

Gender Identity Policy June 2020

Approving authority:	Professional Services Board
Consultation via:	
Approval date:	
Effective date:	
Review period:	
Responsible Executive:	
Responsible Office:	HRD

POLICY

HERIOT-WATT UNIVERSITY GENDER IDENTITY POLICY

Contents

1.	INTRODUCTION.....	3
2.	PURPOSE.....	3
3.	OBJECTIVES	4
4.	SCOPE	4
5.	LINES OF RESPONSIBILITY	5
6.	MONITORING AND EVALUATION	5
7.	IMPLEMENTATION.....	6
8.	RELATED POLICIES, PROCEDURES AND FURTHER REFERENCE	6
9.	DEFINITIONS	6
10.	FURTHER HELP AND ADVICE	7
11.	POLICY VERSION AND HISTORY	7

POLICY

1. INTRODUCTION

- 1.1 Heriot-Watt seeks to make sure we have an inclusive environment for all where there are no barriers and people feel able to be themselves. We will not, at any time, discriminate against people on the grounds of their gender identity.
- 1.2 The Equality Act 2010 makes it unlawful to discriminate against or treat someone unfairly because of gender reassignment.
- 1.3 Under the Act gender reassignment currently has a specific meaning, it covers;
- someone who proposes to go through, is going through or has gone through a process, or part of a process, to change his or her gender from man to woman or woman to man. A person making this change is described in the Act as a 'transsexual' person.
 - Gender reassignment does not have to involve any medical supervision. For example, a person who chooses to reassign his or her gender and lives permanently as the opposite sex without having any hormonal or surgical therapy is protected.
 - Genders outside of man (which includes woman transitioning to man) and woman (which includes man transitioning to woman) are not explicitly protected under UK law. They are the non-binary identities - for example, those who might identify as neither man nor woman. But, someone with a non-binary identity could be protected if they are discriminated against because they are thought to be considering, thought to be going through or thought to have gone through gender reassignment from man to woman or woman to man, regardless of whether this perception is correct or not¹.
- 1.4 The University recognises that some people do not identify as male or female. Some individuals may also be taking steps to change their gender. This Policy outlines that the University will provide an environment where individuals are free from discrimination and supported in their self-determined gender.
- 1.5 This policy and the accompanying Gender Transition Guidance is relevant to our UK campuses, however, as a global University we have a duty of care across all our jurisdictions. We take the wellbeing and right to confidentiality of all our staff and students extremely seriously and will take all precautions to support the University community.

2. PURPOSE

- 2.1 The purpose of this Policy is to clearly outline the University's position as an open, accessible and supportive working, learning and living environment.

¹ www.acas.org.uk/index.aspx?articleid=2064

- 2.2** The Policy clearly sets out the University will not tolerate any instances of inappropriate behaviour resulting from an individual's gender identity or perceived gender identity. Any such instances will be addressed through the University's complaints, grievance and discipline policies.

3. OBJECTIVES

3.1 Our objectives are to:

- Create a supportive environment where all individuals are supported to be themselves within the University community
- Support disclosure related gender identity across the University community
- Support individuals who plan to or are undertaking transition
- Support line managers to provide person-led responses where appropriate

3.2 The University undertakes that:

- Students will not be denied access to courses, progression to other courses, or fair and equal treatment while on courses based on their gender identity.
- The University will respect the confidentiality of all members of the University community and will not reveal information without the prior agreement of the individual.
- Staff will not be excluded from employment or promotion because of their gender identity.
- The University will not tolerate any breach of associated regulations such as data protection.
- The University will not tolerate transphobic abuse, harassment or bullying. Where such behaviours have been identified the University will enact disciplinary procedures.
- The University will provide a supportive environment for staff and students who wish their gender identity to be known.
- The University welcomes, and will provide, appropriate facilities.
- In providing accommodation for students, any concerns or issues raised will be handled by the accommodation office.
- Staff and students undergoing medical and surgical procedures related to gender reassignment will receive positive support.

4. SCOPE

- 4.1** This Policy covers staff, students and members of the wider Heriot-Watt community.
- 4.2** The policy refers to UK Campuses only. An equality and privacy impact assessment is available under separate cover.

5. LINES OF RESPONSIBILITY

5.1 Managers are responsible for:

- Providing a supportive working environment for all members of staff
- Enabling open and transparent working environment that supports disclosure of gender identity including the intention to transition
- Support an individual-led approach to follow-up after disclosure
- Dealing promptly and sensitively with issues
- Maintaining confidentiality, as appropriate, in line with the individual's wishes
- Managing any issue requiring formal action using the appropriate Policy and Procedure (e.g. Grievance; Discipline)

5.2 Members of staff are responsible for:

- Respecting confidentiality of other members of the University community
- Behave in accordance with the University's values and the Respect agenda.

5.3 The HR Department is responsible for:

- Providing advice and guidance to managers on managing any issues that may arise
- Responding directly to individuals undertaking or intending to undertake transition
- Supporting any disciplinary procedures resulting from inappropriate behaviour
- Supporting individuals and the University to meet external requirements around right to work and any resulting visa issues
- Supporting appropriate data gathering

5.4 Student Wellbeing Services are responsible for:

- Providing advice and guidance to students who have disclosed they are undertaking or intending to undertake transition
- Supporting students in any issues relating to study or life at Heriot-Watt
- Supporting any disciplinary procedures resulting from inappropriate behaviour

6. MONITORING AND EVALUATION

6.1 The University seeks to gather staff and student data relating to gender and gender identity in line with external reporting requirements and to better understand the Heriot-Watt community. The kind of data we collect may change but our commitment to confidentiality remains consistent.

6.2 Data is used for equality monitoring purposes only and all data is held securely and strictly on a need to see basis in line with data protection provisions and in the University security standards for **HIGH** Risk information.

- 6.3** Information relating to gender identity will be reported as part of the University's reporting procedures for statutory purposes. Amendments to data collection will be in line with legal requirements and sector practice.

7. IMPLEMENTATION

- 7.1** Information will be made available across student and staff functions to support meeting the objectives outlined in this policy.
- 7.2** All staff are expected to complete Diversity in the Workplace online training.
- 7.3** This policy is supported by Gender Transition Guidance.

8. RELATED POLICIES, PROCEDURES AND FURTHER REFERENCE

8.1 Policies

Bullying & Harassment Policy
Disciplinary Policy
Equality and Diversity Policy
Gender Transition Guidance

8.2 Procedures

Disciplinary Procedure

8.3 Further reference

- ACAS: www.acas.org.uk/index.aspx?articleid=2064
- Equality Challenge Unit: Trans staff and students in HE and colleges: improving experiences
- Equality Challenge Unit: Trans equality policy statement
- Gender Spectrum: www.genderspectrum.org/quick-links/understanding-gender
- GLAAD: www.glaad.org/transgender/transfaq
- Grievance Procedure
- Leave of Absence Procedure

9. DEFINITIONS

9.1 Gender Identity

Gender identity describes how people respond to their individual feelings about their gender, acknowledging that some people identify differently

from the sex they were assigned at birth, either all or some of the time. Understanding gender identity requires an acceptance that an individual's gender is not limited to 'female' and 'male' concepts.

- 9.2** The two most common gender identities are boy and girl (or man and woman), and often people think that these are the only two gender identities. If a child has a binary gender identity, that means they identify as either a boy or a girl, regardless of the sex they were assigned at birth.
- 9.3** Some people have gender identity which is not limited to male or female. This is sometimes described as 'non-binary' gender identity and refers 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.
- 9.4** While many people will identify as male or female gender identity is a personal matter and should be met with respect.

9.5 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, non-binary people.

- 9.6** Transgender is a term used to describe people whose gender identity differs from the sex they were assigned at birth. Gender identity is a person's internal, personal sense of being a man or a woman (or boy or girl.) For some people, their gender identity does not fit neatly into those two choices. For transgender people, the sex they were assigned at birth and their own internal gender identity do not match.

9.7 Gender Reassignment

Gender Reassignment refers to the process undertaken by a person to change their gender. This process will be different for each individual and

10. FURTHER HELP AND ADVICE

Further help and advice is signposted in the Gender Transition Guidance

11. POLICY VERSION AND HISTORY

Version No	Date of Approval	Approving Authority	Brief Description of Amendment
V. 1		Professional Services Leadership Board	Policy reviewed and updated in line with review cycle. Specifically outlines individual circumstances