

# Gender Identity & Expression Policy

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<b>Feedback</b> or issues arising on implementation of this policy should be communicated to the policy author.	
Policy Author	The Equality, Diversity & Inclusion (EDI) Committee represented by the Vice President for EDI. Please direct feedback by email to <a href="mailto:edi.cw@setu.ie">edi.cw@setu.ie</a> and <a href="mailto:edi.wd@setu.ie">edi.wd@setu.ie</a> respectively.

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## 1. Context

The staff and student body of the SETU community are diverse. A rich part of that diversity is embodied by student and staff members who express their gender identity in different ways. To ensure good practice in our collective approach to embracing diversity through gender expression and identity, this policy provides advice and guidance for the support of Non-Binary, Intersex and Transgender students and staff members of the SETU community. A key document associated with this policy is the “Procedure & Guidelines” document which provides the framework for support.

SETU is committed to non-discrimination, equality, maintenance of dignity, and the cultivation and maintenance of safe and collegial working and learning spaces. This commitment involves safeguarding and supporting gender minority students and staff in SETU. This policy is underpinned by the key principle of *respect for all* current and prospective students and staff.

## 2. Purpose

The policy's purpose is to guide our actions and to direct procedures that impact upon gender identity and expression while also recognising the legal and regulatory framework within which the University operates.

The Principles underpinning this policy will inform all decision-making within SETU and will be incorporated, as far as is practical, into the routine operations of the University.

## 3. Scope

We all live with gender expectations; how we think about gender identity and expression of gender shapes how we engage with ourselves and how we interact with others. Therefore, this policy is intended for all SETU staff, students, contracted staff members and visitors to SETU. The policy covers face-to-face interactions, and online communications. Online communications may include, but are not limited to: email, learning platform interactions (e.g. Moodle, Blackboard etc.), and interactions on the social media platforms of SETU Clubs & Societies. This policy also applies to online class pages (run by students or staff) and group or one-to-one messaging services and messaging applications.

## 4. Legal Framework

SETU recognises, and by virtue of this policy, seeks to uphold its legal obligations in relation to gender identity and expression and will constantly strive to respect and support any staff member or student's identity, expression and transition.

Consequently, this policy has been developed and will be reviewed on an annual basis, having regard to all applicable laws, including but not limited to:

- The European Convention on Human Rights;
- Bunreacht na hÉireann 1937;
- The Equal Status Acts 2000-2015;
- The Irish Human Rights and Equality Commission Act 2014;
- The Data Protection Acts 1988 -2018;
- The Gender Recognition Act 2015;
- The Employment Equality Acts 1998 – 2015.

The Gender Recognition Act 2015 allows individuals aged 18 or over to self-declare their gender identity. Younger people aged 16-17 can also have their preferred gender legally recognised, although the process is more onerous. The Gender Recognition Act 2015 gives full legal recognition of a person's preferred gender and provides a new birth certificate reflecting the change.

Conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person is prohibited under The Employment Equality Acts 1998-2015.

Examples of unlawful discrimination or harassment because of a person's gender identity or gender expression include:

- Refusing employment, education, services or support;
- Refusing to support a student or staff member;
- Refusing to address a person by their correct gender pronoun or new preferred name;
- 'Outing' someone, by revealing the gender identity of a person to others without their explicit consent (*except in the exceptional circumstances detailed in the SETU Gender Identity & Expression Procedures & Guidelines*);
- Making offensive comments about a person's gender identity or gender expression;
- Physical or verbal threats, harassment, or spreading malicious gossip.

## 5. Key Principles and Commitments

SETU aims to create an inclusive and safe space for all Transgender, Intersex, and Non-Binary students and staff thus creating a workplace and learning environment that is free from discrimination, harassment or victimisation, where all staff and students are treated with dignity and respect regardless of their gender. SETU aims to give support and understanding to individuals who plan to take, or have already taken steps to present themselves in a gender different to their gender assigned at birth. The University recognises that the transition period can be very complicated, difficult and stressful for the individual and is committed to acting in a supportive and sensitive way to ease any transition period, and thereafter. As an employer and a place of learning and research, SETU is committed to taking positive steps towards creating an inclusive work, study and research environment where Transgender, Intersex and Non-Binary employees and students can fulfil their potential.

SETU recognises the right of Transgender and Non-Binary students and staff to (1) self-identify and (2) self-determine how that identity manifests. Gender is complex and multifaceted and there is no predetermined or "correct" way to transition or manifest one's gender identity; SETU is mindful of this and the potential of institutional gatekeeping practices putting undue pressure on Transgender and Non-Binary students. It is, of course, not possible to account for every circumstance of a student's lived-experience however within this policy, SETU has enhanced flexibility to allow Transgender (hereafter called Trans) members of the SETU community to self-identify in the manner they deem safe and comfortable.

The understanding of terms used to describe sex and gender have changed and evolved over time as new understanding and theories have developed regarding the ways that gender identity and expression function in our world. Changes to these terms and our understanding of them readily impact how we work and study in SETU. SETU is committed to providing ongoing formal training, (and ad hoc training when required) so that anyone who needs to use this policy can understand gender and sex-related terms, ideas and developments.

No prospective or current members of staff or students will be treated less favourably than any other on the grounds of gender identity or expression, or gender reassignment. Our commitment to non-discrimination in this context includes before, during, or after a student or staff member's employment or time studying at SETU. As individuals and a collective, SETU will work together to make SETU more Trans-, Intersex- and Non-Binary-inclusive.

The following principles and commitments underpin all activities of SETU in this regard:

- We adopt the philosophy of inclusivity in all SETU environments, both in-person and online - promoting equality and diversity as well as being committed to maintaining, for students and staff, an environment of dignity and respect;

- We recognise the right of Transgender, Intersex, and Non-Binary staff and students to self-identify and self-determine how that identity manifests. The University will facilitate this expression at the person's own discretion;
- We support student and staff gender expression, ensuring that students and staff experience a positive and tolerant in-person and online environment within the University;
- We endeavour to use gender-neutral terms as far as is practical on front-facing systems and to use non-gender student and staff identifiers (such as student/staff numbers) in preference to gender-laden identifiers;
- We recognise that students and staff may identify with any or no gender and that each student and staff member has their own unique identity;
- We will balance the dual needs of the student or staff member's desire to have a preferred name and identity recorded on public-facing systems while also maintaining an accurate account of the record of each student/staff member;
- In defining these Principles, SETU recognises its obligations, specifically under the Equal Status Act 2000-2015, as well as the Employment Equality Acts 1998-2015;
- This policy will be interpreted and applied in the most inclusive manner possible, taking into account changing legislation, social conditions, and terminology used in relation to gender identity and expression.

## **6. Obligations, Roles and Responsibilities of the University, Staff, Students and SETU Community**

### 6.1 The University

In support of the above key principles and commitments, SETU will:

- Not discriminate against staff or students, current or prospective, on the grounds of gender identity and expression;
- Not discriminate against people on the grounds of any process of gender transition (social, physical, legal or medical) begun or completed;
- Facilitate students and staff to express their gender without fear of consequences;
- Not tolerate harassment or bullying of students or staff, or visitors to the University based on gender identity or expression;
- Respect the privacy of all students and staff;
- Endeavour to provide a safe and respectful environment in which any student or staff member can choose to be open about their gender identity;
- Endeavour to provide appropriate facilities such as gender-neutral toilet and changing facilities;
- Endeavour to provide reasonable support for students and staff members undergoing medical procedures related to gender reassignment;
- Encourage student and staff training and awareness to ensure a supportive environment;

- Remove unnecessary gender distinctions within the University environment;
- Develop best practices and policies in line with legislation.

## 6.2 The Staff, Students & SETU Community

In support of the above key principles and commitments, all staff and students of the University are expected to behave in a non-discriminatory, open and respectful manner as per the SETU Student Charter, Dignity at Work Policy and the SETU Staff and Student Codes of Conduct.

In particular, staff and students are expected to avoid unacceptable behaviours, such as:

- Refusing to recognise or work with a member of staff or a student who is Trans, Non-Binary or Intersex;
- Deliberately excluding a Trans, Non-Binary or Intersex person from any work or work-related activity on the grounds of their gender identity or expression;
- Excluding or isolating someone because they are Trans, Non-Binary or Intersex;
- Intentionally revealing the Trans, Intersex or Non-Binary status of a person to others without permission by disclosing information to individuals or groups – in other words, 'outing' someone;
- Not respecting a person's gender identity by not using their preferred name or pronouns because one thinks the individual is not sufficiently 'convincing' in their gender presentation;
- Refusing or failing to acknowledge that a Trans, Intersex or Non-Binary person is living in their self-identified gender;
- Verbally or physically threatening a Trans, Intersex or Non-Binary person;
- Jokes targeting Trans, Intersex or Non-Binary people, name-calling, or display of pictures that insult or offend;
- Systemically excluding Trans, Intersex or Non-Binary people from discussions about issues directly affecting them;
- Misrepresenting Trans, Intersex or Non-Binary people (or data pertaining to them) in the course of academic debate;
- Sexual, racist, ageist, homophobic or other forms of harassment that are used to target Transgender, Intersex, or Non-Binary individuals in indirect or alternative ways.

## 6.3 Staff and students availing of this policy

If and when availing of the provisions of this policy, a student/staff member should be cognisant of corresponding obligations that they may have. These include:

- The need to adequately engage with the University in respect of following policy and procedural processes;
- The impact of decisions on their record within the University and future needs to connect their preferred identity to their formal record.

## 7. Related Documents

For a thorough understanding, it is necessary to read this policy in conjunction with other SETU policies and procedures. The following indicative policies are the most important; however, please note that this is a non-exhaustive list:

- Gender Identity & Expression Procedures & Guidelines
- Equality, Diversity and Inclusion Policy
- Dignity at Work Policy
- Student Code of Conduct
- Staff Code of Conduct
- Student Complaints and Appeal Procedures

Appendix 1 also provides additional relevant background information.

## 8. Policy Development, Ownership and Revision.

This policy document and accompanying “Procedures & Guidelines” document have been developed by the Equality, Diversity and Inclusion (EDI) Committee of *SETU*. Input into policy development has also been provided by trans-students/alumni of *SETU* and organisations such as TENI and ShoutOut.

The policy, procedures and guidelines will be reviewed on an annual basis by the SETU EDI Committee; however, both EDI offices welcome feedback on an ongoing basis. Please direct feedback by email to [edi.cw@setu.ie](mailto:edi.cw@setu.ie) and [edi.wd@setu.ie](mailto:edi.wd@setu.ie)

## Appendix 1 – References

**American Psychological Association. (2015)** Guidelines for psychological practice with transgender and gender nonconforming people. *American Psychologist*, **70**(9), p.832–864. <https://doi.org/10.1037/a0039906>

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**Chevallier, C., and Buggy, C., (2020)** Resource Guide - Safeguarding, Supporting, and Supervising Gender Minority Students in Institutes of Higher Education. Information, Advice, Considerations, and Reference Materials for the Inclusion and Protection of the Trans\*, Non-Binary, and Gender Non-Conforming Community. <https://www.teni.ie/wp-content/uploads/2020/07/Higher-Ed-Resource-Guide-1.pdf> Accessed on: 03-04-2022

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