

## Gender Identity & Gender Expression Policy for Staff and Students

<b>Directorate of Equality, Diversity and Inclusion</b>	
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## 1.0 Introduction

### Policy Statement

Gender identity and expression is a positive core part of being human. It is integral to our experience of wellbeing and fulfilment. At TU Dublin we aim to create a supportive and inclusive environment in which all gender identities are welcome and transphobic behaviour and bullying is never tolerated. We recognize that gender identity, gender expression, and any transition journeys, are unique to individuals. We are committed to supporting students and staff at all stages of their transition journey. This policy lays out how we give effect to that commitment. It is part of our larger suite of equality, equal opportunities, diversity and inclusion policies and should be read as such.

## 2.0 Scope

This policy applies to:

- All applicants for employment, employees and former employees.
- All student applicants, students, alumni and student union officers
- All service users, third party contractors, visitors, customers and clients of the University

The Gender Identity and Gender Expression Policy of TU Dublin fulfils the requirements of

- Employment Equality Act, 1998 to 2015
- Equal Status Acts, 2000 to 2015
- The Gender Recognition Act 2015.

The following University policies and statement are specifically related:

- Technological University Dublin Equality Statement For Period 2019-2022
- Recruitment, Selection & Appointment (HRP008)
- Dignity and Respect at Work (HRP003)
- Grievance Procedures (HRP005)
- Student Dignity and Respect policy
- Carer's Leave (HRP032)

## 3.0 Objectives

3.1. The primary objective of the policy is to recognise gender identity and expression as a positive core part of being human. The policy sets out an overarching framework in which equal rights and opportunities are accorded to diverse gender identities and expressions, facilitating a work and study environment free from discrimination and harassment.

3.2. It provides guidelines for availing of supports in a gender transition process

3.3. It provides guidelines for supporting persons in our community who wish to embark on, or are already undertaking, a gender transition process.

3.4. It outlines organisational structural supports to promote awareness, understanding and learning around gender identity and gender expression within the TU Dublin community.

#### **4.0 Principles underpinning the policy**

TU Dublin is committed to equality, diversity and inclusion for students and staff in every area of the University's work. This commitment requires ongoing evaluation of our organisational culture, policies and procedures, how these relate to the student experience, and how they relate to academic fulfilment and the career progression of staff.

[Equality Statement 2019-2022](#)

The university respects the confidentiality of students and staff and will not reveal information without prior consent of the individual.

#### **5.0 Rights and Responsibilities in accordance with this policy**

All members of the TU Dublin community have the right to:

- Be treated with fairness, dignity and respect, express one's gender identity freely, and not be disadvantaged due to gender identity or expression.
- Privacy and confidentiality with disclosure of information only with consent
- Raise concerns with the expectation that they will be reasonably addressed in accordance with the spirit of this policy
- Equal access to employment, education, services, and training and promotional opportunities.
- Access to activities and facilities appropriate to their gender identity (See [Gender Identity and Gender Expression](#) for details)
- Reasonable and appropriate arrangement and accommodations
- Access to the appropriate knowledge, skills and expertise to enable both students and staff to be supported at all stages of their transition journey

All managers have a primary responsibility to<sup>1</sup>

- Understand, support and champion the Gender Identity & Gender Expression policy. Managers are accountable for implementing this policy in a manner that fully complies with all its requirements.
- Take all reasonable steps (e.g. undertake training) to create an inclusive team environment free from discrimination, to provide appropriate and reasonable supports to team members, and to ensure that gender identity and gender expression is respected.

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<sup>1</sup> For the purpose of this policy managers are defined as all those in a position of authority over a team or group of people. Lecturers are thus included.

- Ensure training in relation to gender identity and expression is prioritised within PMDS or is provided on a team based approach as appropriate
- Seek appropriate advice and guidance from the Directorate of Equality Diversity & Inclusion to assist in supporting a person who is exploring or questioning their gender identity.
- Comply with relevant legislation.

For full details on staff, student and TU Dublin community members' **Rights and Responsibilities** see *Appendix A*.

## 6.0 Guidelines for supporting persons in a gender transition process

Transition usually refers to a process that entails living in one's actual gender identity rather than in the sex one was assigned at birth. This process generally occurs over a long period of time and can include some or many of the following steps:

- Telling one's family, friends and colleagues.
- Using a different name and different pronouns.
- Dressing differently.
- Changing one's name and/or gender on legal documents.
- Hormone therapy and possibly (though not always) one or more types of surgery.

TU Dublin recognises that

- All staff and students should be fully supported to participate in TU Dublin activities, clubs and societies in accordance with their gender identity.
- A person should have access to their preferred choice of toilet and changing facilities at the point when they start to live in their preferred gender. The university will strive to ensure that gender neutral bathrooms and changing rooms are provided throughout each campus. Plans for all new buildings should provide for gender neutral bathrooms and changing rooms.
- Transition including medical transition, may not be applicable, necessary or desirable for all transgender individuals for a variety of reasons.
- Medical interventions related to transition are not elective.
- People who transition at work or who identify as transgender or non-binary in a professional environment may face unique challenges (e.g. unnecessary or invasive questions when accessing services).
- Although the university is obliged to maintain records that include an individual's legal name and legal gender, the university will use the name and gender preferred by the individual to such an extent as is possible under the current legal framework.
- One of the most significant moments will be when the individual wishes to start presenting in their chosen gender publicly. It is crucial that this is managed and communicated well to those who have a working relationship with the individual. Different individuals will have different needs, and there is no set, standard model of transition. The key person or other relevant person, working with the individual and their colleagues and peers, will facilitate this in line with the Confidential Implementation Plan.

- Staff who work in a supporting role to persons who are transitioning will require adequate training and ongoing supervision.
- Members of the TU Dublin community who are in a supporting role of someone who is transitioning (e.g. a family member) will require reasonable accommodations and support.

For more information on how you can support persons during a transition process see [Gender Identity and Gender Expression](#).

For a full list of relevant terms and their meaning please see *Appendix B*.

Bullying or harassment and complaints alleging discrimination based on a person's actual or perceived gender identity or expression will be taken seriously and will be dealt with under the Dignity and Respect at Work policy (HRP003) and Student Dignity and Respect and equivalent policies.

Personal data in relation to Gender Identity and Expression is sensitive data, and any unauthorised disclosure of personal data may result in disciplinary action.

Personal data must be managed in line with the TU Dublin Data Protection Policy. Gender Identity and Expression is Special Category data protected under GDPR Article 9, and requires explicit informed consent from the data subject for the processing of such data. A data breach incident, where there is unauthorised access or disclosure of personal data, must be reported within 72 hours to the Office of the Data Protection Commissioner where it is likely to result in a risk to data subjects' rights and freedoms.

Please see the [TU Dublin Data Protection Policy](#) for further information.

## **7.0 Availing of supports in a gender transition process**

TU Dublin provides support via a 'key persons' system. Please go to [Gender Identity and Gender Expression](#) or contact [equality@tudublin.ie](mailto:equality@tudublin.ie) to view their contact details.

Your key person will:

Meet with you and outline the full range of supports available in TU Dublin; and

Assist you in drawing up a 'Confidential Implementation Plan' (CIP) for the period of transition or thereafter. The implementation plan will be reviewed and reassessed regularly. The plan will include the following items, where applicable:

- The expected point or phase of change of name, personal details or gender marker
- Who will need to be informed initially, and the level of information to be provided, in order to offer support and arrangements during the transition process
- Whether you wish to inform your relevant contacts yourself (e.g. line managers, clients, tutors, peers), or if you would prefer this to be done for you
- What amendments will be required to records and systems

- Whether training or briefing for your peers and line managers/tutors will be necessary, at what point and by whom this will be carried out.
- If applicable, the expected timing of any medical and surgical procedures (if any) whilst recognising that timeframes can change
- If applicable, what time off will be required for treatment and/or how possible side effects from any medication may affect your job/studies and any arrangements needed
- If applicable, information on supports you can access (e.g. peer support group)

For further details on this process and for further information on Staff and Student Records please see [Gender Identity and Gender Expression](#)

## 8.0 Organisational structural supports

### 8.1 Personal Supports

Staff have access to personal supports through Spectrum Life and can avail of the service by

- calling freephone 1800 814 243 or
- texting “Hi” using Whatsaap or SMS to 087 369 0010 or
- emailing an enquiry to the specialist information service at [eap@spectrum.life](mailto:eap@spectrum.life)

The service is available 24 hours per day, 365 days per annum. While the service is confidential, you will be required to identify that you are a TU Dublin employee, however, this will not be communicated back to TU Dublin by Spectrum Life.

Students have access to personal supports through a range of professional confidential services provided by the University.

- [Student Services and Support](#)
- [Health Services](#)
- [Counselling Service](#)
- [Chaplaincy](#)

### 8.2 Training

The full list of available training for staff in TU Dublin is available on [Gender Identity and Gender Expression](#).

The Resource Guide produced by the National LGBT Federation (NXF) on *Safeguarding, Supporting and Supervising Gender Minority Students in Institutes of Higher Education* is [here](#).

### 8.3 External Supports

The Transgender Equality Network Ireland ([TENI](#)) provides invaluable supports and advice for trans people and their families, including resources on accessing the Gender Recognition process.

The Gender Recognition Act outlines the process to having your gender recognised and receiving a gender recognition certificate. More information about the act can be found [here](#) and information about the application process is found [here](#)

[BeLonG To](#) also offer advice and support services for trans people and their families.

## **9.0 Review and Reporting**

This policy will be reviewed periodically, and at least every 4 years, to reflect legal standards, government policy, and practice.

The EDI Director will inform the University Executive and the EDI Committee, Governing Body on any issues or updates to this policy and its implementation.

**Appendix A  
Rights & Responsibilities**

	<b>All Managers</b>	<b>All Other Staff</b>	<b>Those who avail of university supports in the spirit of this policy</b>	<b>All Students</b>	<b>Wider Community</b>
<b>Responsibilities</b>	Ensure training in relation to gender identity and expression is prioritised within PMDS or is provided on a team based approach as appropriate.				
	Read and understand, support and champion the Gender Identity & Gender Expression policy. Managers are accountable for implementing this policy in an appropriate manner that complies with all aspects of the requirements of the policy.	Read and understand the Gender Identity & Gender Expression policy. Ensure that their role in implementation is appropriate and complies with all aspects of the requirements of the policy			
	Take all reasonable steps (e.g. undertake training) to create an inclusive team environment free from discrimination, to provide appropriate and reasonable supports to team members, and to ensure that gender identity and gender expression is respected	Challenge observed incidents of transphobia and report incidents of discrimination, bullying and harassment, or victimisation relating to gender identity or gender expression as appropriate to their role in TU Dublin.	If appropriate documentation is required, ensure that this is submitted in a timely fashion.		
	Seek appropriate advice and guidance from the Directorate of Equality Diversity & Inclusion to assist in supporting a person who is exploring or questioning their gender identity.	Seek appropriate advice and guidance from the Directorate of Equality Diversity & Inclusion to assist in supporting a person who is exploring or questioning their gender identity.	Provide as much notice as possible to their key person if time off is required for medical needs	Adhere to the Student Charter & other student policies of conduct.	
	Comply with relevant legislation				
Respect the dignity, privacy and confidentiality rights of all individuals and members of the TU Dublin community including our visitors.					

<b>Rights</b>	Right to contact a key person (see Section 6 of this policy) and get advice on implementing the requirements of a CIP for a team member.		Right to access to people with appropriate knowledge, skills and expertise who can provide fit for purpose supports during stages of transition		
			Right to contact a key person (see Section 6 of this policy) and engage with them in developing, contributing to, and regularly updating the confidential implementation plan.		
	Right to be treated with fairness, dignity and respect and to express ones gender identity freely, and be addressed by their preferred name and pronoun				
	Right to raise concerns with the expectation that they will be reasonably addressed in accordance with the spirit of this policy.				
	Right to equal opportunities and access to employment, education, and training opportunities and services.				
	Right to access activities and facilities appropriate to their gender identity				
	Right to reasonable and appropriate arrangements and accommodations				

## Appendix B

### Useful Terms and their Meanings

Language is complex and ever evolving. As such this is not a comprehensive list. It is rather a guide to some common words and their current meanings. It is intended as a helpful starting point and it will be regularly updated. All definitions (except the definition for 'Gender Binary') sourced from [TENI](#).

**Bigender:** A gender identity which can be literally translated as 'two genders' or 'double gender'. These two gender identities could be male and female, but could also include non-binary identities.

**Cisgender:** a non-trans person (i.e. a person whose gender identity and gender expression is aligned with the sex assigned at birth). The term cisgender acknowledges that everyone has a gender identity (i.e. a non-trans identity is not presented as normal or natural which stigmatises a trans identity as abnormal or unnatural).

**Cissexism:** the assumption that a cisgender identity is more authentic or natural than a trans identity. The belief that a person's sex assigned at birth always remains their real gender (e.g. suggesting that a trans woman is 'really a man' or a trans man is 'really a woman').

**Coming out:** The process of accepting and telling others about one's gender identity, gender expression or sexual orientation. Many trans people will 'come out' as a different gender to the sex assigned at birth and may begin a social or physical transition. Some trans people choose to 'come out' or be 'out' about their trans identities to raise visibility or acknowledge their experiences. Others do not want to 'come out' as they feel this implies that their gender identity is not valid or authentic (e.g. a trans woman who comes out as trans may be perceived to be less of a woman). It is important to never out someone as trans without their permission. Forced outing – whether intentional or unintentional – is a form of transphobia.

**Crossdresser:** A person who wears clothing, accessories, jewellery or make-up not traditionally or stereotypically associated with their assigned sex. People who crossdress may be comfortable with their assigned sex, although some people may go on to identify as transgender.

**Gender Binary:** a system of two genders – male and female. The gender binary currently functions as a key societal organising principle in many countries i.e. it is one of the ways we are socialised to make sense of 'who' people are. It has not always been a key organising principle in global societies. For example, historically, prior to colonization, some societies were primarily organised according to seniority – people made sense of 'who' others were by placing them in order of seniority. Gender was still acknowledged but it was not organised within a simple binary i.e. fluid configurations of gender were generated.

**Gender Expression:** The external manifestation of a person's gender identity. Gender can be expressed through mannerisms, grooming, physical characteristics, social interactions and speech patterns.

**Gender Fluid:** a non-binary gender identity. Gender fluid individuals experience different gender identities at different times. A gender fluid person's gender identity can be multiple genders at once, then switch to none at all, or move between single gender identities. Some gender fluid people regularly move between only a few specific genders, perhaps as few as two.

**Gender Identity:** Refers to a person's deeply-felt identification as male, female, or some other gender. This may or may not correspond to the sex they were assigned at birth.

**Genderqueer:** a person whose gender varies from the traditional 'norm'; or who feels their gender identity is neither female nor male, both female and male, or a different gender identity altogether.

**Gender variant:** People whose gender identity and/or gender expression is different from traditional or stereotypical expectations of how a man or woman 'should' appear or behave.

**Intersex:** Refers to individuals who are born with sex characteristics (such as chromosomes, genitals, and/or hormonal structure) that do not belong strictly to male or female categories, or that belong to both at the same time. A person with an intersex variation may have elements of both male and female anatomy, have different internal organs than external organs, or have anatomy that is inconsistent with chromosomal sex. These variations can be identified at birth (where there is obviously ambiguous genitalia), at puberty (when the person either fails to develop certain expected secondary sex characteristics, or develops characteristics that were not expected), later in adulthood (when fertility difficulties present) or on autopsy. Most individuals who are intersex do not identify as transgender or do not consider themselves covered by the transgender umbrella.

**Non binary:** An umbrella term for gender identities that fall outside the gender binary of male or female. This includes individuals whose gender identity is neither exclusively male nor female, a combination of male and female or between or beyond genders. Similar to the usage of transgender, people under the non-binary umbrella may describe themselves using one or more of a wide variety of terms (See definition of Androgynous, Gender Fluid, Genderqueer, Gender variant).

**Sex:** The designation of a person at birth as male or female based on their anatomy (genitalia and/or reproductive organs) or biology (chromosomes and/or hormones). The phrase "sex assigned at birth" (replacing "biological sex") is a more accurate and respectful way to acknowledge the process of sex assignment that occurs at birth through a perfunctory look at external anatomy. It might not be possible in all cases (e.g. intersex) to identify an individual as male or female at birth. For trans people, assigned sex may differ considerably from gender identity

**Surgery:** A set of surgical procedures that alter a person's physical appearance or the functioning of their existing sexual characteristics. Other terms include Gender Confirmation Surgery, Gender Reassignment Surgery, Sex Reassignment Surgery, Genital Reconstruction Surgery, Sex Affirmation Surgery and so on. Some trans people undergo surgery to align their bodies with their gender identities. Other trans people do not undergo any surgery for many different reasons. Some trans people define themselves by their surgical status such as post-operative (post-op), pre-operative (pre-op) or non-operative (non-op). However, these terms place emphasis on genitals as a marker for gender identity and may be rejected by people who do not see their gender as related to surgical status

**Transgender:** a person whose gender identity and/or gender expression differs from the sex assigned to them at birth. This term can include diverse gender identities. Not all individuals with identities that are considered part of the transgender umbrella will refer to themselves as transgender. For some, this may be because they identify with a particular term (such as transsexual or genderqueer) which they feel more precisely describes their identity. In line with TENI, TU Dublin recommend the use of transgender or trans\* as an umbrella term as it is currently the most inclusive and respectful term to describe diverse identities. However, we acknowledge and respect each individual's right to self-identify as they choose.

**Transition:** the process through which some transgender people begin to live as the gender with which they identify, rather than the one assigned at birth. Transition might include social, physical or legal changes such as coming out to family, friends, co-workers and others; changing one's appearance; changing one's name, pronoun and sex designation on legal documents (e.g. driving licence or passport); and medical intervention (e.g. through hormones or surgery).

**Trans man:** A person who was assigned female at birth but who lives as a man or identifies as male. Some trans men make physical changes through hormones or surgery; others do not. Trans man is sometimes used interchangeably with FTM (female-to-male). However, some trans men don't think of

themselves as having transitioned from female to male (i.e. because they always felt male). Some people prefer to be referred to as men rather than trans men while others will refer to themselves as men of transgender experience.

**Transphobia:** The fear, dislike or hatred of people who are trans or are perceived to challenge conventional gender categories or 'norms' of male or female. Transphobia can result in individual and institutional discrimination, prejudice and violence against trans or gender variant people.

**Trans woman:** A person who was assigned male at birth but who lives as a woman or identifies as female. Some trans women make physical changes through hormones or surgery; others do not. Trans woman is sometimes used interchangeably with MTF (male-to-female). However, some trans women don't think of themselves as having transitioned from male to female (i.e. because they always felt female). Some people prefer to be referred to as women rather than trans women while others may refer to themselves as women of transgender experience.