

**MANCHESTER METROPOLITAN UNIVERSITY**

**ACADEMIC SERVICES**

**Guidance on Administrative Processes to Support Transgender Students**

**September 2019**

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**GUIDANCE TO SUPPORT TRANSGENDER STUDENTS**

1. **Introduction**
	1. **Purpose of Guidance**

This Guidance sets out the University’s commitment to adhering to the Equality Act (2010) and the Gender Recognition Act (2004) in relation to trans equality. The Guidance sets out the responsibilities of all members of the University in ensuring we are able to demonstrate our commitment to supporting current, former and prospective students.

* 1. **Scope**This Guidance is applicable to all staff and students at Manchester Metropolitan University.

In this Guidance, the term ‘trans’ is used to refer to people living with any type of trans identity, which may be different from the two traditional gender identities available. Trans is an umbrella term, to include those who define themselves as transgender, transsexual or transvestite.

The term ‘transgender’ is used to refer to people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes of sex.

1. **The Legal Framework**
	1. **The Equality Act 2010**
		1. The Equality Act 2010 lists gender reassignment as one of nine protected characteristics. The Act consolidates and supersedes all existing legislation on discrimination because of gender reassignment, and offers far-reaching protection from discrimination on grounds of gender reassignment.
		2. The guidance to the Act makes it clear that gender reassignment is a social process and not a medical process. The following people are protected under the gender reassignment provisions of the Act:
* Individuals who are intending to undergo, are currently undergoing, or have undergone some form of gender reassignment;
* Transgender people who are not under any type of medical supervision;
* People who experience discrimination or harassment because they are perceived to be transgender;
* People who experience discrimination or harassment because of their association with a person who is transgender. For example, the partner or parents of a transgender person.

	+ 1. The Act makes it unlawful to:
* Directly discriminate against someone because of gender reassignment;
* Indirectly discriminate against someone because of gender reassignment;
* Subject someone to harassment because of gender reassignment. (*Harassment is defined as unwanted conduct towards another person related to a protected characteristic, which has the purpose or effect of violating that person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.)*
* Victimise someone because they have (or are perceived to have) made a complaint or allegation, or have given evidence against someone else, in relation to a complaint of discrimination relating to gender reassignment;
* Discriminate against a transgender person in some circumstances after the professional relationship has ended.
* Treat someone less favourably because of their association with a transgender person.
* Treat someone less favourably because of a perception that they are transgender.

	1. **The Gender Recognition Act 2004**
		1. The Gender Recognition Act (2004) provides a mechanism, which allows trans people to change their gender for all legal purposes, providing they satisfy the Act’s evidence requirements.
		2. Trans people may apply for recognition of their preferred gender identity after living permanently for 2 years in that identity.
		3. A trans person is never obliged to seek to have recognition of their preferred gender identity, it is up to them as to whether they seek gender recognition or not. Some trans people may have personal reasons for not seeking recognition of their preferred gender identity. A trans person must never be questioned as to why they have not sought recognition.
		4. If a gender recognition panel approves a person’s application, the individual will be issued with a Gender Recognition Certificate, which they may use to obtain a new Birth Certificate, which does not disclose the fact that they have changed gender.
		5. The Gender Recognition Act creates a criminal offence where information about an application for a Gender Recognition Certificate is disclosed in certain circumstances.
		6. A trans person is usually not obliged to show their Gender Recognition Certificate. They may provide a Statutory Declaration of Name Change, Deed Poll, or their new Birth Certificate to confirm name change whilst a student of the University.
1. **Policy Statement[[1]](#footnote-1)**
	1. Manchester Metropolitan University is proud of its diverse community of students, staff and visitors, and is committed to creating a positive environment where everyone is treated with dignity and respect. This is reflected in our values and behaviours and in our Equality and Diversity Policy.
	2. The University recognises that there can be differences between a person’s biological sex and their gender identity, expression, or presentation and supports the right of an individual to change their gender expression and/or presentation in line with their preferred gender identity.
	3. The University will not unlawfully discriminate against a person because of:
* Their cross-dressing;
* Their gender identity, expression, or presentation;
* Their being transgender-identified;
* Their being transsexual;
* Their intention to undergo, are undergoing, or having undergone gender reassignment;
* Their non-binary, or non-traditional gender identity, expression or presentation;
* Their gender variance, or variant identity;
* Their intersex condition;
* Any other process, or part thereof, of gender reassignment, either commenced or completed.
	1. The University respects the right of the individual to choose whether or not to be open about their trans status. When a person wishes their trans status to be known, the University will provide a supportive and inclusive environment.
	2. Acts of discrimination, or harassment relating to a person’s trans status are unlawful and will not be tolerated or condoned.
	3. Transphobic abuse, harassment or bullying (e.g. name calling, dead-naming, derogatory comments or jokes, intrusive questions, unwanted behaviour), including via social media, will be treated as a serious disciplinary offence and will be dealt with under the Student Code of Conduct (students) or Dignity at Work Policy (staff). Transphobic communications in any form are unacceptable and will not be tolerated. The University seeks to take action against those responsible for such behaviour.
	4. The University will ensure that students, including prospective students, are not denied access to courses, progression to other courses, or fair and equal treatment while on courses because of their trans status or gender identity, expression, or presentation.
1. **Disclosure of Transgender Status**
	1. **Disclosure**
		1. In order to be protected under the Equality Act 2010, there is no requirement for a transgender person to disclose their transgender status.
		2. All trans people have the right to choose whether or not to disclose their trans status.
		3. Manchester Metropolitan University is committed to providing a supportive environment for students who wish to disclose their trans status to the University. We recognise that some students may decide to transition while at University. We seek to provide a sensitive and supportive environment for students who transition at University, and will look to ensure that we meet their specific needs.
		4. We respect an individual’s right to choose not to disclose their gender identity, but we cannot offer tailored support if an individual does not disclose.
	2. **How to Disclose**
		1. Students are encouraged to discuss their needs with the University, including how they would like their transition to be managed.
		2. Students may choose how and to whom they disclose, including to a confidential email address: personaldatachange@mmu.ac.uk. Students will often disclose to a member of staff with whom they feel comfortable, which may include:
* Personal Tutor
* Course or Unit Tutor
* Counselling Staff
* Wellbeing Adviser
* SU Advice Staff
* Student Advisers on the Hub

Staff to whom students disclose should contact personaldatachange@mmu.ac.uk for advice on how to proceed. As far as possible, they should keep the student informed about this and seek the student’s permission to do so, or support students in contacting this email address themselves.

Staff responsible for personaldatachange@mmu.ac.uk will support the student in agreeing a confidential action plan, which will include a list of people (staff and students) who will need to be informed about the student’s transition and the most appropriate way to tell them.

1. **Roles & Responsibilities**

**5.1** Manchester Metropolitan University is committed to issues of Equality and Diversity. All staff undertake Equality and Diversity training as part of their induction programme. This includes modules on discrimination, harassment, and victimisation.

Additional training on gender identity is available to all staff via the Equality and Diversity team. Any member of staff wishing to learn more about gender reassignment or gender identity, or are unsure about how this policy affects them, should contact the Equality and Diversity team in the first instance.

Information on how to become a Trans Ally is available at: <https://create.piktochart.com/output/31756949-being-a-trans-ally-in-the-workplace>

 **5.2 All University Staff Responsibilities**

**5.2.1** To respect the dignity of all students.

 **5.2.2** To challenge and report all incidents of bullying, harassment, discrimination or victimisation relating to gender identity.

**5.2.3** To respect the fact that information relating to a student’s gender identity can be sensitive and confidential. Staff should ensure that they are aware of the University’s obligations under Data Protection Legislation and comply with the Data Protection policy.

**5.2.4** To promote good understanding of gender identity issues amongst staff and students.

**5.2.5** To seek advice from the Equality and Diversity Team, in Human Resources, where necessary.

**5.3 Faculty Pro Vice-Chancellors and Directors of Professional Services Responsibilities**

 **5.3.1** To promote a positive and inclusive culture for study and work.

 **5.3.2** Actively promote equality of opportunity and fair treatment of trans students within their department/faculty.

**5.3.3** Ensure that all staff with these responsibilities are aware of them under this Guidance.

 **5.4 Student Management Office Responsibilities**

**5.4.1** To manage the processes as set out in the Appendices of this Guidance.

**5.4.2** To undertake a review of this guidance as policies change and no less than every two years.

 **5.4.3** To update student records as set out in this Guidance.

 **5.5 Student Services Responsibilities**

**5.5.1** To respect the wishes of the student in terms of the actions they wish to take.

**5.5.2** To provide support to the student in terms of their emotional well-being.

1. **Absence Management**

	1. **Time off for Medical Procedures**
		1. Students undergoing gender reassignment will often require time off to attend medical appointments relating to their transition. Such absence will follow the same procedures as if their absence were due to sickness or injury.
		2. Students are advised to contact personaldatachange@mmu.ac.uk to inform the University of any relevant appointments which are scheduled to take place within term time in order for absence to be recorded. A student does not need to provide specific details about the medical appointment when informing the University, providing they are able to evidence appointment/surgery dates as appropriate. Relevant evidence should be sent to personaldatachange@mmu.ac.uk.
		3. Students may wish to meet with their tutor ahead of their period of absence to discuss a learning strategy. The staff responsible for personaldatachange@mmu.ac.uk will be able to assist in arranging a meeting.
	2. **Suspension of Study**
		1. Recovery times for medical procedures vary from between one and twelve weeks or more. As such, it may sometimes be appropriate for students undergoing gender reassignment to request to suspend their studies.
		2. Students who are intending to suspend their studies to undergo transition surgery may wish to speak to a Student Hub Adviser for guidance on the suspension procedure and the implications of suspending their studies. Students may also wish to contact personaldatachange@mmu.ac.uk, who will liaise with the relevant Head of Department on the student’s behalf. If students do not wish to consent to disclosure to the Head of Department, a letter of endorsement, supporting their decision to suspend their studies on medical grounds, will be provided.
2. **Facilities and Accommodation**
	1. The University has some single-sex spaces. In general, trans people can access these spaces according to the gender in which they identify.
	2. In the University, trans people can use single-sex facilities (such as toilets and changing rooms) according to the gender in which they present. It is up to the trans person to decide when they feel comfortable using the facilities appropriate to their affirmed gender.
	3. It is not acceptable to insist that a trans person uses separate facilities, for example accessible toilets for disabled people.
	4. Under no circumstances should a person who is undergoing, or has undergone gender reassignment, be expected to use the facilities of their formerly assigned gender.
	5. The University understands the need for privacy for all students and members of staff. The University also provides gender-neutral facilities across campus that can be used by all students or members of staff.
3. **Record Keeping and Documentation**
	1. **Confirmation of Identity**
		1. A person who has undergone gender reassignment has the right to live as if they had always been of their chosen gender.
		2. If a student undergoes a transition during their period of study, the student should engage with the University to identify the point at which their gender should be changed on all student records and academic transcripts, including student ID cards, email addresses, accommodation access cards, and website references. After this point, the student should be referred to solely in their chosen name and by their preferred title (Miss/Ms/Mrs/Mr/Mx) and personal pronouns (he/she/they). Students should email personaldatachange@mmu.ac.uk for advice.
		3. Trans people can legally change their name by custom and practice (using their name regularly), or by making a statutory declaration of name and/or gender change, however not all trans people will choose to change their name immediately, or at all.
		4. A trans person must not be asked to provide medical evidence of their transition before changing their name and gender on records.
		5. It is never a requirement for a trans person to present a Gender Recognition Certificate to change their name and sight of this should not be requested.
		6. During transition, a trans person may use more than one name. For example, a person may use one name for their bank details and another name for their employee records. This is not illegal, so long as it is not used for fraudulent purposes.
	2. **Updating University records**
		1. A person’s student records should always reflect their current name and gender.
		2. The explicit permission of the student is required before records may be changed. There is no legal need for a trans person to present a Gender Recognition Certificate.
		3. Once the individual wishes to present themselves in their preferred gender, the University will make the relevant amendments to all relevant records, including email and student ID cards, with no requirement for official documentation. This will be for the purpose of participation in University life.
		4. Most trans people who are changing their name choose to present a statutory declaration of name and/or gender change. This may be accompanied by a doctor’s letter asserting that the individual is undergoing gender reassignment and has commenced living permanently in their affirmed gender, but this is not a requirement.
		5. Once records have been changed, all best endeavours will be taken to remove or restrict access to information that would disclose the individual’s trans status to a third party. Under the General Data Protection Regulations, trans identity and gender reassignment constitute ‘sensitive data’. Records which cannot be amended or replaced, and must be retained, in accordance with the Records Retention Schedule, should be scanned and emailed to personaldatachange@mmu.ac.uk for secure electronic retention, which will be destroyed in accordance with the Records Retention Schedule.
		6. Following receipt of a Gender Recognition Certificate and once the University are aware, students may show their new Birth Certificate. At this point, all relevant teams within Academic Services would be expected to destroy documents that could disclose an individual’s trans status to a third party. This will be co-ordinated via the Student Management Office. In instances where it is not possible to destroy documents, the student would normally be informed.
		7. References provided for job applications must make no mention of an individual’s former titles, forename(s) or gender status. To do so without permission is likely to breach the data protection legislation and the Gender Recognition Act 2004 (for those who hold a Gender Recognition Certificate).
	3. **Procedure for Applicants**
		1. Undergraduate applicants applying through UCAS should advise UCAS of any change to gender. Changes will then feed through to the University systems via the UCAS ID.
		2. For applicants who apply directly to the University, changes may be made manually to the system upon request from the applicant regarding their gender change.
		3. Applicants who have fully transitioned between applying and joining the University will need to contact the University to verify their change in gender and, where relevant, name. The student will be treated thereafter as being of the affirmed gender. Information regarding this change will remain confidential.
		4. The applicant will need to notify the Student Loans Company and other funding bodies to ensure payments and enrolment records match.
	4. **Procedure for Graduates**
		1. Graduates who have undergone gender reassignment and now identify in a different gender to that at the time of their award, may request a reissue of award certificates and/or academic transcripts. Requests should be in writing to personaldatachange@mmu.ac.uk.
		2. Before records can be changed retrospectively, the University will need:
* **Either** a copy of a Statutory Declaration of Name Change/ Deed Poll, noting the graduate’s change of name and/or gender;
* **Or** a copy of the individual’s new Birth Certificate;
* The returned original degree certificate, or written confirmation that it has been lost or destroyed.
	+ 1. The University will:
* Amend the full student record – surname, forename(s), sex, title, initials – as appropriate.
* Add a confidential note to the student’s record advising that evidence of name change has been provided. Access to this information will be restricted in the new student records system (U4SM).
* Amend examiners’ reports, Preliminary Examinations and Final Examinations files, making a note of the new details in the relevant places. This will be co-ordinated via the Deputy Directors of Student and Programme Management.
* Amend the main Conferment List in the Awards and Conferments Office.
* Amend thesis and other documentation held in the Library.

	+ 1. The relevant administrator will then write to the following areas, explaining that the student has changed their name:
* The relevant Programmes Team, to amend any paper or electronic files.
* The Assessments Team, to amend any paper or electronic files.
* The Alumni Office, to amend their electronic files.
* The Careers & Employability teams, to amend their electronic files.
	+ 1. If a Gender Recognition Certificate/Birth Certificate is submitted as proof of name/gender change, all records in the student’s previous identity should be replaced with the new identity. No link should remain from the old identity to the new identity. No record should be kept of the Gender Recognition Certificate/Birth Certificate, only a confidential note on the record confirming that evidence regarding a name change was provided.
1. **Additional Considerations**

Trans students are responsible for notifying all other external agencies of their change in name or gender, and if they obtain recognition of their preferred gender identity for all legal purposes. This includes their bank, Student Loans Company, Local Education Authority, and any other sources of funding.

* 1. **Bank Accounts**Individuals should notify their bank about their change in name and gender. An individual may wish to maintain bank accounts in the previous name. This is legal, so long as the maintenance of that account is not for fraudulent purposes.
	2. **Disclosure and Barring Service (DBS) Checks**
		1. Some students undertaking placements will require Disclosure and Barring Service checks.
		2. The DBS has implemented a process specifically for transgender people who do not wish to disclose their trans status to their employer or placement provider. Trans applicants are not required to put their former names or gender on their DBS application form, but they must contact the DBS’s sensitive applications team, ideally before the application is sent to the DBS. The sensitive applications team can be reached at: sensitive@dbs.gsi.gov.uk The trans person will need to send evidence of their former name and gender with a covering letter, confirming their current name, full address and a contact telephone number. The sensitive applications team will then monitor the DBS application and deal with any queries that arise. Further information can be obtained at: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
		3. Where a conviction or other relevant information has been recorded in a previous name, this will be revealed. The person’s former name and gender should remain confidential as long as the applicant has advised the DBS of this conviction, or other relevant information, in advance.
1. **Resolution of Complaints**
	1. Any student who feels that they have not been treated fairly in accordance with this Policy should contact the Student Case Management Team at complaintsappeals@mmu.ac.uk and the matter will be dealt with in line with the University’s Student Complaints Procedure.
	2. Anyone who wishes to make a complaint will be treated with respect and taken seriously. Confidential advice and support is available from the University’s Equality and Diversity team and the Counselling, Health and Wellbeing Service.
2. **Version Number and Approval Dates**

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| --- | --- | --- | --- |
| Version  | 1.0 | Hayley Preston, Deputy Director (Student Management) | 08.11.2018 |
| Version | 2.0 | Hayley Preston, Deputy Director (Student Management) | 16.01.2019 |
| Version | 3.0 | Hayley Preston, Deputy Director (Student Management) | 07.03.2019 |
| Version | 4.0 | Hayley Preston, Deputy Director (Student Management) | 22.05.2019 |
| Version  | 5.0 | Hayley Preston, Deputy Director (Student Management) | 28.06.19 |
| Version | 6.0 | Hayley Preston, Deputy Director (Student Management) | 24.09.19 |
| Version | 7.0 | Jamie Cruise, Awards and Conferment Manager | 17.03.21 |
| Date EIA Approved |  |  |  |
| Approved Date |  | Approved by: (Board/Committee) |  |
| Date for Review: | 2 years from approval date |

1. The Policy Statement was approved by the Diversity & Equal Opportunities Committee and is used in HR guidance for supporting Trans staff. [↑](#footnote-ref-1)