



## UNIVERSITY OF CUMBRIA

### TRANS STAFF RECORD PROCEDURE

### HUMAN RESOURCES

**NB. This policy is available on the University of Cumbria website and it should be noted that any printed copies are uncontrolled and cannot be guaranteed to constitute the current version of the policy.**

<b>POLICY SCHEDULE</b>	
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Policy Lead Contact	HR Assistant
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Related Guidelines, Procedures. Codes of Practice etc.	<ul style="list-style-type: none"><li>• Trans Staff Record Policy</li><li>• Trans Student Record Policy</li><li>• Equality, Diversity and Inclusion Plan</li><li>• Data Protection Policy</li><li>• Family Friendly Policy</li><li>• Sickness Absence Policy</li><li>• ECU Trans Guidance (May 2017)</li></ul>
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# Trans Staff Record Procedure

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## 1. Trans Staff Procedures

### 1.1 Application to work at the University

When candidates are applying to vacancies on the University's website, the University confirms and collects 2 pieces of information relating to Gender. Firstly, candidates are asked what their gender is. This being Male, Female or Other.

For Gender, there should be an 'Other' category; this other category should be used for the following:

"Equalities Challenge Unit (ECU) recommends the use of the terms 'other' and 'prefer not to say' for people who associate with the terms intersex, androgyne, intergender, ambigender, gender fluid, polygender and genderqueer." (HESA 2020)

The full HESA guidance on Sexual Identification - SEXID (which the University currently holds as Gender) is available on line.

Secondly, candidates are asked the following question:

- Does your gender identity match your sex as registered at birth?*
- *Yes*
  - *No*
  - *Prefer not to say*

### 1.2 Pre-Employment

When candidates are offered a position to work at the University, applicants are required to provide documents to prove their right to work in the UK.

#### 1.2.1 Right to work checks

All offers of employment involve identity and documentation checks. Sometimes, the names on a trans person's documentation (such as passport, birth certificate or qualification certificates) do not tally. Ideally, staff members should have access to a nominated person in HR who is knowledgeable and available to deal with the documentation sensitively. This will involve retaining only what is needed, ensuring that the data is held securely and that there is no informal sharing of this information as this could be unlawful.

Staff who have formally changed their identity and hold a Gender Recognition Certificate (GRC) will not be required to divulge any previous identity on their application as their record will have been transferred in full to their new identity. While it is unlawful to ask a trans person to show their GRC, a person may choose to use their GRC as evidence of their identity.

#### 1.2.2 DBS

If a DBS check is a requirement of the role, the law requires applicants to

disclose all of their previous names and addresses. The DBS has a 'sensitive Application Process' which allows applicants to disclose their previous identities to the DBS only. *"Transgender applicants should contact the DBS sensitive applications line on 0151 676 1452 or email [sensitive@db.gov.uk](mailto:sensitive@db.gov.uk) for further advice about completing the form."* DBS (2020)

HR should check applicant's application forms and direct them to the above details.

### 1.3 Changes During Contract

It is good practice for managers to ask their staff their affirmed name and pronoun.

Should a staff member wish to change their identity during their employment at the University, they should contact their direct line manager and a member of the HR team at [HR@Cumbria.ac.uk](mailto:HR@Cumbria.ac.uk). A range of guidance can be accessed via [StaffHUB - EDI - Transgender and Gender Re-assignment \(sharepoint.com\)](#), including [ECU Trans Guidance](#).

They will be asked the level of change required and this will be actioned without need for evidence other than the written evidence of the request coming from the staff member themselves. This change can include: known as name; title; forenames; surname and gender.

If a trans staff member changes their name under which they are registered at the institution, they will also need to notify the IT Service Desk at [itservicedesk@Cumbria.ac.uk](mailto:itservicedesk@Cumbria.ac.uk) in order for their email address to be updated accordingly.

## 2. Roles and Responsibilities

It is the responsibility of:

- The University Board to follow the policy.
- Directorate to ensure all areas engage with this policy.
- Managers to ensure all their staff are trained and informed to ensure that they are able to adhere to this policy with all staff and students.
- The staff member to communicate any changes outside of the University systems e.g. Bank, Doctor, Funding body and any other affiliated organisations.
- External stakeholders to adhere to this policy when dealing with University of Cumbria members.

## 3. Glossary of Terms

Listed here are current terms which are used either as part of formal or informal communications and examples are taken from the current Equalities Challenge Unit Guidelines (ECU, 2016) and Stonewall glossary of terms, which can be [found here](#). Please note terminology changes and individuals may use different terminology when describing themselves,

which in some cases may be terms which others may find inappropriate but that will be the term the individual has chosen to use and should be adhered to.

<b>Acquired Gender</b>	Legal term for the gender that a person who is applying for a gender recognition certificate (GRC) has lived for two years and intends to continue.
<b>Affirmed Gender</b>	May be used when a person has transitioned but has decided not to apply for a GRC.
<b>Cis or Cisgender</b>	A term used to describe people who are not trans, some people prefer the term non-trans.
<b>Deadnaming</b>	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.
<b>Gender</b>	Gender refers to the cultural and social distinctions between men and women. It consists of three related aspects: gender identity; gender expression; gender role.
<b>Gender expression</b>	The way a person lives in society and interacts with others, the external characteristics and behaviors that are socially defined as either masculine or feminine, such as clothing, hairstyle, make-up, mannerisms, speech patterns and social interactions.
<b>Gender Identity</b>	<p>A person's internal perception of their identity which is subjective and internal to the individual. Gender does not necessarily represent a simple binary choice: some people have a gender identity that cannot be defined simply by the use of the terms woman or man.</p> <p>Someone's gender identity should not be assumed based on their gender expression. If you are not sure, it is best to ask a person how they would like to be addressed.</p>
<b>Gender incongruence and gender dysphoria</b>	Gender incongruence is a medical term used to describe a person whose gender identity does not align, to a greater or lesser extent, with the sex assigned at birth. Where this causes discomfort it is known as gender dysphoria.
<b>Gender reassignment</b>	<p>The legal term used in the Equality Act to describe the protected characteristic of anyone who 'proposes to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex' (Equality Act, 2010).</p> <p>This is the protected characteristic that protects trans</p>

people from discrimination, victimisation and harassment in employment, education and when using services. Importantly, the act requires no medical supervision or interventions for a trans person to be afforded protection.

**Gender recognition certificate**

Gender recognition certificates (GRC) are issued by the gender recognition panel under the provisions of the Gender Recognition Act 2004. The holder of a full GRC is legally recognised in their acquired gender for all purposes.

**It is never appropriate to ask a trans person for a GRC** as it breaches their right to privacy. Once a person has obtained a GRC their gender history can only be disclosed where there are explicit exceptions in law:

- in accordance with an order of or proceedings before a court or tribunal, when it is strictly relevant to proceedings
- for the purposes of preventing or investigating crime, where it is relevant
- for the purposes of the social security system or a pension scheme

**Gender Role**

A society's constructed gender roles, norms and behaviours which are essentially based on the sex assigned at birth

**Gender variance**

Gender variance, also referred to as gender non-conformity, is behaviour or gender expression that does not match socially constructed gender norms for men and women.

**Intersex**

An umbrella term used for people who are born with variations of sex characteristics, which do not always fit society's perception of male or female bodies. Intersex is not the same as gender identity or sexual orientation. Not all intersex people opt for surgery, and many will consider themselves to be intersex rather than male or female.

**Legal sex**

A person's 'legal' sex is determined by their sex on their birth certificate and the assumption made at birth is that their gender status (boy, girl) matches. For higher education institutions (HEI's) and colleges a person's legal sex is only relevant for insurance, pension purposes and in rare cases occupational requirements.

For the purposes of everyday life (including banking, personal identification and travel), a person's legal sex may not be the same as their self-identified gender. For instance, a trans woman can have identity documents such as a passport, driving licence and employment records based upon her gender as female, but still have a birth certificate which states that she is male.

<b>Lesbian, gay, bisexual, trans plus (LGBT+)</b>	While being trans or having a trans history is different from sexual orientation, and historically the two communities have coexisted and supported each other. As a result, advocacy and support groups often cover LGBT+ issues. Trans people can also identify as LGB+. Can also be referred to as LGBTQIA etc.
<b>Misgendering</b>	Refer to (someone, especially a transgender perspn) using a word, especially a pronoun or form of address, that does not correctly reflect the gender with which they identify
<b>Non-binary</b>	Non-binary is used to refer to a person who has a gender identity which is in between or beyond the two categories 'man' and 'woman', fluctuates between 'man' and 'woman', or who has no gender, either permanently or some of the time. 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 (eg bigender or pangender), feel that they have no gender (eg agender, non-gendered), or they may identify gender differently (eg third gender, genderqueer).
<b>Pronoun</b>	A pronoun is the term used to refer to somebody for example she/her/hers/herself or he/him/his/himself. Gender-neutral pronouns include: <ul style="list-style-type: none"> <li>• they/them/their/themselves</li> <li>• che/chim/chis/chimself</li> <li>• E/Em/Eir/Eirs/Emsself</li> <li>• Per(person)/pers/perself</li> <li>• Xe/ hir/ hirs/ hirself</li> </ul>
<b>Real-life experience or experience</b>	'Real-life experience' or 'experience' are the terms used by the medical profession and refers to the period in which an individual is required to live, work and study full-time in their affirmed gender before they can undergo genital surgery. Some trans staff and students may be asked by a gender identity clinic to provide confirmation from their institution that they are undertaking real-life experience or experience.
<b>Self-identified gender</b>	The gender that a person identifies as. ECU recommends that colleges and HEIs recognise a student or staff member's self-identified gender.
<b>Sex</b>	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"
<b>Sexual orientation</b>	Sexual orientation is different from gender identity. Trans people, like any other people, can have a wide range of

sexual orientations beyond those recognised by the Equality Act including heterosexual, lesbian, gay, bisexual, asexual, pansexual, omnisexual and demi-sexual.

**Trans and transgender**

Trans and transgender are inclusive umbrella terms for people whose gender identity and/or gender expression differs from the sex (male or female) they were assigned at birth. The term may include, but is not limited to, trans men and women and non-binary people. Not all people that can be included in the term will associate with it. The terms trans should only be used as an adjective, for example, trans people, trans man or trans woman. However, a trans person may say 'I am trans'.

**Trans 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.

**Trans man**

A person who was assigned female at birth but identifies as a man or towards the masculine end of the gender spectrum. He usually uses male pronouns and is likely to transition to live fully as a man. The terms 'female-to-male' or 'FtM' are shorthand for indicating the direction of a person's transition but these terms can be seen as offensive. Other people may use these terms to describe themselves.

**Trans woman**

A person who was assigned male at birth but identifies as a woman or towards the feminine end of the gender spectrum. She usually uses female pronouns and is likely to transition to live fully as a woman. The term 'male-to-female' or 'MtF' are shorthand for indicating the direction of a person's transition but these terms can be seen as offensive. Other people may use these terms to describe themselves.

**Transition**

Transition is the process of a person changing their social role in order to match their gender identity. Examples of transitioning include telling friends, family and colleagues, changing names, asking people to use different pronouns, and changing the way gender is expressed. For some people, this may involve medical assistance such as hormone therapy and surgery.

**Transphobia**

Transphobia is a term used to describe the fear, anger, intolerance, resentment and discomfort that some people may have as a result of another person being trans. This can result in discrimination, harassment, victimisation and hate crime.



## **4. Contact Details**

For further information regarding any of the issues covered by this procedural document please contact:

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