Transgender Students: Policy and Guidance

This policy and guidance applies to current and former students who inform the University that they have made, or intend to make, the transition to living full time in a gender other than the one they were assigned at birth.

OU staff should be familiar with this document when supporting transgender students.

This policy is currently under review as of 28 November 2016 and this review is expected to be concluded in 2017.

If you have any queries as a student, please contact your Student Support Team.

Contact details are on your StudentHome account.
Version: February 2014

This document is published in line with the University’s objective to improve equality policy and guidance for staff and students. Further information about the University’s equality objectives is published on our website at www.open.ac.uk/equality-diversity/.

Acknowledgements

‘Transgender staff and students in higher education’ revised 2010, published by the Equality Challenge Unit

The University acknowledges the support of the Gender Identity Research and Education Society (GIRES) in advising on this policy.
1 Introduction

It is estimated that 650,000 people in the UK experience a significant degree of gender variance. The Gender Identity Research and Education Society (GIRES) states that by 2012 around 18,000 people sought medical treatment for gender dysphoria.

The University recognises that while some people transition from one gender role to another with relative ease, others do not and that, if a person is undergoing a transition, this is likely to impact on their ability to study.

The range of issues that a transgender person has to deal with during the transition process is extensive, for example:

- psychological assessment to confirm diagnosis
- obtaining funds for treatment
- dealing with the effect on family relationships
- managing disclosure to others carefully
- living in the new gender role for a period of at least one year if genital surgery is desired
- changing an extensive list of documents to protect identity
- responding to the reactions of others which can sometimes include transphobic-related abuse or violence.

Whatever your individual circumstances, staff at the University will respond in a supportive way. We will appoint a ‘named contact’ to provide you with information, advice and guidance and, once your authority is given, act on your behalf to ensure that arrangements are in place across the University. The named contact does not take the place of your tutor, who continues to provide you with study support.

The policies and guidance described in this document aim to ensure that you receive appropriate support before, during and after transition so that you can continue with your studies and achieve your study goals.

Section 2 sets out the policy and responsibilities. Section 3 provides guidance for you and your named contact, while Section 4 provides information about the practical support options available to you during your studies.

Section 5 focuses on the actions that need to be taken to change University records if you request this as a former student.

Section 6 provides information about important transgender issues in the form of frequently asked questions.

The appendices provide additional resources for you and your named contact.
2 University policy on transgender students

2.1 Policy aims

The University aims to create an inclusive trans-friendly environment in the workplace, the learning environment, research settings and online activities. For students, the learning environment should:

- be responsive to the needs of gender variant and trans students, enabling students to live in the role that is consistent with their gender identity, and to study effectively
- be free from discrimination, harassment and victimisation in a place where everyone is treated with dignity and respect, including trans people, people associated with trans people and people perceived to be transgender
- support trans students in achieving their study goals.

We respect a person’s choice whether or not to disclose their gender identity or to seek support. However, where disclosure has not occurred, the University may not be able to respond appropriately. Trans students are therefore encouraged to disclose this information to the University so that a named contact can be nominated to provide appropriate information, advice and guidance.

2.2 Rights and responsibilities

All trans students have the following rights.

- To choose whether or not to disclose their gender identity, and to whom they disclose it, and the circumstances where this may be disclosed
- To request the University to update its documents, records and systems to reflect their new gender role, once they have decided to commence living full time in their new gender role
- To request the level and type of study support during their transition that is appropriate to them.

All University staff have these responsibilities.

- To respect the dignity of all students
- To challenge or report incidents of discrimination, bullying and harassment, or victimisation relating to gender identity
- To withhold information about an individual’s transgender status from any other person unless given explicit permission by the individual
- To comply with the law in relation to the protected characteristics of gender reassignment that is in force in Great Britain and Northern Ireland (see Appendix 3).
A named contact supporting a registered student has the following responsibilities.

- To discuss with the student, without pressure and with appropriate sensitivity, how their transition may affect their study
- To reassure the student that the University will support them during their transition, and to explain the support options
- To respect the wishes of the student, and agree and document (in the form of a confidential action plan) how the University will provide such support
- To store sensitive information appropriately and in accordance with the requirements of the Data Protection Act. (There are tighter controls for sensitive personal data, including transgender status, than for other personal data.)
- To implement the confidential action plan agreed with the student, including reviewing progress, until the transition has been completed or to a point agreed with the individual
- To obtain explicit written permission from the student before discussing their gender transition with others, for example with their tutor or with colleagues who update student records
- To change University records at the request of, and with the explicit written permission of the student
- To promote understanding of gender identity issues amongst other staff or students who have regular contact with the student concerned
- To resolve any potential difficulties or conflict that could undermine support provided by the University to a transitioning student.

A named contact supporting a former student has these responsibilities.

- To discuss with the former student their request to change University documents, records and systems, and obtain their explicit written permission to disclose information to other colleagues where necessary
- To explain to the former student that evidence of official name change is required in order to replace qualification certificates; note that it is unlawful to ask for a gender recognition certificate (and no trans person will have one at the point of transition in any case)
- To coordinate changes with the former student and relevant University departments
- In exceptional circumstances where the necessary changes cannot reasonably be made, to explain to the former student the reasonable alternative arrangements put in place, who will continue to have access to the information, and for what purpose
- To store sensitive information appropriately and in accordance with the requirements of the Data Protection Act
3 Supporting you as a registered student

3.1 Disclosure

3.1.1 Benefits of disclosure
We encourage you to tell us about your intention to undertake gender reassignment so that we can provide effective study support. We respect your right not to disclose this information, but we cannot offer support if you decide against disclosure.

If you disclose this information, a named contact will be assigned to coordinate your support during transition. A number of support options will also be available that may enable you to live more easily in accordance with your gender role during your study.

3.1.2 How to disclose
You should notify the University of your intention to transition by posting a letter, labelled ‘Strictly Confidential’, to the Senior Manager in your Student Support Team. The main purpose of this letter is for you to give your explicit written consent for the information to be passed to the appropriate team so that a named contact can be appointed to support you.

For identity purposes, your letter should include your name as it is currently held by the University, your Personal Identifier and your date of birth. A sample letter is provided at Appendix 1 and you can find the address of your Student Support Team in the Student Home Help Centre.

Importantly, you should know that emails may be retained on OU systems for auditing purposes. The risk of your gender status being revealed to others in the future as a result of retention of emails is considered to be low. However, if you are concerned about your gender status being revealed to others in the future, you can choose to avoid using email or limit any information you send by email or other electronic methods.

3.1.3 What you can expect from University staff
All members of staff undertake diversity compliance training as part of their induction. This incorporates information about gender reassignment, including relevant equality law and experiences of transgender students in higher education.

The Equality, Diversity and Information Rights Team provide additional advice and guidance to staff on this area of policy.

3.1.4 Confidentiality and complaints
To disclose information about a person’s transgender history or intention to transition, without their permission, is a form of harassment. It is a criminal offence under the Gender Recognition Act 2004 for a person who has acquired information about a person’s transgender history in an official capacity, to disclose the information to any other person without the explicit agreement of the individual.

All complaints of unacceptable behaviour including, for example, transphobic abuse, harassment or bullying are taken seriously by the University and investigated. The Student Code for Dealing with Bullying and Harassment provides the framework we use for dealing with complaints confidentially, fairly and in a consistent manner.
3.2 Initial response from the University

3.2.1 Appointing a named contact
When you notify the University of your intention to transition, the Senior Manager in your Student Support Team will pass the information only to the team that is responsible for appointing a named contact. The named contact will be suitably experienced to provide appropriate information and guidance, and who, once your authority is given, can act on your behalf to ensure that any necessary arrangements are in place across the University.

Your named contact is your first port of call for any matter relating to gender transition while studying. For information, advice and guidance relating to academic and study support matters, your module tutor and your Student Support Team continue to be your main points of contact.

3.2.2 Discussing the impact on you and your study
Your named contact will liaise with you to discuss, without pressure and with appropriate sensitivity, how your transition may affect you during your studies.

The meeting might take place by telephone, by video or online, depending on your preference and what is practical in the circumstances. You can include a family member, a friend, or an advocate in the meeting if you wish.

3.2.3 Explaining University policy and providing reassurance
During the initial discussion your named contact will:

- explain that staff will respect your dignity regardless of your circumstances
- provide reassurance that the University will support you during your transition, and explain the study support options available
- provide assurance that information relating to your intention to transition will be subject to security arrangements to protect your privacy
- explain that you will be required to give explicit written consent before your transition can be discussed with others on a need-to-know basis, and before any University records are changed
- explain that any complaint of unacceptable behaviour, for example transphobic abuse, harassment or bullying, will be taken seriously by the University and investigated.

3.2.4 Discussing timescales for gender transition
You may wish to change your gender role on a particular date, or you may prefer to adopt a phased approach, for example by living in your new gender role during study but not in other aspects of your life.

Your named contact will ask you to consider and advise the University of:

- the date you intend to transition to live continuously in your new gender role during your studies, which is your ‘transition day’ as a student at the University
- the date from which changes to your records will be required and how this will be managed in a way that minimises the risk of wider disclosure; records will not normally be amended until you have commenced or are about to commence living full time in your new gender role.
• when other staff or students can be informed; it is recommended this takes place before IT systems are updated because when we amend your name on our main student database it feeds through to the customer relationship management system, which is visible to all staff.

3.2.5 Requesting written confirmation of intentions and explicit consent
Your named contact will ask you to provide:

• written confirmation (if not already provided) of your intention to change your gender role
• written consent to discuss your intention to change your gender role with relevant colleagues on a need-to-know basis
• written permission to allow the University to change, delete or purge University records, enabling your privacy to be protected by preventing unnecessary disclosure of your change of gender status.

3.2.6 Discussing practical issues and support required
Your named contact will inform you of the practical support available, some of which may be relevant to your circumstances. This is outlined in Section 4 of this document.

3.3 Preparing for transition day – a confidential action plan

3.3.1 Discussing and agreeing support
After you have had an opportunity to consider the various practical issues, the next step is to discuss with your named contact the specific support you will need. The named contact will aim to respect your wishes and work with you to agree an action plan that is appropriate and acceptable.

3.3.2 Documenting the support arrangements
Once you and your named contact have agreed the support to be provided, it will be documented in the form of a confidential action plan.

Both you and your named contact should type in your names on the confidential action plan as a record of the agreement of support to be provided.

The action plan will include information about who will have access to it and it will be stored in a secure electronic area.

3.3.3 Ensuring everything is in place
Before the day of transition, your named contact will review progress of the arrangements. Checks will cover:

• changes to records and systems
• changes to any documents where your name appears
• notifying other students, with your agreement, if appropriate
• support arrangements for you on the day, if appropriate
• reminding you of your rights and how to get in touch if any difficulties arise.
3.4 Transition day

3.4.1 What happens on the day that you transition?

As a minimum, University records and systems will be updated to reflect your change of title, forename(s) and gender. Your named contact will check that this actually happens on the day and inform you once it has.

If you are participating in any face-to-face or online study activities on the transition day, additional actions may need to be taken.

Your named contact will respect your wishes in terms of support provided on the day. You may prefer a low-key approach, treating this day as just another study day, or you may prefer more visible support, such as being introduced to fellow students in your new gender role, either online or face to face, depending on the circumstances.

Whatever you decide, your named contact will ensure that you are addressed by your new name and referred to by the appropriate gender pronoun.

Make sure you know how to get in touch with your named contact during the day if any difficulties arise.

3.4.2 At the end of the transition day

Your named contact will review what has happened on the day and whether there were any issues that still need to be resolved.

3.5 After transition

3.5.1 Post-transition practical support

After you begin to settle into study in your affirmed gender role, continued practical support may be needed in relation to:

- flexibility in submission of assignments, depending on when medical appointments and/or treatments are required
- additional study sessions, if complications or difficulties arise
- flexibility in taking time out of study, if complications or difficulties arise
- setting up alternative examination arrangements, if necessary
- resolving any potential difficulties or conflict that could undermine support being provided.

For the most part, our normal procedures for addressing the above needs should be used and further information is provided in Section 4.

3.5.2 Post-transition emotional support

Transitioning to a new gender role is likely to involve ongoing processes of social adaptation. Some people require emotional support over many years, both before and after transition.

Take advantage of the support provided by your named contact and your tutor. You may also find it helpful to read the OU booklet *Studying and Staying Mentally Healthy*.

If you become distressed, staff at The Open University will help you decide whether a break from study is the best option for you. However, they are not health specialists and if you become seriously distressed you should speak to your GP, your psychologist or another appropriate professional.
3.5.3 Maintaining the confidential action plan
The confidential action plan should be reviewed from time to time and updated as your circumstances change. You should agree appropriate review intervals with your named contact, but these may become less frequent the longer you live in your new gender role.

3.5.4 Ending gender transition support
Support for your transition should end through mutual agreement between you and your named contact where support arrangements have been implemented and there are no issues relating to study to be resolved.

Any retained records that relate to the support provided to you during transition will be held in a secure electronic area. They will not be retained by your named contact.
4 Practical support during your studies

4.1 Additional study support
If you fall behind with your study for reasons relating to gender reassignment, an additional tutorial or study support session may be beneficial. Your tutor may request an additional academic support session on your behalf if they are satisfied that it is likely to help you to catch up with your studies.

4.2 Advocacy
There may be times when it is easier for you to communicate with us through an advocate. Advocacy involves an individual taking action to help you say what you want, secure your rights, represent your interests or obtain services. You would need to appoint your own advocate and give them authority to communicate with the University on your behalf. Consult the Advocacy guidelines for the procedure and the relevant authorisation form.

4.3 A new student record
When you give permission for your name to be amended on OU systems, your named contact will normally arrange for your current student record to be updated with the new details. This usually takes place once you have begun or are about to begin living full time in your new gender role. Many of our historical records will be updated with your new name, including any online study activities or forums that you participated in. It may be possible for other students who were studying your module to look back at historical content and see that your name has changed. If you are concerned about this, you can request a completely new student record to be created. This would mean that you are allocated a new Personal Identifier and a new OU computer username. The transfer of your essential historical and current study information to the new record is a manual process that can take between 4 and 6 weeks to complete and during this time there will be a disruption to your access to online systems and facilities. Therefore if you do want a new student record, you should give your named contact as much notice as you can and ensure the change is scheduled when you have no essential online study activity to complete.

4.4 The Customer Relationship Management (CRM) system
We use a CRM system to keep records of contact made with students. When you telephone or email us, members of staff have access to information about your study and support needs so they can provide you with an informed response. You may be concerned about questions from staff if there is a perceived mismatch between the gender recorded on your student record and the sound of your voice. With your explicit permission, a temporary note can be added to your record to make staff aware of the fact that you are undergoing gender transition. This temporary note can be added or removed at any time. You need to be aware that all student-facing staff will be able to see this note and will therefore know about your gender transition. Your named contact can discuss the pros and cons of taking this action.

4.5 Bullying and harassment
You should expect to be treated with respect at all times. The Student Code for Dealing with Bullying and Harassment applies across the OU, including at residential schools, tutorials, day schools, research supervision, degree ceremonies and online environments. Any complaint of bullying or harassment is treated seriously and thoroughly investigated. Disciplinary action can be taken in cases where bullying and harassment have been proved.
Cases of alleged serious criminal offence, such as physical or sexual assault, are reported to the police. In such cases the University takes no action under the Code for Dealing with Bullying and Harassment, other than suspension if considered necessary, until the outcome of any criminal investigation is known.

4.6 Continuous assessment (assignment) deadlines

If circumstances arise that make it difficult to meet the cut-off date for an assignment, you should notify your tutor as soon as possible, as tutors have flexibility to offer short extensions to some assignment deadlines. It is usually not possible to extend the submission date of the final assignment as there are strict timescales to meet for providing information to the relevant Examination and Assessment Board. If difficulties arise with your final assignment, you can submit information using the special circumstances procedure, as described below.

4.7 Continuous assessment and special circumstances

If you feel circumstances have adversely affected your performance in continuous assessment, you can submit a special circumstances form. Because University systems retain an audit trail, you may want to provide a limited amount of information through the online submission, and ask your named contact to provide full details and relevant third-party evidence by hard copy, so that no record of your gender reassignment is retained on OU systems.

It is very important that you complete the initial online process to notify us no later than 14 days after the published cut-off date for the final piece of continuous assessment. Submissions received after that are not considered unless evidence is provided that shows you were prevented from meeting the deadline by circumstances beyond your control. You must include supporting documentary evidence which relates clearly to the period during which your performance was adversely affected. A letter from a GP, psychologist or other appropriate professional is satisfactory.

The information is made available to the Examination and Assessment Board for consideration when your module result is being determined. The information provided is only seen by staff to determine the appropriate award or grade and is not retained by them.

4.8 Deferral or withdrawal from a module or qualification

We recognise if you undergo surgical procedures you might need to take time out of study of between one and twelve weeks, or more. Discuss timescales for medical treatment with your named contact as early as possible so that appropriate information, advice and guidance can be given.

A number of options may be possible, such as banking the assessment scores you have already completed, taking one or more years out of study, continuing to study but reducing study intensity, or maintaining intensity of study but studying different modules from those you recorded as your intentions at the start of the year. The rules and policies associated with this are found in Deferrals, Withdrawals and Cancellation.

4.9 Examinations and alternative arrangements

If you think circumstances may make it difficult or impossible to attend an examination centre, for example if the exam is scheduled within the recovery time after surgery, then you may be able to take an examination at home or in another suitable location. You should talk to your named contact as soon as possible as additional arrangements for examinations must be requested at least six weeks before the examination. If unforeseen circumstances
arise after this deadline you should still make contact with your named contact to discuss the options that might be available.

### 4.10 Examinations, examinable work and special circumstances

If, for reasons beyond your control, you are unable to attend your examination or submit your end-of-module assessment, it may be possible to obtain a discretionary postponement to the next examination opportunity or submission date.

Where there have been special circumstances that have affected your ability to attend an examination or have adversely affected your performance in the examinable component of your modules (examination, portfolio, dissertation), you should submit information via the Examinations and Assessment Online Submission tool. Because systems retain an audit trail, you may want to provide a limited amount of information on the online submission, and then ask your named contact to provide full details and relevant third-party evidence by hard copy, so that no record of your gender reassignment is retained on OU systems.

It is important that you submit your initial request for a discretionary postponement or notify us of your special circumstances by midnight (UK local time) on the day following your examination date or date for submission of examinable work. All requests must be supported by evidence, for example, a letter from a GP or psychologist or other appropriate professional. These must be submitted within 14 days of the examination date or date for submission of examinable work.

The University sometimes requires individual students to provide identification, for example to confirm eligibility when applying for financial support or when attending an examination centre. Documents, such as a UK passport or UK drivers licence. In addition, forms P60 and P45 can be amended to reflect a person’s new name. During transition, a person may use more than one identity providing they do not use it fraudulently.

Where documents disclose a person’s former gender status, we will keep such information confidential and limit access to a strictly need-to-know basis.

### 4.11 References

References we provide at your request for job applications make no mention of your former title, forename(s) or gender status, and use the correct gender pronoun. To do otherwise without your consent would be a breach of the Data Protection Act 1998 and the Gender Recognition Act 2004 (for those who hold a Gender Recognition Certificate).

You can request a reference using our online facility.

Should we receive a reference for someone who has previously transitioned and which refers to them by a previous name, we will treat that information as confidential.

### 4.12 Re-issuing qualification certificates

Normally the University makes a charge for re-issuing qualification certificates in a new name. However this fee is waived where the reason is gender reassignment. We do require evidence that there has been an official change of name, for example proof of statutory declaration of name change.

To request a re-issue, please write to The Centre for Qualifications and Ceremonies, The Open University, Walton Hall, Milton Keynes, MK7 6AA, making sure to include evidence of a legal name change and the current qualification certificate. Your named contact can support you with this request if you prefer.
4.13 Single-sex facilities at tutorials, day schools and residential schools

The University hires many premises, such as schools, colleges, and training establishments. Once living full time in the post-transition role, trans men are encouraged to use ‘men-only’ facilities and trans women are encouraged to use ‘women-only’ facilities where provided, for example toilets and changing rooms. It is not acceptable to restrict you to using, for example, disabled or unisex facilities, although you may use these facilities if that is your preference. In some situations it may be helpful to explain to others who use these facilities. However this discussion will only take place with your consent. Those who are uncomfortable sharing facilities with a trans person, for whatever reason, will be directed to other provisions, such as a disabled or unisex facility where available.

4.14 Support and social groups

The Open University Students Association (OUSA) provides online student discussion forums, including one to discuss LGBT (lesbian, gay, bisexual and transgender) issues. The forum is open to any student. Student groups can also ask OUSA to set up a restricted forum if they want a private discussion area.

The LGBT Club provides a social network that brings LGBT staff and postgraduate research students together. Further information is available to postgraduate students on the Equality and Diversity intranet site.
5 Supporting you as a former student

5.1 Referral to appropriate team and allocation of named contact
There are three main reasons why, as a former student, you might declare actual or intended gender transition to the University.

a) To request that all communications are sent to you using your new name
b) To request qualification certificates be issued in your new name
c) To ensure that the University does not inadvertently disclose your transgender history in the future.

All requests from former students are referred to the Head of Student Recruitment. This person will appoint a named contact who, once your authority is given, will act on your behalf to ensure that any necessary arrangements are in place across the University.

5.2 Responsibilities of named contact
Your named contact is not required to develop a full action plan, which is appropriate only for registered students. They have the following responsibilities:

a) To discuss the request with you and obtain your explicit written permission to disclose information to other colleagues where necessary, to enable University documents, records and systems to be changed
b) To explain that evidence of official name change is required to replace qualification certificates; you will not be asked to provide a gender recognition certificate
c) To liaise between you and any other University departments that require information to coordinate changes to University records
d) In exceptional cases where the necessary changes cannot reasonably be made, to explain the alternative arrangements put in place, to identify those who will continue to have access to the information, and for what purpose
e) To store sensitive information appropriately in accordance with the requirements of the Data Protection Act.

5.3 Updating University records
Written confirmation from you is sufficient to enable most University records to be changed, and we do not request proof of change of name, nor proof of gender transition. However, we do need to verify that the request is coming from the person in our records to prevent attempts to impersonate former students.

Where you provide official notification of a change of name, or where you verify in writing that you are living full time in your new gender role, we will amend our records to reflect your new name and gender role. A list of records to be amended will be drawn up and agreed with you.
6 Frequently asked questions

6.1 Are there laws protecting transgender people?
Yes, transgender people are protected from direct discrimination, indirect discrimination, harassment and victimisation under the Equality Act in Great Britain and the Sex Discrimination Regulations in Northern Ireland. Individuals associated with transgender people and individuals perceived to be transgender are also protected. The Human Rights Act 1998 ensures that everyone is treated with respect and dignity and their privacy is safeguarded.

Anyone receiving sensitive information (such as a person’s intention to transition, or history of having transitioned) in an official capacity is subject to the Data Protection Act 1998 and should comply with the University’s Data Protection Policy.

Under the Gender Recognition Act 2004, it is a criminal offence for a person who has acquired protected information in an official capacity to disclose the information to any other person without the agreement of the individual.

For further information about the law see Appendix 3.

6.2 When is it appropriate to tell others?
Disclosure should not take place without your explicit written consent. Once you have given consent to the University, it is helpful to inform others before you continue your studies in your new gender role. This gives other people you are in regular contact with, some time to get used to the idea and if they wish, to find out more about gender reassignment.

When other University staff need to know, your named contact will disclose information to them. If other students need to know, it is for you to decide whether you would like to tell them yourself or whether you would prefer someone else, such as your tutor, to do it.

6.3 Who needs to be informed?
Generally, only people that need to know should be informed. This is likely to include the staff who will support your transition (e.g. by changing University records) and those you are in regular contact with such as your tutor and possibly other students in your tutor group if you attend tutorials. To help manage the reactions of other students, your tutor will normally take responsibility for informing others about your transition, provided you are happy that this should happen.

6.4 What might people want to know?
Many people do not know very much about transgender issues and may want to ask questions, so it would be good to anticipate what they might ask, as in these examples.

- When will you start using your new name and what is it?
- What is your new email address?
- What are the arrangements for using toilet facilities or changing rooms?
- How will this affect you in your study?
- How can I/we support you?
6.5 What are University records?

University ‘records’ include:

- all documents, records and systems
- all media, such as paper as well as electronic, including email, blogs, forums, audio and video, and covering all platforms, for example the Virtual Learning Environment, Customer Relationship Management system, and StudentHome.

You and your named contact work collaboratively on the list of records to be changed. This needs to be done well in advance of the agreed transition day, to allow adequate time to put actions in place.

6.6 Why make changes to University records?

Changes to records are required to protect your right to privacy and prevent disclosure of your change of gender role. In addition, the changes ensure that the University maintains accurate records. Failure to change a person’s title, name and gender status when requested to do so could lead to offences.

6.7 What information needs to be changed?

Usually it is necessary to change your title, forename(s) and gender status. The last name/surname can be changed at the same time if required. It is also possible to create a completely new student record, but you should understand the implications of doing this before you request it – see section 4.3 of this document for further information.

6.8 What evidence is needed to change records?

No documentary evidence is needed to change most University records.

The exception to this relates to the re-issue of qualification certificates, where proof of official change of name is required – see Section 4.12 for further information.

6.9 What about consent?

Your explicit written consent is required before any University records can be changed. This should be provided in writing by letter, confirming that you have commenced or are about to commence living full time in your new gender role.

6.10 Who will change the records?

Some changes can be made by your named contact; some are carried out by other staff due to restrictions on access to systems. In all circumstances, records are only changed with your agreement.

6.11 When should records be changed?

It is likely that the most significant and visible records will need to be changed on your agreed transition day. Some records, such as historical documents which are unlikely to be accessed by others, might be changed later. Some documents, where there is a negligible risk of being accessed by others, might not be changed at all. However, the schedule will be agreed with you.
Appendix 1: Sample correspondence

You can send correspondence by mail or by email but please note that emails may be retained on OU systems for auditing purposes. The risk of your transgender history being revealed to others in the future as a result of retention of emails is considered to be low. However, if you are concerned about information being revealed to others in the future, you can choose to avoid email communication or limit the information you send by email or other electronic methods.

Letter 1: Telling the University about your intention to transition

Please post this letter to the Senior Manager in your Student Support Team. The address for your Student Support Team can be found in the Student Home Help Centre.

Date: xx/xx/xxxx
Personal Identifier: xxxxxxxx
Date of Birth: xx/xx/xxxx

Dear Senior Manager, Student Support Team

I am writing to notify the University that I am intending to change my gender role. I have read the University policy for transgender students and I am advising you that I plan to change my name in the near future.

As required by the policy, I hereby give you my explicit written consent to notify people on a need-to-know basis so that a named contact can be appointed to provide support and develop a Confidential Action Plan that will address matters relating to changes to University records, disclosure to others and support available during my studies.

I welcome the opportunity to discuss with my named contact how my transition may impact on my studies. I know it may take some time to put in place the appropriate arrangements.

Yours sincerely

[Your name as it is currently held by the University]
Letter 2: Giving explicit consent to share information and update University records

Please post this letter to your named contact at the address that they provide.

Date: xx/xx/xxxx

Personal Identifier: xxxxxxxx

Date of Birth: xx/xx/xxxx

Dear [Named contact]

I am writing to grant you permission to discuss my transition to my new gender role with other staff at The Open University on a strictly need-to-know basis, so that appropriate arrangements can be put in place to support me during my transition.

Please also accept this letter as my consent to make the necessary arrangements for University documents, records and systems to be updated so that all references to me in my former name and gender are replaced with my new name and gender role as stated below:

New Title: e.g. Ms

New Forename(s): xxxxxx

New Surname (if applicable): xxxxxx

New Gender role: e.g. Female

I confirm that I intend to commence living full time in my new gender role from [date]. (Ideally this date should be at least 8 weeks away, but we will aim to accommodate your request earlier if we can and if this is acceptable to you).

I welcome the opportunity to discuss changing records so that we can agree priorities and a reasonable timescale.

Yours sincerely

[Your name]
Appendix 2: External resources

Equality Challenge Unit
www.ecu.ac.uk/
Information about transgender staff and students in higher education

Equality and Human Rights Commission
Information about the Equality Act 2010, guidance for employers and supporting transgender people

www.equalityhumanrights.com/advice-and-guidance/your-rights/transgender/trans-people-your-right-to-change-your-name/
Information for transgender people about changing your name, including at the Department of Work and Pensions, the Driver and Vehicle Licensing Agency, and the Passport Agency.

Gender Identity Research and Education Society (GIRES)
www.gires.org.uk/
For research relevant to transgender people. Includes information for employers about transition at work and provides advice and training to organisations.

Government Equalities Office
www.gov.uk/government/policies/creating-a-fairer-and-more-equal-society
For information about the UK Government’s action plan to advance transgender equality; there is also a YouTube video about the government’s transgender action plan

The Gender Trust
www.gendertrust.org.uk/
A charity that helps transgender people and all those affected by gender identity issues

Ministry of Justice
www.justice.gov.uk/tribunals/gender-recognition-panel
For information about the Gender Recognition Panel

Press for Change
www.pfc.org.uk/
A lobbying and legal support organisation for transgender people in the UK, it provides legal advice, training and research to transgender people, their representatives, and public and private bodies.

TransWiki
www.gires.org.uk/tranzwiki/
A comprehensive directory of the groups campaigning for, supporting or assisting, transgender people and their families across the UK
Appendix 3: Legal information

Data Protection Act 1998 (UK)

Information about a person’s transgender status is considered ‘sensitive personal data’ and is subject to tighter controls than other personal data. Explicit consent is required before it can be processed.

- Personal data must be looked after properly following the eight data protection principles, which include ensuring personal data is accurate, secure and processed fairly and lawfully.
- Failure to change a person’s title, name and gender when requested could lead to the following offences under the Act.
  - Disclosure of personal information that is used, held, or disclosed unfairly, or without proper security
  - Failure to ensure personal information is accurate and up-to-date
  - Processing of data likely to cause distress to the individual.

The Gender Recognition Act 2004 (UK)

The sole purpose of a Gender Recognition Certificate (GRC) is to instruct the appropriate UK Registrar General to make a new entry in their register from which a birth certificate can be drawn.

- Where a full GRC is issued to a person (Section 9 of the Act):
  - the person may have a new birth certificate in their new name and gender which does not reveal their previous name and gender
  - the person is legally recognised for all purposes in their acquired gender
  - the new gender applies to the interpretation of documents made before as well as after the issue of the certificate, which gives the person the right to request that references to their former name and gender be removed from old records to ensure their former identity is not revealed.
- It is an offence for a person who has acquired protected information in an official capacity to disclose the information to any other person without the agreement of the individual.

Equality Act 2010 (Great Britain)

- Gender reassignment is a protected characteristic. This means that there is a legal duty to protect from discrimination a person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) to change their sex.
- Gender reassignment is included in the Public Sector Equality Duty, which requires public authorities, in the exercise of their functions, to have ‘due regard’ to the need to:
  - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
  - advance equality of opportunity between people who share a protected characteristic and those who do not
• foster good relations between people who share a protected characteristic and those who do not.

• Failure to change a person’s title, name and gender on records when requested to do so could lead to unlawful discrimination.

**Sex Discrimination (Gender Reassignment) Regulations (Northern Ireland) 1999**

• Individuals who intend to undergo, are undergoing or have undergone gender reassignment are protected from discrimination in work and in vocational training (which includes higher education study).

• Less favourable treatment relating to absences arising from gender reassignment is unlawful if
  
  • the treatment is less favourable than if it had been due to sickness or injury
  
  • the treatment is less favourable than if it had been due to some other cause and, having regard to the circumstances of the case, it is reasonable not to be treated less favourably.

• Less favourable treatment includes the arrangements relating to terms and conditions or arrangements under which employment or vocational training is offered.
Appendix 4: Terminology*

Introduction
Terminology in the ‘transgender’ field is constantly changing as our understanding and perceptions of gender variance develop. The concept of a ‘normal’ gender expression, associated with a simple ‘man/woman’ divide is itself open to question.

Gender Identity
Gender Identity describes the way in which one psychologically identifies oneself, typically, as a boy/man or as a girl/woman. However, some people experience a gender identity that is somewhat, or completely, inconsistent with their sex appearance. They may regard themselves as gender neutral, that is, non-gendered, or as embracing aspects of both man and woman and, possibly, falling on a supposed between the two. People have the right to self-identify, and many people reject the whole idea of binary tick-boxes, and use more wide-ranging, open terms such as pan-gender, poly-gender, third gender, gender queer, and so on.

Sex
Sex refers to differences in physical appearance (e.g. reproductive organs) and brain characteristics that lead to a person being categorised as male or female. This is distinct from gender identity, which is the inner sense of knowing that we are men or women, and gender role, which describes how we behave in society.

It is often assumed that our sex appearance, general identity and gender role will be consistent with each other, so that an apparently male infant will identify as a boy, and vice versa.

Gender role
The gender role is the social role - the interaction with others - which both gives expression to the inner gender identity and reinforces it. Despite the greater gender equality in modern Western culture in terms of the subjects studied in school and at university; the choice of friends; work and domestic arrangements; dress and leisure pursuits, there is still a presumption of conformity with society’s ‘rules’ about what is appropriate for a man or a woman, a boy or a girl, especially in terms of appearance. A significant departure from stereotypical gender expression often causes anxiety and discomfort in those who witness it.

Gender variance/ gender nonconformity/ gender dysphoria
Occasionally an individual may feel that their physical appearance does not coincide with their own psychological sense of their gender identity. This may have its origins before birth. Research studies indicate that small parts of the baby’s brain may develop along a different pathway from the sex of the rest of the body. This could result in a future mismatch between gender identity and sex appearance. If a person then dresses and/or behaves in a way that is perceived by others to be outside typical cultural gender expressions; this behaviour may be described as gender variance or gender nonconformity. Where conforming with society’s cultural expectations causes a persistent personal discomfort, this may be described as gender dysphoria (dysphoria means unhappiness).

* This appendix is adapted from terminology provided by GIRES, November 2013
Gender dysphoria is a recognised condition for which medical treatment may be appropriate in some cases. However, each individual is unique and will experience gender variance to a different degree, responding to social circumstances differently. Gender variant expressions should not be regarded as psychopathological, but as a natural part of human experience. The discomfort described as gender dysphoria stems, in large part, from the stress associated with the reactions of others towards people who experience and express their gender differently.

**Transsexualism**

The terms ‘transsexualism’ and ‘transsexual’ are gradually being replaced with more acceptable terminology. These terms apply only to those whose gender dysphoria may require medical intervention, possibly including hormone therapy and surgical procedures to change the appearance. Often these treatments are associated with a permanent transition to a gender role that accords with the gender identity, thus alleviating much or all of the discomfort. A transsexual person, is someone who ‘proposes to undergo, is undergoing or has undergone gender reassignment’ (Equality Act 2010). The word ‘transsexual’ should be used as an adjective, not a noun. It is, therefore, never appropriate to refer to an individual as ‘a transsexual’, or to transsexual people, as ‘transsexuals’. Most people experiencing gender dysphoria prefer the general terms, ‘trans’ and ‘transgender’; the abbreviation ‘tranny’ is also unacceptable.

**Transgender**

‘Transgender’ has had different meanings over time, and in different societies. Currently, it is used as an inclusive term describing all those whose gender expression falls outside the typical gender norm. It is often the preferred term for those who change their role permanently, as well as others who, for example, cross-dress intermittently for a variety of reasons including erotic factors (also referred to as transvestism). Those who live continuously outside gender norms, sometimes with, and sometimes without, medical intervention are covered by this term. There is a growing acknowledgement that although there is a great deal of difference between say, drag artists and people who change their role permanently, there are nonetheless areas in the transgender field where the distinctions are more blurred; for example, someone who cross-dresses intermittently for some years, may later change fully to the opposite gender role.

**Transition**

Transition is the term used to describe the permanent change of gender role in all spheres of life: in the family, at work, in leisure pursuits and in society generally. A few people make this change overnight, but many do so gradually over a period of time, changing their presentation intermittently and sometimes whilst undergoing early medical interventions such as hormone therapy.

**Affirmed Gender**

The term ‘affirmed’ gender, is now becoming more common in describing the post-transition gender role which, at that stage, accords with the gender identity. The gender identity does not change when a person transitions; the gender role and appearance come into alignment with it. This would usually include dress and presentation and will often have been assisted by medical intervention. ‘Affirmed’ should be used in preference to ‘acquired’; the latter is the language of the Gender Recognition Act, and is more appropriately used to describe the new legal gender status of the individual.
Gender confirmation treatment

Those transitioning permanently usually have gender confirmation treatment that includes hormone therapy and often surgery to bring the sex characteristics of the body more in line with the gender identity. Such surgery is sometimes referred to as gender (or sex) reassignment surgery. The term ‘sex change’ is not considered appropriate or polite.

Trans men and trans women

The expression ‘trans’ is often used synonymously with ‘transgender’ in its broadest sense. However, sometimes its use is specific; for instance, those born with female appearance but identifying as men may be referred to as ‘trans men’; and those born with male appearance but identifying as women may be referred to as ‘trans women’. The terms may also be used to imply a direction of travel, rather than a complete transformation of a person’s gender status. Many trans people, having transitioned permanently, prefer to be regarded as ordinary men and women. In these cases, where it becomes essential to refer to their pre-transition status, the phrase ‘woman (or man) of trans history’ may be used.

Intersex conditions

There are a number of intersex conditions (recently renamed Disorders of Sex Development – a clinical description which many in the UK refuse to adopt). In some intersex conditions, the appearance at birth is atypical, being neither clearly male nor female. The sex (male or female) and the anticipated gender role (boy or girl) assigned at that time, may not be consistent with the core gender identity and may, therefore, result in a need to change the gender role at a later stage. In addition, some of these individuals may have had surgery neo-natally to create (usually) a female appearance. An individual raised as a girl, following such surgery is at risk of identifying as a boy whose phallus has been removed.

Inconsistencies in development may be associated with atypical sex chromosomes such as Klinefelter syndrome (XXY), Jacob’s syndrome (XYY), or atypical combinations of ‘X’ and ‘Y’, such as XXXY, XYYY and so on, including mosaicism (more than one chromosomal configuration in the same individual). Genetic anomalies that are particularly associated with unusual genital appearance are: Androgen Insensitivity Syndrome, Congenital Adrenal Hyperplasia, 5a reductase or 17β Hydroxysteroid Dehydrogenase (HSD) deficiencies. Most of these conditions are associated with unusual pre-natal hormone levels. Other conditions such as Cloacal Extrophy may be included in this group since babies with this condition may have poor genital development.

Sexual orientation

Sexual orientation is a separate issue from gender identity. Sexual orientation is associated with the sexual attraction between one person and another. This is quite different from the internal knowledge of one’s own identity. Trans people may be gay, straight, bisexual or, occasionally, asexual. Their sexual relationships may remain the same through the transition process, or they may change. So a person who is living as a man, and is in a heterosexual relationship with a woman may, having transitioned to live as a woman, continue to be attracted to women and seek a lesbian relationship – or – may be attracted to men, and therefore seek a heterosexual relationship with a man. Sometimes trans people make lasting relationships with other trans people, so the possibilities are many and varied, and do not necessarily fit comfortably into typical categorisations of sexual behaviours. Those who remain in a long-term relationship, despite one partner having transitioned cannot be categorised by any existing terminology, since the sexual orientation of the non-trans partner
does not change; the orientation of the trans partner may or may not shift, as described above.

**Gender Recognition Certificate**

In 2004 the Gender Recognition Act was passed, and it became effective in 2005. Those trans people who have undergone a permanent change of gender status may endorse their new gender status by obtaining legal recognition in the form of a Gender Recognition Certificate (GRC). Applicants must provide paper evidence to the Gender Recognition Panel indicating that they have already changed their name, title and gender role, on a continuous basis, for at least two years, and that they have the intention to live in the altered gender role for the rest of their lives. A medical opinion indicating that the applicant has experienced gender dysphoria is necessary, and some details regarding treatment. However, no surgery is required. Successful applicants acquire the new gender status ‘for all purposes’, entitling them to a new birth certificate registered under the changed name and title, provided that the birth was registered in the UK.

The GRC has strict privacy provisions which must not be breached by any person acquiring such information in an ‘official capacity’. Disclosure to a third party would be a criminal offence (GRA s22).

The Marriage (Same-Sex Couples) Act, 2013, will allow trans people to obtain a GRC within a pre-existing marriage, which will then become a ‘same-sex’ marriage. When a trans person obtains a GRC within a pre-existing Civil Partnership, that partnership must be changed into a marriage.

**Cisgender**

Those who are cisgender have little or no discordance between their gender identity and their gender role or sex anatomy. These factors are well aligned in a cisgendered person. Trans people who have completed transition to the point that they are comfortable, may then be regarded as cisgender.