

Transgender Equality Code of Conduct

*“The extent of discrimination against trans people means that unless an organisation is explicitly transgender inclusive, many trans people will assume they will not be treated fairly”
(Morton, 2015)¹*

Context

The University’s Single Equality policy outlines Westminster’s commitment to diversity and equal opportunities:

We are fully committed to creating a stimulating and supportive learning and working environment which is supportive and fair, based on mutual respect and trust, and in which harassment and discrimination are neither tolerated nor acceptable.

This will allow staff and students to reach their full potential regardless of their race, nationality, ethnic or national origins, marital status, disability, gender, gender identity, religion or belief, sexual orientation or any other similarly irrelevant factor.

At Westminster, this means providing support and understanding to members of our community who identify as transgender. The University endeavours to respect gender identity, irrespective of legal gender.

The purpose of this document is to raise awareness of this aspect of gender equality to ensure that trans staff and students do not experience discrimination, harassment or victimisation. This code of practice should be read as part of the wider set of policies including the Diversity and Dignity at Work and Study policy.

Definition of transgender

The term transgender (often used interchangeably with ‘trans’) is used throughout this Code of Conduct as an umbrella term for people whose gender identity and/or gender expression differs from their sex assigned at birth. The University acknowledges that there are many nuances of gender expression and people under the trans umbrella may describe themselves using a variety of terms including, but not limited to, transgender man (or transman), transgender woman (or transwoman) and non-binary (having a gender identity that does not fit into the binary of male or female). The term trans can be used (without offence) to identify:

- People whose gender differs from the sex they were assigned at birth
- People undergoing a social gender transition (such as a name change and/or pronoun change)
- People undergoing a medical gender transition
- People who express the intent to undergo any social or medical gender transition

¹ Morton, J. (2015) Gender Identity: an introductory guide for trade union reps supporting trans members

Appendix 1 contains definitions, and Appendix 2 provides answers to frequently-asked questions, for both individuals who are considering transition and those who work and study with them.

Gender identity and transgender identities can be complex concepts to understand for those not directly affected by these issues. Every person's transition is unique, and can involve different aspects, including:

- Social e.g. telling others, changing pronouns and/or title
- Legal e.g. a change of name or gaining a Gender Recognition Certificate (GRC) (see below; it should be noted that a GRC is not required by the University and is not necessary for legal protection)
- Medical e.g. hormone treatment

Transphobia is defined as negative feelings or attitudes towards transgender people. Trans people may suffer from discrimination, be it through deliberate, overt treatment or through ignorance and insensitivity. In either case, it can have a serious impact on the individual, and will not be tolerated in any form at the University.

Legal Framework

The Equality Act (2010) strengthened and streamlined previous equalities legislation. Gender reassignment (one of the nine protected characteristics) is defined as 'where a person has proposed, started or completed the process to change his or her sex'. The Act protects:

- Trans people whether or not they are under medical supervision to undergo gender reassignment
- People who are discriminated against because they are perceived to be trans (even if that perception is incorrect)
- People who are discriminated against because of their association with a trans person

The term 'gender identity' better describes the legal term of 'gender reassignment.'

Under the Equality Act 2010 the University has a public duty to eliminate discrimination and advance equality of opportunity on the grounds of gender reassignment and to foster good relations between those with the protected characteristic of gender reassignment and those without.

The Gender Recognition Act (2004) allows trans people to apply to have their affirmed gender legally recognised through a Gender Recognition Certificate (GRC), which allows the individual to apply for a revised birth certificate. Nobody is entitled to see or record the details of a Gender Recognition Certificate and hence proof of legal gender is evidenced by birth certificate (or similar document). Many trans people do not get a GRC; trans experiences differ and many people do not wish to follow that path. Nevertheless, a person does not have to hold a GRC, or be at any particular stage of transition, in order to be treated with dignity and respect and be protected under the Equality Act 2010.

The Data Protection Act (1988) treats trans identity and gender reassignment information as sensitive data. This means that information regarding a person's trans status cannot be recorded or passed to another person unless conditions under Schedule 3 of the Data Protection Act are met.

The Human Rights Act (1988) provides protection to trans people, principally under the right to a private life (including how someone expresses their gender).

Guidance

If you are a student considering or undergoing gender reassignment, you can seek support from a Counsellor in Student Affairs or your Personal Tutor. Members of staff can seek support from their manager or HR Manager/Adviser.

In both cases, support can be provided on putting together an agreed confidential action plan to cover the period of transition (if relevant) and thereafter. For further information see the “Transitioning at Westminster” guidance.

How the University creates a supportive environment

There is a range of policies, guidance, procedures and training in place that support equality, diversity and inclusion at Westminster. With respect to trans people, this includes:

- Communicating this document and associated guidance effectively
- Respecting the confidentiality of trans staff and students
- Not tolerating transphobic abuse (which can include misgendering, deliberately using the wrong pronouns, referring to an trans person’s previous name, discrimination on the basis of gender identity or trans status)
- Providing a supportive environment for staff and students who chose to share their trans status
- Ensuring all staff take the online Equality and Diversity Essentials module that covers transphobia
- Ensuring that all staff involved in recruitment complete training that covers equality and diversity issues
- Providing positive support to staff or students who are undergoing transition

Respecting trans people

The following informal guidelines may be of use to those working with or supporting trans students or staff:

- Think of the person as being the gender they identify as
- Listen to the person and ask them how they want to be treated and referred to
- Use the name and pronoun that the person prefers or asks you to use; for example, some non-binary people chose to use “they” or “ze” instead of he or she
- If you are not sure what the right pronoun is, just ask; if you make a mistake with pronouns, correct yourself and move on
- It is polite and respectful to accept a person’s gender identity as a legitimate expression of who they are, even if that identity is hard for you to relate to or understand
- Respect an individual’s privacy:
 - it’s not okay to ask about ‘real’ or ‘birth’ names – trans people may not want to disclose information about their past, particularly if they feel it might affect how they are treated
 - do not tell others about a person’s trans status – if documents have to be kept that have the person’s previous name and gender on them, keep them confidential and secure
 - respect boundaries – if you feel it is appropriate to ask a personal question, first ask if it is okay to do so (such as questions about someone’s relationships, medical details, sexual orientation)
 - questions about anatomy are never (or extremely rarely) appropriate in the workplace

Practical considerations

A trans person should have access to single sex facilities (such as toilets and changing rooms) according to their gender identity. A trans person should not be asked to use an accessible toilet as an ongoing or indefinite arrangement.

A trans person should have access to gender-specific areas which align with their gender identity, and under no circumstances should they be expected to use the facilities of the gender they were assigned at birth. The University provides gender-neutral toilet facilities at its Regent, New Cavendish, Marylebone and Harrow sites, as well as at the Chiswick Sports Ground. At the present time, only gendered changing facilities are available at the Regent’s gym.

It is recognised that issues can sometimes arise over the use of single sex facilities when a person’s presence in that space is questioned e.g. users of a women’s changing room may express anxieties about the gender of another user. If concerns of this nature are raised, the University has a duty of care to all users to respond to those concerns promptly, in a sensitive and confidential manner with a view to ensuring the use and enjoyment of facilities by all. The University will seek to support a trans person using the facilities, encouraging their participation in activities.

The University is adapting its student and HR records systems to include a wider range of gender identities and titles. In terms of state pensions, trans staff without a Gender Recognition Certificate will be treated as the sex recorded at birth. Gender-specific development activities such as Springboard or Navigator, welcome trans participants, including non-binary staff (who are welcome to attend either programme). The programmes are self-nominating, and it is up to the individual participant to put themselves forward.

Further information

At the University:

University of Westminster Staff LGBTQ+ Network	The LGBTQ+ Staff Network embraces the unique diversity of the University. Members are drawn from all staff groups from across the Departments and include LGBTQ+ individuals and allies. Reflecting the distinctive needs of the Lesbian, Gay, Bisexual and Transgendered communities is a Network Priority, which is demonstrated in membership of the Network Committee Group. Get in touch with the network via lgbt-ctte@westminster.ac.uk
University of Westminster Student LGBTI+ Society	The LGBTI Society aims to raise awareness among Westminster students, support relevant campaigns and offer support to its members. The society also organises regular social events, providing students with a supportive social network during their time at the university. Get in touch with the LGBTI Society via lgbti.soc@su.westminster.ac.uk .
UNISON at the University of Westminster	https://myintranet.westminster.ac.uk/my-journey/unison

External organisations:

The Beaumont Society	An association for the transgender community to facilitate mutual support and communication in order to improve the health, emotional well-being and confidence of transgender people. http://www.beaumontsociety.org.uk/
Equality Challenge Unit (ECU)	Works to further and support equality and diversity for staff and students in higher education institutions across all four nations of the UK and in colleges in Scotland. Provides a central resource of advice and guidance for the sector. http://www.ecu.ac.uk
Equality and Human Rights Commission (EHRC)	The UK's national equality body which works to safeguard and enforce the laws that protect people's rights to fairness, dignity and respect. https://www.equalityhumanrights.com/
Gender Identity Research and Education Society (GIRES)	Overall aim is to improve substantially the environment in which gender non-conforming people live. GIRES upholds the right of all those who do not fit the typical boy/girl, man/woman tick boxes, including people who intend to change gender role completely and others whose gender identity is non-binary, to live proudly in a society that celebrates diversity. http://www.gires.org.uk
The Gender Trust	A listening ear, a caring support and an information centre for anyone with any question or problem concerning their gender identity, or whose loved one is struggling with gender identity issues. http://www.gendertrust.org.uk
Mermaids UK	Raises awareness about gender nonconformity in children and young people amongst professionals and the general public. http://www.mermaidsuk.org.uk
Press for Change	The UK's leading experts in transgender law. http://www.pfc.org.uk
Stonewall	Works for acceptance without exception for lesbian, gay, bisexual and transgender people both in the UK and globally. http://www.stonewall.org.uk

Appendix 1 - Definitions²

Term	Definition
Ally	A typically cis person who supports members of the trans community.
Cis / cisgender	Someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people.
Deadnaming	Calling someone by their birth name after they have changed their name. This term is often associated with trans people who have changed their name as part of their transition.
Gender dysphoria / incongruence	Used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. This is also the clinical diagnosis for someone who doesn't feel comfortable with the gender they were assigned at birth.
Gender identity	A person's internal sense of their own gender, whether male, female or something else (see non-binary below).
Gender reassignment	Another way of describing a person's transition. To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender. Gender reassignment is a characteristic that is protected by the Equality Act 2010.
Gender Recognition Certificate (GRC)	This enables trans people to be legally recognised in their self-identified gender and to be issued with a new birth certificate. Not all trans people will apply for a GRC and you have to be over 18 to apply. You do not need a GRC to change your gender at work or to legally change your gender on other documents such as your passport. A GRC is not required for legal protection.
Gender stereotypes	The ways that we expect people to behave in society according to their gender, or what is commonly accepted as 'normal' for someone of that gender.
Gender variant	Someone who does not conform to the gender roles and behaviours assigned to them at birth. This is often used in relation to children or young people.
Intersex	A term used to describe a person who whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people can identify as male, female or non-binary. The term 'hermaphroditism' is outdated, no longer in current use and its use could be considered bullying/discrimination.

² Taken from Stonewall: <http://www.stonewall.org.uk/help-advice/glossary-terms>

Term	Definition
Non-binary	An umbrella term for a person who does not identify as male or female. See also trans / transgender.
Outed	When a trans person's gender identity is disclosed to someone else without their consent. Also used to refer to when someone's sexual orientation is disclosed in a similar way.
Pronoun	Words we use to refer to people's gender in conversation - 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 and ze / zir
Queer	In the past a derogatory term for LGBT individuals. The term has now been reclaimed by LGBT young people in particular who don't identify with traditional categories around gender identity and sexual orientation but is still viewed to be derogatory by some.
Sex	Assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions. Sometimes the terms 'sex' and 'gender' are interchanged to mean 'male' or 'female'.
Sexual orientation	A person's emotional, romantic and/or sexual attraction to another person.
Trans / Transgender	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. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, cross dresser, non-binary, genderqueer (GQ).
Transgender man	A term used to describe someone who is assigned female at birth but identifies and lives as a man. This may be shortened to trans man, or FTM, an abbreviation for female-to-male.
Transgender woman	A term used to describe someone who is assigned male at birth but identifies and lives as a woman. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female.
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 involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family (social), dressing differently and changing official documents (legal).
Transphobia	The fear or dislike of someone who identifies as trans. It also refers to prejudice, oppression, discrimination and/or exclusion of trans people.
Transsexual	This was used in the past as a more medical term (similarly to homosexual) to refer to someone who transitioned to live in the 'opposite' gender to the one assigned at birth. This term is still used by some although many people prefer the term trans or transgender.

Appendix 2 – Frequently asked questions: trans issues and transitioning at work

A: I work with a member of staff or student who identifies as transgender

What is ‘transgender’?

Transgender, or more often just ‘trans’, is an umbrella term for all those whose identity differs from what is typically associated with the sex they were assigned at birth. There is no universal trans experience, each person’s gender identity and expression is individual, and the steps a person may or may not take to live as trans may vary widely. Trans people are sometimes characterised as those who transition from one gender to another, however it is not necessary to go through, or intend to go through a medical or physical transition to be trans.

Trans identities also include those who identify in other ways than as male or female. Non-binary, or genderqueer, people are those who do not experience themselves as being either male or female. Others may consider themselves as both male and female, or sometimes male and sometimes female. While some non-binary people identify themselves as trans, others do not and may regard themselves as somewhere between (or beyond) cisgender and transgender. As with any trans person, non-binary people may or may not undergo various kinds of social and medical transition.

How do I know which pronoun I should use (e.g. he/she/they/ze)?

If you are unsure of someone’s pronouns, first listen to the person themselves and to how others close to them use the correct pronoun. It is perfectly OK to respectfully ask someone about their pronouns, and best if you can do this (semi) privately. Most trans people would rather be asked than for you to assume their preference. If you do not have the opportunity to do this then using ‘they’ until you can ascertain the correct pronoun is also acceptable – as you would do in any situation where you do not know a person’s gender.

Being misgendered can be upsetting and frustrating for trans people, but if you do accidentally use the incorrect pronouns for someone, apologise, correct yourself and move on!

What is the difference between gender identity and sexual orientation?

Gender identity refers to a person’s internal, deeply held sense of their own gender – whether they are male, female, non-binary or something else. Sexual orientation refers to a person’s emotional, romantic and/or sexual attraction to another person/people.

Do trans people have legal protection?

Yes. Under the Equality Act 2010 it is unlawful to discriminate on grounds of gender reassignment – see the section on Legal Guidance. The reassignment of a person’s sex may be proposed but never gone through; the person may be in the process of reassigning their sex; or the process may have happened previously. It may include undergoing the medical gender reassignment treatments, but it does not require someone to undergo medical treatment in order to be protected.

My colleague/student has informed me that they intend to transition. How should I respond?

Allow the person transitioning to dictate topics of conversation and follow their lead. If you have a close relationship with the person it may be appropriate to ask if they are comfortable talking to you about it. Be a good trans ally. Listen to them. There is a useful guide at: <http://www.glaad.org/transgender/allies>.

It is possible for someone to 'change gender', though be aware that what you perceive as a 'change' may, for the person involved, feel more like a process of aligning their social identity and physical embodiment with their internal gender identity. This process is commonly known as transitioning. Some people undertake a medical transition or 'gender reassignment' which can include taking hormones and/or various kinds of surgeries and other cosmetic procedures. However, not all people who 'change gender' take these steps, and if you want to support your student or colleague, you should listen to and respect how they describe their particular transition. You should also remember that a transition may include a name change, and may not.

When do people who are transitioning start to use the facilities (like changing rooms and toilets) that match their affirmed gender?

The usual starting point for starting to use the relevant gender facilities will be the day the person first works (or studies) in their affirmed gender.

What happens after a person has transitioned?

Transition can be a process with a beginning, middle and end for some people, while for others it can be an ongoing process of gradual social and perhaps physical changes that may not be leading to a fixed end point. For those who feel they have finished transitioning, life may settle into new routines as they live more comfortably in their affirmed gender. Once the person is living full time in the gender under no circumstances should the previous gender identity or name be disclosed without the consent of the person concerned.

Does a trans person have legal status in their affirmed gender?

Yes, under the Gender Recognition Act 2004 – see the section on the Legal Framework above.

How do I respond if a student or member of staff is using inappropriate language in relation to a trans colleague?

The University of Westminster is fully committed to creating a stimulating and supportive learning and working environment which is supportive and fair, based on mutual respect and trust, and in which harassment and discrimination are neither tolerated nor acceptable. Under these circumstances, there are a variety of ways in which you can intervene.

- If you feel able, directly challenge the individual, either at the time or in private later.
- You can change the subject of a conversation or create a distraction to draw attention away from potential harassment.
- You can seek out help from people like tutors, residence assistants, and counsellors (for students) or your line manager or HR (for staff).
- You can recruit allies who might also be uncomfortable about what is happening and work together.

B: I am a member of staff who identifies as trans

Is there a staff network to support trans people at Westminster?

The staff LGBTQ+ network welcomes and supports trans members. You don't have to identify as LGBTQ+ to join as an ally.

Who do I go to if I'm being bullied or harassed about my gender identity or my transition?

It is considered harassment if your manager or colleagues create an intimidating, hostile, degrading, humiliating or offensive atmosphere for you or otherwise violate your dignity.

You are protected from such harassment and other forms of discrimination under the Equality Act (2010). As with all issues of bullying and harassment you may seek support from your line manager or HR Manager or from the Student Counselling Service or your personal tutor. For any incidents of harassment, discrimination or victimisation please refer to the Diversity and Dignity at work and Study Policy.

I identify as trans and wish to transition. Who do I need to contact first for support?

In the first instance, you should approach your line manager. (You can choose to speak to your HR Manager prior to informing your line manager, but where possible, the line manager should be approached first). It is recommended that your line manager works with you to agree an action plan to cover the period of transition.

Can I use the facilities, for example changing rooms and toilets, which match my gender identity?

Yes. The University also has gender-neutral toilets on most sites.

I don't want my colleagues to know yet, can the organisation guarantee confidentiality?

The University is committed to maintaining confidentiality and not disclosing any information without your consent. **The Data Protection Act (1988)** treats trans identity and gender reassignment information as sensitive data. This means that information regarding your trans status cannot be recorded or passed to another person unless conditions under Schedule 3 of the Data Protection Act are met and you agree to this.

Will all my colleagues be informed of my transition?

It is entirely up to you as to how and when colleagues are informed. Details can be agreed within the planning meetings to manage your transition.

Am I entitled to any time off to undergo gender reassignment?

When time off is needed for treatment or surgery, the provisions of the Absence Policy & Procedure apply. Flexibility should also be offered in taking holiday or rearranging working hours where possible in order to attend medical appointments or undergo medical treatment.

What happens if following a medical procedure I am not fit to return to carry out all the duties of my role?

As with any other return to work after a medical procedure a return to work meeting should be held to discuss potential support or adjustments. Altered hours, amended duties, and a

phased return can be discussed and where possible, in line with the needs of the service, agreed with your line manager. Occupational Health can make recommendations where appropriate.

My work involves interaction with students and I'm worried transitioning could complicate my relationships. How will the University support me?

In most cases the change of gender identity will not affect an individual's interaction with students. In those cases where it might, it will be necessary to develop strategies for 'coming out' with your manager and might include; briefing students in advance, or supporting you to give your new name (if relevant) and a brief explanation on phone calls or during face-to-face meetings. Your line manager will of course need to make every reasonable effort to make sure that you continue to be treated with respect.

When will I be able to use single sex facilities?

The usual starting point for using the affirmed gender facilities will be the day you first attend work in your affirmed gender. This can be discussed and agreed within your planning meetings.

When will my details be updated on the organisation systems to reflect my new gender?

This can be agreed within the planning meetings managing your transition at work.

Will my transition affect my pension?

Possibly. Trans people who do not obtain a Gender Recognition Certificate retain their state pension rights in accordance with the sex that is recorded on their birth certificate. Your pension provider will be able to explain how this change may affect your pension or the pension of your spouse/ civil partner in the event of your death. They can also advise of the circumstances in which they need to know if a gender recognition certificate has been obtained. You may like to seek independent financial advice to ensure the most beneficial outcome is negotiated.