



TRANS & GENDER IDENTITY POLICY

Audience	STUDENTS
Requirement	ADDITIONAL
Policy Owner	DOSE
1st Delegation	SLT
Last Delegation	TSCQ
Review Cycle	Every 2 years
Last Review	June 22
Due for Review	June 24

Purpose

Fareham College celebrates and values the diversity of its community including its staff and students. Fareham College is committed to treating all employees and students with dignity and respect and seeks to provide a positive working and learning environment free from discrimination, harassment or victimisation.

Fareham College will not discriminate against people on the grounds of their gender identity or gender expression. Where this policy refers to 'trans people', this refers to a broad range of people whose gender identity is not expressed in ways that are typically associated with their assigned sex at birth. This includes those who have non-binary, non-gender or gender fluid identities and individuals who may not identify as trans but who are impacted by matters covered under this policy. While not a gender identity, the College offers its full support to intersex individuals, who are also protected under this policy.

Fareham College recognises that to 'out' someone, i.e. to reveal a person's trans status without their consent, whether staff or student, without their permission is a form of harassment and, in a number of contexts, may amount to a criminal offence. The College also recognises that protection under the Equality Act 2010 is extended to trans individuals from the moment they indicate their intention to transition. We will provide support in line with this, including to those staff or students who identify as non-binary, non-gender or gender-fluid.

This Policy applies to everyone who visits, works or studies with us and, more broadly, anyone associated with Fareham College. This includes staff, students, contractors, visitors and alumni, regardless of race or ethnicity, sex, gender reassignment, disability, sexual orientation, age, religion or belief, pregnancy or maternity status, marriage and civil partnership status or socio-economic background.

Gender Recognition Act

At present, the Gender Recognition Act of 2004 allows people to gain full recognition of their acquired gender. This legal recognition enables people to obtain a new birth certificate that shows their acquired gender enabling them to adopt almost all of the legal rights which are afforded to that sex, including equal marriage rights. However, the law continues to allow sports organisations to exclude transsexual people from certain sporting competitions if they have evidence that the participation of that person would put other competitors at risk or impact on the principles of fair competition.

Scope and Objectives

Students will not be denied access to courses, progression to other courses, or fair and equal treatment while on courses because of their gender identity or because they propose to or have transitioned.

1) Requests to change name and gender on records will be handled promptly and staff and students will be sensitively made aware of any implications of the changes. Students can be identified by their chosen name and chosen pronoun and this will be recorded on our systems.

- 2) We will incorporate trans equality into the discussions about the inclusive curriculum agenda, using curriculum reviews to ensure courses do not rely on or reinforce stereotypical assumptions about trans people and that the course does not contain transphobic material.
- 3) We will ensure confidentiality for all trans students in line with GDPR guidance, not revealing information without the prior explicit agreement of the individual.
- 4) Transphobic abuse, harassment or bullying (name-calling/derogatory jokes (written or spoken), unacceptable or unwanted behaviour, intrusive questions) are serious disciplinary offences and will be dealt with under the appropriate policies and procedures.
- 6) We will provide a supportive environment for students who wish their trans status to be known. However, it is the right of the individual to choose whether they wish to be open about their gender identity, trans status or trans history.
- 7) We will include gender identity issues in equality training and, having consulted with trans staff and students and the wider trans community, include gender identity when monitoring complaints of harassment by protected characteristic.
- 8) In providing accommodation (residential trips) for students, any concerns or issues raised by trans students or others will be handled sensitively and in discussion with the student/s and will be treated fairly and in line with our obligations under equality law. It is best practice to allow trans students to access the residential accommodation they feel most comfortable with which may be the accommodation aligned to their gender identity, or a space that isn't gender specific. These will be considered on a case-by-case basis, looking at what are reasonable adjustments to ensure the dignity and integrity of all students.
- 9) Staff and students undergoing medical and surgical procedures related to gender reassignment will receive positive support to meet their needs during this period.
- 10) Fareham College offers non-prescribed toilets for students to access. Very few toilet facilities remain discreet to identified sex however trans students are entitled to use the toilet to which they gender associate.
- 11) complaints or concerns raised by students, whether trans or not, in relation to gender identity, will be addressed sensitively and may invoke the application of the college disciplinary, code of conduct or dignity at work policies.

Definitions - please see appendix below.

Appendix 1

Trans - Trans is an inclusive term for all those whose gender expression falls outside the typical gender norms. The term 'trans' can be used to identify people undergoing gender transition, people who identify themselves as someone with a different gender from that assigned to them at birth (whether or not they decide to undergo medical treatment). This term should only be used as an adjective.

Gender identity - a person's internal perception of their identity

Affirmed gender- may be used when a person has transitioned but has decided not to apply for a GRC. A dual role person occasionally wears clothing and/or makeup and accessories that are not traditionally associated with the sex they were assigned at birth. Generally, dual role people do not wish to transition and do not necessarily experience gender dysphoria. Some people prefer to use this term.

Gender - sex is the biological difference between men and women, however gender includes socially constructed roles.

Gender identity - a person's internal perception of their identity.

Gender expression - the way a person lives in society and interacts with others. 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. It should be noted that currently, for the purposes of UK law, gender is binary – people can only be male or female.

Gender dysphoria - is a term describing the discomfort or distress caused by the discrepancy between a person's gender identity (their psychological sense of themselves as men or women) and the sex they were assigned at birth (with the accompanying primary/secondary sexual characteristics and/or expected social gender role)' (NHS, 2013). Gender dysphoria is not considered a mental health issue but unmanaged dysphoria or the social stigma that may accompany it and any changes a person makes to their gender expression can result in 'clinically significant levels of distress' (NHS, 2013). In order to qualify for NHS medical assistance to transition, a trans person in the UK must have a diagnosis of gender dysphoria. As not all trans people have gender dysphoria this presents a significant barrier to accessing medical support and the provisions of the Gender Recognition Act.

Gender reassignment - 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). This is the protected characteristic that protects trans 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 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. A full GRC is issued to an applicant if they can satisfy the panel that they fulfil all the criteria outlined in the Gender Recognition Act. Applicants can be UK residents or from recognised overseas territories who have already acquired a new legal gender. The act requires that the applicant is over 18, has, or has had, gender dysphoria, has lived in their 26 affirmed gender for two years prior to the application, and intends to live permanently according to their acquired gender status.

It is never appropriate to ask a trans person for a GRC and regarded as unlawful because 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.

Gender Variance – a more neutral term than ‘Gender Dysphoria’ when individuals experience a mismatch between the way they look on the outside and the gender identity they feel inside or denoting a departure from stereotypical gender experience and expression e.g. dressing or behaving in a way which is perceived by others as being outside cultural gender norms.

Inter sex - 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.

Note: Sexual orientation is a separate issue from gender identity, Trans People may be gay, lesbian, bisexual, straight/heterosexual or identify as having another sexual orientation e.g. asexual, pansexual etc. Sexual relationships may remain the same through the transition process, or they may change.

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

Cisgender - is based on the Latin prefix cis which means ‘on this side of’. The Latin prefix trans means ‘across from’ or ‘on the other side of’. The use of cisgender is debated within the trans community and some people prefer the term non-trans as it familiarises the use of the term trans.