy is to set out how the University will ensure an inclusive culture that both welcomes and supports trans and non-binary students, and ensures those students are treated with dignity and respect. It will also seek to foster positive relations amongst transgender and non-binary students and the broader University community. This policy is aligned with the St Mary's Student Charter, in which the University commits to providing an environment which promotes equality, diversity and ethical behaviour in all aspects of student life.

2. Scope of the Policy

- 2.1. This policy applies to all St Mary's current and prospective students including undergraduate, postgraduate taught and postgraduate research students. The policy applies to students specifically, there being separate University [Transgender and Non-Binary Equality Policy](#) in place for staff. If a student also works for the University, it is recommended that they review both policy documents and follow the guidance for both their staff and student records.

3. Definitions

- 3.1. This section provides definitions of the terms used within the policy. It is important to recognise that terminology is continually evolving and becomes outdated. Every effort has been made to ensure the terms used are current.
 - 3.1.0. Acquired gender – A legal term used in the Gender Recognition Act 2004. It often refers to the gender that a person who is applying for a gender

recognition certificate has lived in for two years and intends to continue living in.

- 3.1.1. Gender identity – A person’s innate sense of their own gender, whether male, female or something else, which may or may not correspond to the sex recorded at birth.
- 3.1.2. Gender reassignment – To undergo gender reassignment usually means the process of undergoing some sort of medical intervention to match the individual’s gender identity, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender.
- 3.1.3. Gender Recognition Certificate (GRC) – This enables individuals to be legally recognised in their acquired gender and to be issued with a new birth certificate.
- 3.1.4. Non-Binary – A term for people whose gender identity does not sit comfortably with ‘man’ or ‘woman’. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely. People who are non-binary may have gender identities that fluctuate (gender fluid); they may identify as having more than one gender depending on the context i.e., bigender or pangender; feel that have no gender i.e., agender, non-gendered; or they may identify gender differently i.e., third gender, genderqueer.
- 3.1.5. Pronouns – A term used to refer to an individual’s gender, for example ‘he’ or ‘she’. Some people may prefer others to refer to them in gender-neutral language and use pronouns such as they/their or a neo pronoun.
- 3.1.6. Sex - “legal sex” or “biological sex” in this policy is related to the UK government's definition of sex, which refers to the sex infants are recorded as at birth, usually male or female, based on the appearance of their external anatomy. There are also naturally occurring instances of variations in sex characteristics (sometimes known as intersex), where people are born with hormones, chromosomes, anatomy or other characteristics that are neither exclusively male nor female.
- 3.1.7. Trans/Transgender – Umbrella terms to describe people whose gender identity is not the same as, or does not sit comfortably with, the sex they were recorded at birth. The term may include, but is not limited to trans men and women, non-binary people, and gender non-conforming people.
- 3.1.8. Trans/Gender 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.
- 3.1.9. Transitioning – The steps a trans person may take to live in the gender with which they identify. Each person’s transition will involve different

things: for some this will involve medical intervention, such as hormone therapy and surgery. But not all trans people want or are able to have this. Transitioning might also involve telling friends and family, dressing differently and changing official documents.

4. Commitment to Trans and Non-Binary Equality

- 4.1. The University is committed to the following:
 - 4.1.0. Respecting the confidentiality of all trans and non-binary students and not revealing information without the prior agreement of the individual;
 - 4.1.1. Ensuring all requests to change name and gender on records will be handled sensitively and as promptly as possible and that appropriate staff will be made aware of any implications of the changes;
 - 4.1.2. Students will not be denied access to courses, progression to other courses or fair and equal treatment while on courses as a result of their gender reassignment or gender identity;
 - 4.1.3. Discrimination, harassment and victimisation of an individual because of their gender reassignment or gender identity will not be tolerated and will be dealt with under the appropriate procedure;
 - 4.1.4. Providing a supportive environment for students who wish their gender identity to be known;
 - 4.1.5. Including gender identity issues and appropriate use of pronouns as set out in this policy in equality training;
 - 4.1.6. Providing appropriate facilities insofar as it is able for trans and non-binary students;
 - 4.1.7. Providing positive support to students undergoing medical and surgical procedures related to gender reassignment; and
 - 4.1.8. Considering gender reassignment alongside the protected characteristics, when policies and procedures are developed or reviewed, as part of the equality analysis process.

5. Legal Protection

- 5.1. The Equality Act 2010 identifies gender reassignment as one of the 'protected characteristics' on the grounds of which individuals are protected against unlawful discrimination, which includes direct discrimination, indirect discrimination, harassment and victimisation.
- 5.2. Gender reassignment is a personal process. An individual does not need to have undergone medical treatment or to be under medical supervision to be protected under the Equality Act as a transgender person.
- 5.3. It is unlawful to discriminate against someone because they are perceived to be transgender or undergoing gender reassignment, whether or not the perception is accurate. It is also unlawful to discriminate against someone because of their association with a person undergoing gender reassignment (e.g., a family member, friend or partner).

- 5.4. The Gender Recognition Act (GRA) 2004 enables transgender individuals who meet certain criteria to have their gender recognised in law and reflected on their birth certificate, by obtaining a Gender Recognition Certificate (GRC). This means they are legally recognised for all purposes in their acquired gender and have all the rights associated with that gender.
- 5.5. Under the GRA, anyone who obtains information about an individual's gender history in an official capacity (e.g., as part of their work role), may be breaking the law if they disclose the information without the individual's consent.
- 5.6. Not all trans people will choose to apply for a Gender Recognition Certificate and the University will not ask any student or potential student whether they have a Gender Recognition Certificate or ask to see a Gender Recognition Certificate. If the University requires proof of legal sex, a birth certificate or passport should generally suffice.

6. Confidentiality

- 6.1. The University will respect the confidentiality of trans and non-binary individuals and will not disclose information about their transgender history or status, or their intention to transition, without the express permission of the individual.
- 6.2. If a student notifies the University of their intention to transition during their course of study, the University will agree with them what steps should be taken and a date from which records will reflect their acquired gender, where appropriate.
- 6.3. If an individual informs the University that they have received a Gender Recognition Certificate, the University will agree with them what steps should be taken to ensure records adequately reflect their acquired gender.

7. Protection from Harassment and Discrimination

- 7.1. The University does not tolerate discrimination, including direct discrimination, indirect discrimination, harassment and/or victimisation on the basis of sex or gender reassignment.
- 7.2. The University recognises the right of individuals to choose whether to disclose their gender identity and history and is committed to protecting the dignity of all students. The University supports students who wish to change their gender presentation.
- 7.3. Bullying and/or harassment on the basis of gender reassignment may involve verbal or physical abuse. This could include (but is not limited to) the persistently inappropriate use of language or pronouns, dead-naming (referring to someone by their previous name), references to sexual orientation or sexuality and referring to the individual's previous gender.
- 7.4. To reveal an individual's trans status without permission may amount to a form of harassment and can be a criminal offence.
- 7.5. All instances of harassment, bullying and/or discrimination should be considered under the University's [bullying and harassment guidance](#). Should students have

concerns that the statement has been breached these concerns should usually be raised under the grievance procedure, following which disciplinary action may be taken where appropriate.

8. Support, Guidance and Good Practice

8.1. Applications:

- 8.1.1 St Mary's welcomes applications to study from people with all identities and from all backgrounds. The University recognises that trans and/or non-binary applicants may face practical issues and barriers and may have concerns about disclosing their trans and/or non-binary identity. If trans or non-binary applicants would like to seek support and advice before applying, they are encouraged to contact Student Services. The information will be shared only with specific individual staff when necessary, after consultation and with explicit consent from the applicant.
- 8.1.2 If a student is applying through UCAS, they can update their name by emailing official proof to the UCAS Process Team. They can change their gender marker with UCAS by calling them. This means their records will change for all future applications.
- 8.1.3 Updates to an applicant's UCAS record should then appear in the University's systems when they join St Mary's. If they have updated their records between applying through UCAS and enrolment, students can contact the Registry to have their records updated with the above evidence or wait until enrolment to update their student record.

8.2. Supporting Transition at University:

- 8.2.1 Transitioning is the term for the steps a person may take to live in the gender with which they identify. The University recognises that student transition is a matter of personal choice and need not be deemed a medical necessity. Trans students will not be asked about their intention to undergo any medical procedures, and there will be no assumption that trans individuals experience gender dysphoria, a condition where a person experiences discomfort or distress because there is a mismatch between their biological sex and gender identity.
- 8.2.2 The University will take positive action to support trans individuals and resources will be available to help individuals organise an action plan. However, the process of transitioning itself will be entirely led by the trans student themselves.
- 8.2.3 Students who decide to transition while studying at the University do not need to inform anyone of their intentions. However, any student who intends to transition is encouraged to speak with their personal tutor. As this is a personal process and some students may feel uncomfortable talking with their personal tutor, in which case they could speak to another member of staff in their department or contact Student Services in the first instance.
- 8.2.4 An action plan will be agreed with the student and their tutor, should

the student so wish. This will include aspects such as whether the individual will use a different name; what records will need changing; when colleagues and others will be informed about the transition and an agreed timescale for actions to take place. A template action plan can be found at Appendix 1. However, the University recognises that every individual's journey is different and the expectations and responsibilities of each party will be unique to each transition.

- 8.2.5 St Mary's staff will work in partnership with the student to ensure that the appropriate support is identified and the timing of decisions is led by the student. The disclosure will be treated as confidential. No one else will be informed unless the student has been consulted and has given their consent for this.
- 8.2.6 Some students may change their given name when they change their gender identity. Further information can be found at Appendix 2 surrounding name change requests. The University will endeavour to update all records as necessary as quickly as possible. Students wishing to change their first preferred name where they have not changed their legal name should discuss this with the University.
- 8.2.7 The University recognises that students identifying as non-binary or gender fluid may not wish to use male or female pronouns, and would prefer to use 'they' or another pronoun. Students should be addressed and referred to using the pronouns which they choose.

8.3. Disclosure and Barring Service (DBS) check

- 8.3.1 The DBS service offers a [confidential checking service](#) for transgender applicants. This is known as the 'sensitive applications route'. This process is for transgender applicants who do not wish to reveal their gender history. The Disclosure and Barring Service carries out checks in England and Wales and if students have any questions, the sensitive applications team can be contacted via email at sensitive@db.s.gsi.gov.uk

8.4. Student Accommodation

- 8.4.1 St Mary's Accommodation Services has a number of halls of residence, some of which are single sex (male/female). Students can contact the Accommodation Office at accommodation@stmarys.ac.uk if they have any specific requirements, would like to move rooms, or require further guidance and support. Please note, room moves cannot always be guaranteed and may necessarily depend on availability.

8.5. Time off for medical or other appointments

- 8.5.1 St Mary's understands that sometimes trans and non-binary students may need to take time off for reasons related to their trans and/or non-binary identity. Absences for medical reasons and medical or other appointments, including appointments for counselling, will be dealt with in line with the University's [Attendance Policy](#).

- 8.5.2 Students are encouraged to have a conversation with their tutor about any absences they expect to take, so that measures can be put in place to minimise any impact on their studies. Wherever possible, students are encouraged to arrange appointments outside of the times that they have scheduled learning activities. However, St Mary's understands that sometimes this is not possible, and in such cases, students should inform their tutor. Students do not need to give specific details about the appointments when informing the University of appointments, provided they can evidence appointment dates as appropriate.
- 8.5.3 St Mary's understands that sometimes things happen which can make it difficult for students to do well on their course, finish their coursework or submit work on time. Students should refer to the [Extenuating Circumstances](#) or [Leave of Absence](#) policies if they need further support or if you wish to consider taking a period of time out from their studies.

8.6. Dress code

- 8.6.1. Students at St Mary's are encouraged to dress in a way that makes them feel safe and comfortable.
- 8.6.2. Students who wear uniforms have the option to request a set of new uniforms that are appropriate for their gender expression at no extra charge. New uniforms can be used to replace previous ones or can be used as additional garments for students with gender-fluid identities and/or expression or otherwise as appropriate.

9. Facilities

- 9.1. The University recognises that students should be able to use toilets and changing facilities appropriate to their gender identity. Students do not require a Gender Recognition Certificate or to have undergone any medical procedures to use toilet and changing room facilities that correspond with their gender identity.
- 9.2. The University acknowledges that non-binary, non-gendered and other gender diverse people may feel more comfortable using gender-neutral facilities, and these will be made available wherever possible. The University is committed to providing a range of gendered, gender-neutral and accessible toilets across the University campus. The University's plans for 2024/25 include the development of gender-neutral changing facilities in the Sports Centre to supplement the gender-neutral shower and changing room behind the main reception and on the Shannon corridor. As part of every new-build or refurbishment, the provision of gender-neutral facilities will be considered and implemented wherever practical.
- 9.3. The University will comply with all provisions the Equality Act 2010 as an employer, as a further and higher education provider and also as a service provider. It is recognised that under the Equality Act 2010, providers of separate or single-sex

services may exclude, modify or limit access to trans people under certain circumstances. The University is committed, in every case, to ensure the interests of all individuals involved are carefully considered and balanced.

10. International Students

- 10.1. Students undergoing gender reassignment should approach the UKVI Team to discuss any implications for their visa, if they need one. The University will endeavour to use students' correct name, title and gender marker as far as possible in line with visa requirements. Students will require passport, visa or travel documents in their legal name for their records to be updated.
- 10.2. Students who have a passport from a country that does not recognise changes to their name or gender marker and are therefore unable to change your name on their passport, you can consider obtaining a change of name by deed poll which will allow the Home Office to issue a biometric residence permit (BRP) in the affirmed name, providing the individual can demonstrate they are using the acquired name and gender for all purposes in the UK.
- 10.3. Although students may use a different name on their BRP or Residence Card if their country of origin does not recognise changes to their name or gender marker, they should consider whether they will be required to show these UK documents for any reason in their home country, and whether the documents will be accepted there.

11. References

- 11.1. References provided by the University for current or former students will use the name and pronoun that the individual has informed the University they wish to be known by and will not refer to the person's previous name or reveal their trans status.
- 11.2. Should a reference be received for someone who has transitioned, which refers to them by a previous name or gender, the University will ensure that such information remains confidential.

12. Support Available

- 12.1. Discussing gender identity with family, friends and others
 - 12.1.1 Some students have very positive experiences of discussing their gender identity with family, friends and other people, but everyone's experience is different and issues around gender identity and/or transitioning can be very difficult for some. There is a range of support services available to students at every stage, so they should not hesitate to seek help and advice whenever they need it.
 - 12.1.2 Students can contact [Student Support](#) with any queries and to seek pastoral support.

12.2. External

- 12.2.0. [Gendered Intelligence](#) is a trans-led charity that works to increase understandings of gender diversity and improve the lives of trans people.
- 12.2.1. There are a range of other services if students are experiencing bullying or harassment or if students want to report a hate crime. See the St Mary's [external support](#) pages on the website for more information.

Appendix 1 - Transition Support Checklist

Transition Support Checklist for Students	
	<p>This checklist seeks to provide guidance and support for individual students who are transitioning. The checklist may also serve as a resource for those individuals' tutors as they help support those individuals through transition. Finally, this checklist may be used as a reference for other tutors or staff members who may wish to know more about the steps involved/support available for those individuals. It should be noted that this is intended as a guide only and may be amended to suit a particular individual's circumstances or otherwise.</p>
Date Completed	Task
	<p><input type="checkbox"/> Identify a main contact</p>
	<p>Identify a person as point of contact to support the individual and agree an action plan. This would usually be the personal tutor or another member of academic staff, but it should be someone with whom the student feels most comfortable.</p>
	<p><input type="checkbox"/> Set timetable for key milestones</p>
	<p>Agreed key dates for appropriate actions e.g., changes to records, announcements/ communications N.B consider confidentiality (what the individual wants disclosed) and data protection implications</p>
	<p><input type="checkbox"/> Make name and gender identity changes in student records</p>
	<p>An agreement between the individual and their tutor to decide which records need changing, e.g.:</p> <ol style="list-style-type: none"> 1. Student records (can be done by the student themselves) 2. Profile on the University website(s)/ students lists/ photographs 3. Email address and signature/computer log-ins (via IT) <p>Once the name and gender are changed through Registry, the updated name will automatically change on their St Mary's login account display name and email display name, usually within a day.</p>
	<p><input type="checkbox"/> Agree the date of living full time in the new gender at the University, as appropriate.</p>
	<p><input type="checkbox"/> Facilitate external name/gender changes (made by the individual)</p>
	<p>Any external communication the individual needs to have: individual to arrange for these documents to be changed themselves, as necessary, and to then provide any as required to the University for its records. The University</p>

	may need to notify certain external organisations (eg placement providers) of a name and gender change. Such disclosure will be made on a 'need to know' basis.. Any other communication to be made on behalf of the individual must have consent, e.g. communication with charities and funding bodies should be agreed with the individual.
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	Additional questions/issues to be considered
	☒ Is the individual taking any extended time off? Will the leave of absence policy be relevant?
	☒ Is time off needed for medical appointments?
	☒ How can ongoing non-medical procedures be accommodated? People may have other appointments relating to transition, such as laser hair removal, or sessions with a speech therapist; an individual transitioning female-to-male may require structured programme of exercise to maximise the effect of hormone treatment. Consider whether these could be accommodated by using the extenuating circumstances policy.
	☒ Is the individual having any planned surgery? Recovery periods may be short or extended, depending on the surgery, and any complications, and several surgeries may be needed. Students will may wish to discuss the possibility of intermitting from their studies for a specific period of time.
	☒ What arrangements have been made to ensure the individual is able to return to their course?
	☒ Are there any risks to the individual e.g. in relation to third parties or media intrusion, and how will they be handled?
	☒ Has workload during transition been discussed with all tutors? There may need to be some flexibility on deadlines and/or adjustments, especially if there are unexpected side effects or surgical complications.
	☒ Which facilities (toilets, changing rooms etc) will be used and from when?
	Support for the individual
	☒ Does the individual have a support network? Be sensitive to the fact that transitioning is a time that family/friendships/personal relationships may be strained and some individuals may be isolated from their previous support network.
	☒ Is the individual receiving gender identity counselling through a specialist clinic?
	☒ Is the individual aware of the University's student support? Is the individual aware of the University's mental health support for students?

	<input type="checkbox"/> Is the individual aware that support may be available through the Students Union?
	Communication
	<input type="checkbox"/> How and when will staff and students in department and University be informed? Can a statement be agreed? Does the individual want to do this themselves or do they want this to be done for them and if so by whom?
	<input type="checkbox"/> How and when will external contacts be informed?
	<input type="checkbox"/> Is there a training need (e.g. for colleagues and/or other students)?

Appendix 2 – Changes of Name/Pronoun/Title/Gender

1. Students can request to change their name in SITS if they are able to provide legal proof of a change of name. Examples of proof could include an up-to-date passport, a document of deed poll confirming a change of name or an updated birth certificate. Situations in which this might occur is if a student get married or divorced, changes their legal or known name, or changes gender or the way they are identified following gender reassignment. If a student wishes to change their preferred name when they have not changed their legal name, they should raise this with their personal tutor or Student Services in the first instance, although it is possible to add a preferred 'known as' name into the system as below.
2. The details will need to be changed in the STU record – All name fields can be changed by selecting 'Edit Name'.
3. In the case of gender reassignment, the University can amend a student's sex to either M/F or O for Other where a student prefers not to be defined by gender.
4. Titles are also mostly gendered but there is an option to select MX for the student's title.

The screenshot shows the 'Full Student Details' form in the SITS system. The form is titled '[STU] Full Student Details' and displays the student ID '04535 SRS01' and the date '03/Jul/2023'. The form is divided into several sections:

- Student Information:** Includes fields for Student, Known As, D.o.B., Forenames, Official name, Title, Surname, Previous name, Letters, Gender, and Initials. The 'Title' field is highlighted in yellow with the value 'BR'. The 'Gender' field is highlighted in green with the value 'M'. The 'Edit name?' checkbox is highlighted in yellow.
- Reference ID:** Includes fields for Reference ID, Start date, End date, Batch Number, User Test 1, User defined 2, Research council, Another no., TOEFL Ref Number, and Partner Stu. no.
- Personal ID:** Includes fields for Personal ID, GMC reg., Scottish cand., Vocational qual, Stu. Union No., Library No., Unique Learner, ISA Ref Number, IELTS ref number, and Personal ed no.
- HESA ID:** Includes fields for HESA ID, Stu support no., External Ref., Teacher T. Ref, Nurse Ref, NI Number, and Dpt of Health reg.

5. Press CTRL +S to save the changes then check the SPR screen to make sure that they have populated.
6. It is possible to add a preferred 'known as' name into a field in this table if required.
7. Changes to degree certificates can only be allowed where the student provides legal proof of the change of name. The existing award will

need to be rescinded and a new award created in SAW to reflect the name change but retaining the existing dates.