GUIDE

UCU

University and College Union

Gender Identity Equality

A guide for UCU members and reps

This guide about gender identity equality has been produced to provide an overview of key terms and an update on this fast-developing area of equality. This guide provides a picture of where UCU action and thinking around gender identity equality is in 2022.

There has been a considerable rise in the profile of trans and non-binary people since the inclusion of gender reassignment as a protected characteristic in the Equality Act 2010 and the 2004 Gender Recognition Act. There are currently reviews and discussions about how to support all those who do not identify with the sex registered at their birth including those who want to engage with medical procedures and those who do not.

There are trans and non-binary people who face considerable problems in terms of access to general and trans related health care, employment, education and housing. Statistics continue to show that in the UK trans and non-binary people experience relatively elevated levels of self-harm, emotional distress and suicide.

1 Key terms

There are some terms that are commonly used when talking about gender identity. The following have been used or are central to parts of this guide

ASSIGNED SEX

Assignment is undertaken at birth when determining whether the child is male or female (binary sex categories). At this stage, observations about external anatomy are made by medical staff, see the term 'Sex' below. This is required to facilitate the registration of sex on a birth certificate. This process is undertaken with the aim of assigning sex which is most likely to be congruent with the child's gender identity. There may be a more extensive assignment process in cases where it's not clear how to assign sex from external and / or observable internal biological indicators.

GENDER

Gender refers to psychological, behavioural, social and cultural aspects of being e.g. masculinity / femininity. This is different to sex which refers to biological features. Distinction between the terms gender and sex is not regularly observed. Many cultures have socially expected gender roles that relate to the sex assigned at birth.

GENDER IDENTITY

The term gender identity relates to how an individual identifies themself as man, woman, a blend of both or neither. This can be the same or different as sex assigned at birth. The way someone identifies may not be the way they externally express (present) themselves. Assumption about how a person self-identifies their gender can lead to misgendering.

GENDER REASSIGNMENT (INCLUDING TRANSITION)

Gender reassignment is one of 9 protected characteristics in the 2010 Equality Act. Gender reassignment is used to describe the process of transition that a person undertakes when they from one gender to another, usually, but not always, from a gender that correlates with the sex assigned at birth to one which is consistent with gender identity. Some people call this Gender Confirmation. Gender reassignment is one of 9 protected characteristics in the 2010 Equality Act.

MISGENDERING

Misgendering is when a person or people use language related to one gender (e.g. pronoun or prefix) about an individual or group of people whom do not themselves identify with that gender.

NAME CHANGE

In the UK:

➡ a person's name can be changed at any time

➡ a person can have a number of names and 'identities', providing they are not used for fraudulent purposes

➡ a person may have more than one legal identity at the same time

➡ a person can choose to have all or any aspects of their private or public life, for example bank accounts or tax records, managed in any identity, or more than one, providing this is not for fraudulent purposes.

➡ This includes the use of titles such as Mr, Mrs, Miss, Ms or Mx

➡ Whilst not legally necessary, and possibly legally disputed, many organisations require proof of name change for example free deed poll or statutory declaration[1]. A gender recognition certificate is not required to prove gender reassignment.

PRONOUN

He and She are pronouns associated with the gender binary categories. As awareness of greater diversity of gender has grown more pronouns have emerged such as the singular 'they' which is gaining in popularity. In some circles, it is already common to respect the individual's gender identity and ask them which pronoun they personally use rather than assume based on the person's assumed gender.

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[1] https://uktrans.info/namechange

RESPECT

Central to ensuring gender identity equality, in common with all other equality areas, is respect. Respect for a person's own gender identity, for their rights to work or study with dignity, for their name and personal identity, for their privacy and confidentiality.

SELF-DEFINITION

Self-definition is increasingly regarded as a key principle, like with other protected characteristics. For gender identity, self-definition is important because it enables people to identify their gender in a way that is meaningful for them. An example of how this may be done is providing more than the binary categories on an equality monitoring form, for example 'other' with space to write in the individual's own preferred term (e.g. other (please specify) ...)

SEX

Sex refers to a person's physical and biological traits most often based on appearance of external genitalia. Alongside external genitalia there are a number of indicators of biological sex including sex chromosomes and internal reproductive organs.

SEXUAL ORIENTATION

An individual's identity based on attraction (be it emotional, romantic, and / or sexual) to other people. Often described in relation to sex e.g. bisexual, heterosexual, and homosexual. This is different to sexuality which is more about how someone expresses their sexual being.

2 Terminology

There are many different terms in use for defining sex and gender. The following have been used in this guide or in related documents.

➡ **Binary gender**: traditional categories of gender, man or woman, including trans men and women. Whilst some trans men and women use the term trans this is not a gender and, in general, the term man or woman should be used as default until an individual expresses that that prefer another term such as trans man or trans woman.

➡ **Cis-gender:** a term used to identify gender which correlates with the sex assigned at birth e.g. man – male, woman – female.

➡ **Gender conforming:** and gender non-conforming refer to personal features including biological, behavioural, psychological etc. as they relate to the sex assigned at birth and the subsequently expected gender role.

➡ **Gender dysphoria:** associated with a mismatch of gender identity and sex registered at birth. This can include not identifying with the biological features associated with the registered sex, gender non-conforming, and / or a combination of these. Only some gender-nonconforming people experience gender dysphoria at any point in their lives.

➡ **Gender expression:** personal ways people use to present themselves in terms of behaviour, clothing, hairstyle, voice etc. this can alter day to day and may not be consistent with gender identity

➡ **Gender fluid:** ways a person may experience and / or present their gender which may be outwardly expressed or not. A dynamic experience of gender where at one time a person may feel and / or present more toward one binary but at another time feel more toward the other.

➡ **Genderqueer:** an identity most often adopted when a person does not subscribe to conventional gender distinctions and may identify with neither, both or a combination of the binary genders.

➡ **Intersex:** people who have variations of sex characteristics that do not fit with typical male or female bodies. This is not a gender identity and some may regard this as a physical condition rather than any form of identity.

➡ **Non-Binary Gender:** gender identity that is neither man or woman. Non-binary is an umbrella term that includes varying forms of gender identity including genderqueer.

➡ **T / Trans:** a term used to identify identities and people whose gender identity is different to that which aligns with the sex assigned at birth. The opposite of cis gender.

➡ **'X' / Other:** these are used as options to enable people to declare a sex and / or gender that is different to the traditional binary. In some contexts, 'X' is used by intersex and some trans people who regard their identity as a third sex.

3 Guide to UCU branch actions in local organisations

WHAT BRANCHES CAN DO

➡ Address gender identity issues through equality fora.

➡ Ensure that the voices of all staff are heard throughout the organisation including union representation on organisational equality committees.

➡ Ensure that derogatory language and discriminatory behaviour is challenged as a matter of course. For example, by widely publicising the equality policy, or developing a 'zero tolerance' approach to transphobic bullying and harassment.

➡ Take steps to enable all staff to provide support for colleagues who are targets of bullying and harassment.

➡ Signpost to support services including, where appropriate, third party trans or LGBT+ organisations.

WHAT AN ORGANISATION SHOULD BE DOING ALREADY SO THE BRANCH CAN CHECK AND, IF NECESSARY, CHASE UP

➡ Build discussion of gender identity and other equality issues into the content and delivery of the curriculum.

➡ Develop effective policies and procedures that address gender identity equality. Make sure these are easy to find and well-publicised.

➡ Not request a gender recognition certificate to prove a person's gender identity. Name changes are permitted and can be done at an individual's request.

➡ Equip staff with the understanding and skills to identify, challenge and deal with inappropriate behaviour wherever it occurs.

WHEREVER EQUALITY MONITORING IS CARRIED OUT

➡ Include questions around gender identity.

➡ Ensure reporting on gender identity remains completely voluntary.

➡ Explain the purpose of the exercise.

➡ Pay attention to the needs and concerns of staff and learners who are trans.

➡ Be sensitive to concerns about disclosure noting that environments can be made welcoming and enabling.

➡ Ensure that efforts are made to encourage reporting by reassuring and explaining the reasons for such data collection, and how the data will be stored.

➡ Do not restrict staff and/or learners to male/female gender identities.

➡ Ensure confidentiality.

HOW AN ORGANISATION CAN BE INCLUSIVE OF LGBT+ PEOPLE AND WHAT MAY BE CAMPAIGNED FOR

➡ Take steps to enable all staff understand their rights and responsibilities in relation to gender identity.

➡ A person's trans history should not be revealed (deadnaming). This is covered by the Gender Recognition Act, and more general data protection.

➡ Ensure staff are aware of gender identity issues.

➡ Provide support through, for example, training and promoting information about trans and non-binary experiences.

➡ Develop inclusive curriculum content.

➡ Language and terminology used should be up-to-date with best practice and ideally agreed with trans and non-binary learners and staff.

➡ Provide facilities, including toilets, that are clearly communicated as inclusive of trans and non-binary people.

➡ Reach out to all gender identity groups in consultations and surveys. Lack of opportunity to disclose is a significant issue. This includes providing a relevant option on the monitoring form.

➡ Promote awareness about the confidentiality of data and what it is used for so as to facilitate an increased number of people completing monitoring forms.

➡ Develop more LGBTQ+ networks as an important means of support. Make sure these groups are trans and non-binary inclusive.

➡ Establish a clear first point of contact for incidents to be reported.