

UNIVERSITY OF CUMBRIA

TRANS STUDENT RECORD POLICY

Student and Academic Administration Service

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.

POLICY SCHEDULE	
Policy Title	Trans Student Record
Policy Owner	SAAS
Policy Lead Contact	Programme Administration Manager
Date of Approval	
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Trans Student Record Policy and Procedures

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1. Introduction

Research (ECU, 2016, p.8) has shown that a lack of policies for students to easily update name and gender on their student records, issues with university security services and the prevalence of transphobia are significant barriers for trans students in higher education (H.E.). Policies involving identification and use of names can, therefore, impact in a negative way on trans student.

In order to remove these potential barriers for students, which may negatively impact their experience, recruitment, progression, retention, health and wellbeing and employability, a clear trans student records policy has been introduced.

We as an institution already recognise name changes by deed poll and statutory declaration. However, many students, in particular trans students may not be in a position or wish to change their name in this way but wish to change their identity. It is legitimate for anyone to change their name informally in the UK, however a formal change of name is required for bank accounts and qualification certificates. This policy provides the process for name changes with and without such formal evidence and provides guidance on where and what type of evidence is required.

2. Aims and Objectives

The aims and objectives of this policy are to set out the University's requirements in relation to the formal student record and to set out the procedures and processes for its administration.

3. Scope

The Trans Student Records Policy is intended to provide a framework structure for a series of key processes which allow students to have a student record which enables them to be recognised with their chosen identity.

4. Trans Student Procedures

a. Admission

In order to ensure a full DBS Check is carried out for professional course the law requires students 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@dbb.gov.uk for further advice about completing the form."* DBS (2020)

Admissions staff should ensure access to this service is clearly signposted to allow students to contact this team directly. If the student does not contact this team before or during their application, there is a risk any previous identities will be seen by University staff processing the request. Should that occur staff must ensure they keep this confidential between themselves and the student.

Students who have formally changed their identity and hold a 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.

b. Registration

At online registration the University confirm and collect 2 pieces of information relating to Gender. Firstly, students already have their Gender filled in on the Student Record at application stage and a student confirms that this information is correct. Secondly, students are asked the following question:

Is your gender identity the same as the gender you were originally assigned at birth?

Yes

No

Prefer not to say

This is a HESA requirement and the answers provided by the students are reported to HESA exactly.

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

"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.

c. Changes During Study

It is good practice for tutors or managers to ask all new students or staff their preferred name.

Should a student wish to change their identity during their course of study they can do so by contacting Programme Administration (PAd). They will be asked the level of change required and this will be actioned without need for evidence other than the evidence of the request coming from the student themselves. This change can include one or all of their: known as name; title; forenames;

surname and gender. If a trans student changes the name under which they are registered at the institution, they will also need to notify the agency or institution that has funded their course, any sponsor, and their bank to ensure payments are not delayed. If a name change is required within organisations linked to but independent of the University such as the Students Union and the National Union of Students the student will need to notify those organisations directly.

Students will be advised that although this change will be reflected throughout their student life with us, their transcript and certificate will retain the name on their birth certificate unless they provide evidence of the legal change – see [evidence requirements](#). A record of their request will be saved in a confidential record and no reference indicating the change will be made on their visible record. A trigger will be set on the student record system (SITS) to prompt a contact with a named role holder to discuss the certificate with the student prior to production and ensure if a change is now possible on the certificate that the appropriate evidence is provided.

d. Graduation

The student will be referred to in all communication and publications by their chosen identity from the student record unless they request otherwise.

e. Transcripts and Certificates

Unlike the student record, certificates and transcripts must legally be issued under the formal name of the student. Students will have been made aware of this at the point of any name change on their record where evidence was not available at the time of that change. The student will be informed prior to the certificate being issued to allow the student to formally change their name and provide proof of their formal name change, should they wish to do so, in order for the certificate to be produced under a name other than that under which they registered or last provided evidence for.

Qualification currently must state the formal name of a student, not a name by which a student wishes to be known. Colleges can ensure that students are informed of this prior to certificates being issued as students will need to formally change their name and show proof of formal name change (e.g. a statutory declaration of name change or deed poll) in order for a certificate to be issued under a name different from that under which they last provided evidence.

Although it is not standard practice to change a name on a certificate or qualification after it has been issued other than, within the Gender Recognition Act, for those students who hold a full Gender Recognition Certificate (GRC), the University reserves the right to allow a student a reissued certificate at any time should they provide evidence – see [required evidence](#). This evidence is purely of name change and it is not appropriate or required for students to provide evidence of gender at any stage. The fee for this reissue would be the same as for any replacement certificate (i.e. replacement for lost or stolen

documentation). It should be noted that it is unlawful to ask a trans person to show their GRC.

5. Types of Evidence

Note it is never appropriate to ask for a student's Gender Recognition Certificate (GRC) or for a student to provide proof of gender.

a. At Admission and Registration

The UK government now specifies the type of identification both students and staff are required to present during enrolment or on commencement of post. This is a passport, visa or birth certificate combined with other forms of identification. In some countries, trans people cannot apply for a new birth certificate and passport and even where they can, it can be complicated for people with dual residency or nationality. 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.

b. For Transcript and Certification

To issue or reissue a certificate or transcript in a name other than that which was used at registration the student must provide evidence of the legal change - deed poll and proof of identification, such as, a birth certificate, passport, identity card, or visa.

c. Other purposes

If the University requires identification for other purposes, staff and students should be given the option of providing more than one type of official identification, for example a driving licence, passport or birth certificate plus supporting documents.

6. Equality, Diversity and Inclusion and Equality Assessment Statements

The University values equality and diversity and is committed to maintaining an environment where its employees, students and visitors are treated fairly and with respect at all times. It aims to ensure that its actions and working practices comply with both the spirit and intention of the Human Rights Act (1998) and the Equality Act (2010) which relates to the protected characteristics of age, disability, gender reassignment, marriage & civil partnerships, pregnancy & maternity, race, religion or belief, sex and sexual orientation.

This policy hopes to remove potential barriers for students based on their gender identity and reduce potential negative engagements, interactions and triggers whilst increasing inclusion.

7. Records Management Statement

The records associated with this policy are controlled by the Student and Academic Administration Service and will be created, stored and disposed of in line with the University's Records Management guidelines and procedures.

The University is committed to complying with the requirements of the General Data Protection Regulations (GDPR) and any personal data created as part of this policy will be processed in accordance with the University's Data Protection Policy and procedures. This includes ensuring that data is held securely, is not disclosed unlawfully and is destroyed when no longer needed.

The University also aims to ensure that users of this policy are aware of General Data Protection Regulations, Freedom of Information and Records Management issues associated with this policy.

8. Risk Management Statement

Failure to comply with this policy could lead to potential legal action against the University for discrimination.

9. 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 when dealing with University of Cumbria Students and to engage in the creation of policies within their areas where students may be impacted due to their trans student status
- Staff members to adhere to this policy when dealing with University of Cumbria Students
- The student to communicate any changes outside of the University systems e.g. Student union, Bank, Funding body
- External stakeholders to adhere to this policy when dealing with University of Cumbria Students

10. Glossary of Terms

Listed here are current terms which are used either as part of formal or informal communications and are taken from the current Equalities Challenge Unit Guidelines (ECU, 2016). 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.

Acquired Gender	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.
Affirmed Gender	May be used when a person has transitioned but has decided not to apply for a GRC.
Cis or Cisgender	A term used to describe people who are not trans, some people prefer the term non-trans.
Dual role	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. Some people prefer the term alter ego. Historically the terms transvestite and cross dresser were used to describe dual role people, but they are now considered to be outdated. While some people may use the terms to describe themselves, other people may find the terms offensive.
Gender	Gender refers to the cultural and social distinctions between men and women. It consists of three related aspects: gender identity; gender expression; gender role.
Gender expression	The way a person lives in society and interacts with others, the external characteristics and behaviours that are socially defined as either masculine or feminine, such as clothing, hairstyle, make-up, mannerisms, speech patterns and social interactions.
Gender Identity	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. 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.
Gender incongruence and gender dysphoria	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.
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 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.

Lesbian, gay, bisexual, trans plus (LGBT+)

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.

Non-binary

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 (genderfluid), 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).

Pronoun

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

- they/them/their/themselves
- che/chim/chis/chimself
- E/Em/Eir/Eirs/Emself
- Per(person)/pers/perself
- Xe/ hir/ hirs/ himself

Real-life experience or experience

'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.

Self-identified gender

The gender that a person identifies as. ECU recommends that colleges and HEIs recognise a student or staff member's self-identified gender.

Sex

Sex refers to the biological status of a person as male or female in their physical development. Sex is judged entirely on the genital appearance at birth but internal reproductive organs, skeletal characteristics and musculature are also sex differentiated.

Sexual orientation

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, non-binary people and dual role 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.

Transsexual

Increasingly trans people are not comfortable with the use of this term preferring instead trans or transgender. While some people may find the term offensive, others may use it to describe themselves.

11. Contact Details

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

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or

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Equality, Diversity and Inclusion Officer
University of Cumbria

12. References and Further Information Sources

Disclosure and Barring Service (DBS) (2020) *An applicant's guide to completing the DBS application form*. Available at <https://www.gov.uk/government/publications/dbs-application-forms-guide-for-applicants/dbs-application-form-guide-for-applicants#section-a---your-current-and-previous-names> (Accessed 10th December 2020)

Equality Challenge Unit (ECU) (2016) *Trans staff and students in HE and colleges: improving experiences*. Available at <https://www.advance-he.ac.uk/knowledge-hub/trans-staff-and-students-he-and-colleges-improving-experiences> (Accessed 10th December 2020)

HESA (2020) *Student Identifier - SEXID – Student Records 2019/20*. Available at <https://www.hesa.ac.uk/collection/c19051/a/sexid> (Accessed 10th December 2020)

UNIVERSITY OF CUMBRIA
POLICY DOCUMENT CONTROL SCHEDULE

All University of Cumbria Policies must include a completed Policy Document Control Schedule consisting of the Policy Schedule (see front cover), Review Schedule and Drafting Schedule (see below) which should be completed as appropriate

REVIEW SCHEDULE				
Review no	Due date	Reviewed by	Approved by	Completion date
2.0	2020	Amanda Holmes, Lee McDermott and Molly McConnell (SU)	EDIW	Jan 2021
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