

# Supporting Transgender, Intersex and Gender Non-Binary Students Policy

## Introduction and Scope

1. Birkbeck College, University of London is committed to equality for transgender, intersex and gender non-binary people and seeks to promote an inclusive environment that is free from discrimination. This policy sets out how Birkbeck will foster an inclusive culture that both welcomes and supports trans, intersex and gender non-binary staff and students. Furthermore, this policy seeks to further positive relations amongst staff, students and the broader Birkbeck community of which we are all a part by acting as an information resource for those who wish to gain a greater understanding of trans matters at Birkbeck. This includes providing support and understanding to individuals who wish to take, or have taken, steps to transition to a different gender. This policy runs alongside a separate policy for staff [Supporting Trans Staff](#).
2. The accompanying guidance note in Appendix A also outlines practical support that is available should students seek to transition whilst studying at Birkbeck. This will be developed during academic year 2020/21.
3. Birkbeck is committed to providing an inclusive and welcoming academic community where all students are supported to meet their full potential and are respected as individuals. Programme and module content will strive to be inclusive. Any material that contains stereotypical depictions of trans people or transphobic material will be open to critical analysis.
4. This policy applies to enrolled students and encompasses processes such as admission, teaching and learning, awarding, placements, trips, sport and recreation opportunities including Students' Union activities. Prospective students are encouraged to discuss on-course support during their application and enrolment processes.

## Equality and Fairness for All

5. Trans, intersex and gender non-binary students can be confident that Birkbeck staff will:
  - a. ensure fair and equal treatment of all students regardless of how they express their gender identity;
  - b. respect their confidentiality;
  - c. have effective and efficient processes for supporting transition;
  - d. ensure agreed actions are guided by the wishes of the student;
  - e. take action to address (via the appropriate policy or procedure) any incidents of bullying, harassment or discrimination against a trans, intersex or gender non-binary student.
6. In keeping with its wider commitment to dignity at work and study, Birkbeck staff will work proactively to prevent and address all forms of discrimination or harassment based on a person's gender identity. All Birkbeck staff, students and community members should

familiarise themselves with the [College Principles of Dignity at Work and Study](#) and [Principles for Social Media](#) use.

7. Birkbeck recognises that transition can occur at differing speeds and can be difficult and complex time for an individual; transitioning itself can mean different things to different individuals. The College wishes to act in a sensitive and supportive way by having helpful policies and practices in place to ease any transitional period. This policy should be read in conjunction with all the other student policies.

### **Primary Contact and Guidance**

8. The College will provide a primary contact to offer practical support to students who are transitioning during their studies (normally the Head and Deputy Head of Student Services). Students can contact them via [transsupport@bbk.ac.uk](mailto:transsupport@bbk.ac.uk). The primary contact will work with the student to establish a trusted contact in their department to ensure an appropriate Study Support Plan during transition is available.
9. Study Support Plans will be proportionate and support will extend to supporting academic achievement.
10. Birkbeck's Student Wellbeing Service have counsellors who are trained on trans issues but they are also available to speak to trans students about non-gender-related issues. Birkbeck College's Students Union (<https://www.birkbeckunion.org/>) can also offer wide-ranging practical advice.
11. There are significant resources-available to support the trans community external to Birkbeck. To avoid duplicating support structures the College may signpost students to external organisations for support and guidance.

### **Appropriate Language and Terminology**

12. As with most language, definitions and terminology regarding trans people evolve; it is understood individuals will self-determine and choose how they wish to describe themselves which should be respected by all. Some helpful terms have been listed below:
  - a. **Acquired gender** - used to describe a person's gender after transitioning. As this is a legal term, many people now prefer to use the term "affirmed" gender (below).
  - b. **Affirmed gender** - an individuals' gender self-identification, rather than the gender that was assumed based on the sex they were assigned at birth.
  - c. **Assigned gender** - the gender assigned to someone at birth, based on their physical characteristics.
  - d. **Cross dresser** - someone who chooses to wear clothes not conventionally associated with their assigned gender. "Cross dresser" is now used in preference to the term "transvestite", which is considered to be outdated and can cause offence. Cross dressers are generally comfortable with their assigned gender and do not intend to transition.

- e. **Gender dysphoria** - used 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 a medical term.
- f. **Gender expression** - how someone chooses to manifest their gender identity in the context of societal expectations, for example through their appearance and behaviour.
- g. **Gender identity** – the gender that one identifies as; a person's conception of their gender, their sense of self. For trans people, their gender identity may or may not match the gender they were assigned at birth.
- h. **Gender reassignment (or transitioning)** - the process where an individual changes their expressed gender to live in the gender with which they identify. For example, a person who was assigned female at birth might decide to take steps to live the rest of their life as a man. Gender reassignment does not require medical treatment and is a protected characteristic under the Equality Act 2010.
- i. **Intersex** - an intersex person may have the biological attributes of both sexes or those that do not fit with societal assumptions about what constitutes a male or female. An intersex person may self-identify as a man or a woman or neither.
- j. **Non-binary** - an umbrella term to describe people whose gender identity is "fluid" and not exclusively male or female. A non-binary person may identify as neither male nor female or may feel that they embody elements of both genders, or that they are something different. The terms intersex and non-binary are not interchangeable; however an intersex person may identify as non-binary.
- k. **Trans** - an umbrella term describing the diverse range of people whose gender identity or gender expression differs from the gender 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, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, two-spirit, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.
- l. **Transitioning** - the steps a trans person may take to live in the gender with which they identify. Each person's transition is personal to them and will involve different things. For some this involves medical intervention, such as hormone therapy or surgery but this is not the case for everyone. Transitioning might also mean telling friends and family, dressing differently and changing official documents.
- m. **Transsexual** - used in the past as a medical term to describe someone who is proposing to undergo, is undergoing or has undergone gender reassignment. This term is still used by some, but many people prefer the term trans or transgender .
- n. **Transphobia** - a fear of or a dislike of trans people. It is based on prejudice and misunderstanding and can involve verbal abuse, physical violence and other forms of harassment.

Some further helpful terms can be accessed at Stonewall [here](#).

## Respectful Communications

13. Birkbeck is a diverse organisation with students and staff from all across the world. Our College community is expected to be sensitive and supportive to trans, intersex and gender non-binary students and to ensure that they are not discriminated against or harassed.
14. It is recognised that not everybody in the Birkbeck community will be aware of the most appropriate, contemporary language to use in relation to trans issues and transitioning. The College will continue to develop awareness and understanding of trans issues through its policies, practices and the use of inclusive terminology.
15. Trans students may want to tell their fellow students and teachers about their impending transition individually by themselves. If appropriate and with the student's consent, a meeting can be arranged with fellow students from their classes to discuss transition.
16. Birkbeck considers the following points as the minimal level of good practice for all staff to adhere to:
  - a. Trans students should always be referred to as their chosen or known as name, not necessarily their birth name.
  - b. A person who identifies as a certain gender, whether or not they have taken hormones or had surgery, should be referred to using the pronoun (he/him, she/her, or they/them) appropriate for that gender. If unsure what the correct pronoun is, the staff member should ask the student what they prefer. If a mistake is made it should be rectified at the earliest opportunity.
  - c. It is inappropriate and outdated to use the terms 'sex-change' or 'pre/post-operative'. This is because it implies that the process of transition must involve some form of surgery, which may not necessarily be the case.
  - d. Students or staff should not ask personal questions without seeking the student's permission first. Questions such as 'are you taking hormones?' can be considered personal. Staff shall consider whether it is necessary or appropriate to ask such questions before doing so.

## Student Records

17. Student Records are maintained to ensure the effective administration of the College. All student records will be kept in accordance with the College Data Protection and Data Retention Schedule. Where a name change has occurred as a result of transition the record will reflect the change in a timely manner. Students should be mindful that the College has obligations to transfer data to third parties in a number of jurisdictions. It will however always endeavour to transfer the legal or most appropriate name that is in the student's interest.
18. Students have a responsibility to ensure requests for changes of name are made in a timely manner. At key times of the year up to 20 working days should be allowed.
19. The College will take all necessary steps to ensure that an individual's change of name is respected and reflected in official student records where possible. All records, where possible, shall display the 'known as name' of a student by default.

20. A student's 'known as name' can be updated and amended at any time, without need for any supporting documents. Where a student is changing their legal name, the College shall accept a name change by Deed Poll and the College will never ask for a Gender Recognition Certificate when amending names.
21. At a minimum the 'known as name' will be displayed on Student Cards, My Birkbeck, Moodle, email addresses and attendance register. Students can request a new Student Card as soon as they have amended their known as name. This can be requested by submitting an ASK query or contacting the Student Advice Centre.  
  
The College will in the future ensure examination registers display the known as name but at present students must bring with them an appropriate form of identification that displays their full legal name. The Student Card only has the known as name and so cannot suffice. To ensure confidentiality if a student is worried about displaying their previous name at an exam venue they should raise this with their primary contact in advance.
22. Departments often hold their own systems and databases and these are not automatically be reconfigured to show the 'known as' name. Consideration of how autonomously held departmental records will be updated can be incorporated into the student's transition action plan, i.e. who in the department should be informed of the name change, when they should be informed and by whom.
23. Students who just wish to change their 'known as' name should be aware that they will still be officially enrolled at Birkbeck under their legal name and degree certificates can also only be issued in the student's legal name.
24. It is possible for anyone living in the UK to change their name legally relatively easily. It can be done by deed poll, by making a 'statutory declaration of name change' or even if the person just states their intentions in writing and has the document witnessed. It is also possible to change the title at the same time. The Citizens Advice Bureau can provide advice on this. International students will need to liaise with International Student Administration (ISA) for advice. Due to the Tier 4 visa regulations it may not be possible to amend their legal name or continue to sponsor students requiring a period of leave for transition purposes.

### **Toilets and Facilities**

25. College facilities have been provided for the convenience of students, staff and visitors. This includes the provision of all-gender, male and female toilets. All facilities and their users should be treated with respect and no student should be discouraged from using the toilet of their choice.

### **Sport**

26. Birkbeck provides a number of competitive and recreational sporting opportunities. Competitive sport is co-ordinated by British Universities and Colleges Sport (BUCS) who use the regulations dictated by each individual National Governing Body to decide on the participation of trans people at a competitive level.

### **Degree or Award Certificates**

27. Degree and award certificates can only be issued in a person's legal name. As such, any name changes must be done via Deed Poll before a degree certificate can be issued in that name.
28. Birkbeck graduates can request to have a previously awarded degree or award certificate reissued in a different name by contacting Registry Services. One change can be made without charge.
29. Students should note that ordinarily, full legal names are announced at Degree Ceremonies and published in the programme. Where a student would prefer their "known as" name to be used for these purposes they should contact Registry services in writing 20 working days in advance of graduation to confirm their preference.

### **Field Trips and Overseas Trips**

30. Studying abroad can be a great time to learn about gender identity and expression across the world and forge connections and alliances across cultures. For transgender and non-binary students, the decision to study abroad can raise many questions. There is no single experience of travelling as trans, intersex or gender non-conforming person. Destinations that look particularly challenging on paper might prove to be straightforward for a traveller (and vice versa). However, it is advisable to assess the risk of travelling, particularly to countries that have a tradition of disproportionate punishments for gender non-conformity and where it may be difficult to access diplomatic assistance. Prior to undertaking study abroad opportunities or field trips you should take advice from the Foreign & Commonwealth Office website for travel safety advice. You should talk to your contact in Student Services.

### **Disclosure and Barring Service**

31. Students registered on certain degree programmes or those involved in voluntary work, may be required to undergo a Disclosure and Barring Service (DBS) check.
32. The DBS has a confidential checking service for transgender applicants who do not want to reveal details of their previous identity to the organisation that requires the check. Applicants should contact [sensitive@db.gov.uk](mailto:sensitive@db.gov.uk) or 0151 676 1452 for more information.

### **Equality Analysis**

33. An equality impact analysis of the Supporting Transgender, Intersex and Gender Non-Binary Students Policy was carried out on 8<sup>th</sup> January 2020 and determined that there were no negative impacts of the policy.

### **Academic Board March 2020**