Gender Identity and Expression Policy

Policy Owner:	Policy approved by:
Deputy President and Registrar	Academic Board 12th September 2018
	University Management Team Strategy 20th September 2018
	Academic Council 12th October 2018
	Governing Body 30th October 2018

1.0 Introduction

University College Cork is committed to equality and will aim to provide all staff and students with a positive working and learning environment free from discrimination, harassment or victimisation.

The University recognises that there can be differences between physical sex and gender expression and identity. The University will not discriminate against people on the grounds of transgender or gender non-binary expression or identity. Additionally, the University will not discriminate against people on the grounds of any process of gender transition (social, physical, or medical) begun or completed.

This policy does not anticipate every situation that might occur with respect to transgender or non-binary gender staff/students, and the needs of each transgender or non-binary staff member/student must be assessed on a case–by-case basis. **UCC's Gender Identity and Expression Guidelines** should also be read as a procedural support in conjunction with this policy.

2.0 Scope of Application

This policy applies to all UCC students and staff. This policy also seeks to protect students and staff on social media platforms, predominantly class pages, society pages and clubs pages.

3.0 Definitions

See full list of definitions in Appendix 1.

Transgender or **Trans** is an umbrella term for people whose gender identity or gender expression differs from the sex assigned to them at birth and includes people who live permanently or temporarily in one or more genders. The term 'trans' can also be used to describe people who:

- Intend to undergo, or are undergoing social, legal, and/or medical transition at any stage
- Identify as someone with a different gender from that which they were assigned at birth, but who may have decided not to undergo medical intervention, present in clothing worn by the other sex, either permanently or temporarily.

Non-binary is a term for people who identify as a gender that is neither male nor female, or who are not male or female exclusively. The term non-binary can itself refer to a specific gender identity, or it can function as an umbrella term which can include (though not always) people who identify as agender, bigender, genderqueer, intersex or neutrois, amongst other identities.

4.0 Purpose of this Policy

The purpose of this policy is to ensure that University College Cork ensures the protection of all trans and non-binary students, staff, alumni and service users of the University, where all are treated with the dignity and respect to which they are entitled.

University College Cork:

1. Will not tolerate discrimination (direct or indirect) in any form, including in discrimination against a person's gender expression and/or identity, in line with all University policies.

2. Supports an environment of dignity and respect where everyone can develop to their full potential.

3. Will not tolerate the bullying or harassment of any UCC student or staff member on the basis of gender identity and expression. If applicable, such incidents may be dealt with in line with the University policy on the *Duty of Respect and Right to Dignity*.

4. Respects the privacy of all trans and non-binary students, staff and alumni and will not, *so far as is reasonably practicable*, reveal any information related to their trans or non-binary status unless required or authorised to do so.

5. Is committed to establishing a safe and supportive environment for all students, staff, alumni and the wider University community.

6. Will provide the best possible support to UCC students and staff undergoing medical and/or social transition.

7. Will seek facilitate any staff member or student who wishes to change their UCC records to match their gender identity and expression by providing clear and easily accessible guidelines on such processes. These guidelines are available in the UCC Gender Identity and Expression Guidelines.

8. Will encourage & facilitate training and awareness raising activities for staff and students to ensure a supportive environment.

5.0 Roles and Responsibilities

The University has overall responsibility for ensuring that all students and staff are fully included in the University community. The University is also responsible for ensuring that any complaint of unacceptable behaviour, inappropriate conduct or discrimination against transgender or non-binary persons is addressed in accordance with the appropriate policy or procedure.

The University will provide support, assistance, advice and training to all relevant departments, offices and staff to ensure they are fully supportive of transgender and non-binary staff and students' gender identity and expression, and to ensure the University is in compliance with legislation referenced in section 6.1. Specifically, the following roles and responsibilities apply in relation to this policy:

All University staff and students:
- Are expected to read, adhere to and understand this policy document and the UCC Gender Identity and Expression Guidelines;

- Must not jeopardise the privacy of a transgender or non-binary person who does not want their gender identity to be publicly known;

- Are expected to report transphobic and related forms of discrimination noted in section 6.1 to their manager or the relevant University representative;

- Should complete relevant training and awareness activities provided by the University to support compliance with this policy; and

- Are expected to contact relevant supports in section 6.3 if they are in any doubt about the above responsibilities.

Academic Board:
- University Academic Board is responsible for reviewing this policy and the UCC Gender Identity and Expression Guidelines as recommended by the Deputy President and Registrar;

University Management Team: Operations (UMTO):

- Is responsible for approving this policy. Each member of UMTO is also responsible for ensuring compliance with the legislation outlined in section 6.1 and this policy and the UCC Gender Identity and Expression Guidelines in their respective areas of responsibility;

Governing Body:

- Is responsible for final approval of this policy.

Heads of School/Functional Area

Heads of School/Functional Area are responsible for:

- Ensuring their School/Functional Area is proactive in supporting the rights and needs of transgender and non-binary persons;

- Ensuring compliance with the legislation noted in section 6.1;

- Ensuring compliance with this policy and the UCC Gender Identity and Expression Guidelines in their respective areas of responsibility, including changing central University or local records for a student or staff member as appropriate;

- Dealing efficiently and transparently in their School/Functional Area with any complaint of transphobic discrimination and related forms of discrimination against transgender and non-binary persons.

6.0 Related Documents and Supports

6.1 Legislation

This policy has been developed having regard to all applicable laws including but not limited to: the Employment Equality Acts 1998 – 2015, Equal Status Acts 2000-2015, Gender Recognition Act 2015, Irish Human Rights and Equality Commission Act 2014 and Data Protection Acts 1988 -2018.

It contrary to University policy to discriminate in any way (including, but not limited to, failure to hire, failure to promote, or unlawful termination) against a staff member/student because of the staff member/student's actual or perceived gender identity.

Unacceptable behaviour includes:

- Refusing to promote a member of staff because they are a trans or non-binary person.
- Refusing to support a member of staff or a student who is trans or non-binary.
- Deliberately excluding a trans or non-binary person from any work or work-related activity on the grounds of their gender identity.
- Dismissal of a trans or non-binary person for reasons connected to their gender identity.
- Spreading malicious gossip about a trans or non-binary person.
- Excluding or isolating someone because they are trans or non-binary.

- Intentionally revealing the trans 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 because one thinks the individual is not sufficiently 'convincing' in their gender role.
- Indefinitely refusing to allow a trans or non-binary person to use single-sex facilities appropriate to their gender or forcing them to use gender-neutral facilities.
- Refusing or failing to acknowledge that they are living in their self-identified gender.
- A deliberate, repeated failure to address a person by their proper name and pronoun (she, he, they, etc.)
- Verbally or physically threatening a trans or non-binary person.
- Deliberately and repeatedly invasive questions about medical history and/or anatomy.
- Transphobic jokes, name-calling, or display of pictures that insult or offend.
- Sexual, racist, ageist, homophobic or other forms of harassment which are used to target transgender or non-binary individuals in indirect or alternative ways.

6.2 Related University Policies

There are a number of other related UCC Policies and Guidelines related to this policy, including the Duty of Respect and Right to Dignity Policy https://www.ucc.ie/en/media/currentstudents/documents/DRRDGBApproved.pdf **UCC's Gender Identity and Expression Guidelines** should also be read as a procedural support in conjunction with this policy.

6.3 University Supports

University College Cork provides a range of supports and information for students and staff.

For Students:

- Peer advice and support provided through the UCC Student LGBT* Society https://lgbtsoc.ucc.ie/
- Advice and guidance about Equality Diversity and Inclusion provision at UCC through the Equality Diversity and Inclusion Unit https://www.ucc.ie/en/edi/
- Information and Support through the UCC Student Advisor and Ombudsman https://www.ucc.ie/en/studentombudsman/
- Information and Support through the UCC Students Union Welfare Officer welfare@uccsu.ie
- Counselling Service through UCC Student Counselling and Development https://www.ucc.ie/en/studentcounselling/
- Health Services through UCC Student Health https://www.ucc.ie/en/studenthealth/

For Staff:
- Peer advice and guidance from UCC LGBT Staff Network https://www.ucc.ie/en/lgbtstaff/
- Advice and guidance about Equality Diversity and Inclusion provision at UCC through the Equality Diversity and Inclusion Unit https://www.ucc.ie/en/edi/
- Information and support from your line manager
- Information and support from UCC Staff Ombudsman: https://www.ucc.ie/en/staffombudsman
- Confidential 24 hour service through the Employee Assistance Programme https://www.ucc.ie/en/hr/eap/
- Information and support relating to Wellbeing at Work through UCC Staff Wellbeing Advisor https://www.ucc.ie/en/hr/wellbeingdevelopment/wellbeing/
- Information and support from UCC branches of Irish Federation of University Teachers (IFUT: email chair.ucc@ifut.ie), Services, Industrial, Professional and Technical Union (SIPTU: email g.hurley@ucc.ie) and UCC Researcher Staff Association: https://www.ucc.ie/en/rsa

7.0 UCC Gender Identity and Expression Guidelines

A guidance document accompanies this policy and covers the following:

- Accommodation (for UCC students);
- Appropriate Language and Terminology;
- Clubs and Societies;
- Communication;
- Confidentiality;
- Dress Codes;
- Facilities;
- Forms and Questionnaires;
- International Staff and Students;
- Official Student and Staff Records;
- Recruitment;
- References;
- Supporting People who Come Out as Transgender/Non-Binary;
- Supporting Transitioning Processes;
- Training and Awareness Raising.

Appendix 1 Definitions

1. Gender Identity & Expression Definitions

Note: staff and students are not expected to be familiar with all terms below; rather they provide a reference point for appropriate language use and concepts related to gender identity and expression.

- **Androgynous:** Having neither a clearly masculine or feminine appearance or blending masculine and feminine.

- **Agender:** Some agender people would define their identity as being neither a man nor a woman while others would define agender as not having any gender.

- **Bigender/Trigender/Pangender:** People who feel they are two, three, or all genders. They may shift between these genders or be all of them at the same time.

- **Cisgender:** Someone whose gender identity matches the gender they were assigned at birth, someone who is not trans.

- **FAAB/AFAB:** Assigned female at birth and female assigned at birth respectively. These terms refer to what gender you were assigned at birth (in this case female, thus you are expected to be a girl/woman). The terms are important because many trans people use them as a way to talk about their gender identity without being pinned down to more essentialist narratives about their "sex" or what gender they "used to be".

- **Gender identity:** An individual's personal sense of what gender they are. One's gender identity may or may not align with their assigned gender, and one's gender identity is not visible to others.

- **Gender expression:** How one expresses their gender outwardly and/or the facets of a person's expression which have gendered connotations in our culture. There is no right or wrong way to express your gender.

- **Gender fluid:** A term to describe 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 nonconforming (GNC):** Not fully conforming to gendered social expectations, whether that be in terms of expression, roles, or performance.

- **Hijra:** A term used historically in the Indian subcontinent to refer to persons and communities who are neither male nor female through traditional and cultural understandings of gender roles and identity. Often used to describe a third sex, the term should be used with an understanding of the specific

social, cultural, political and historical role of hijra persons and communities in South Asian societies.

- **Intersex:** An umbrella term that refers to a variety of people who have one or more of a range of variations in sex characteristics that fall outside of traditional, binary conceptions of male or female bodies. For example, intersex individuals may have variations in their chromosomes, genitals or internal organs like testes or ovaries. Intersex individuals do not always identify as transgender and do not always consider themselves covered by the Trans umbrella.

- **MAAB/AMAB:** Assigned male at birth and male assigned at birth respectively. These terms refer to what gender you were assigned at birth (in this case male, thus you are expected to be a boy/man). The terms are important because many trans people use them as a way to talk about their gender identity without being pinned down to more essentialist narratives about their "sex" or what gender they "used to be".

- **Mukhannathun:** A classical Arabic term and ancient antecendent to the concept of transgender women. The term has significantly featured in Islamic texts and verbal teachings, deeds and sayings, and in scholarship on Islam. The term should be used with an understanding of the specific social cultural, political and historical role of mukhannathun in predominantly Islamic societies.

- **Non-binary:** Non-binary people are those who identify as a gender that is neither male nor female or who are not male or female exclusively. Non-binary can refer to a specific gender identity, or it can function as an umbrella term which can include (though not always) people who are genderqueer, agender, bigender, neutrois, and others.

- **Preferred pronouns:** The pronouns one prefers to be called, whether they be he, she, they, it, ze, ey, or any other. It is preferable to always ask someone their preferred pronouns if possible, and to not make assumptions about a person's pronouns. Always be sure to respect a person's preferred pronouns, use them, and apologise if you slip up.

- **Two spirit:** A term used to describe some Native North American trans persons through traditional and cultural understandings of gender roles and identity. The term should be used with an understanding of the specific social cultural, political and historical role of two spirit persons in Native American societies. For more see: http://www.tribal-institute.org/2012/B6PP.pdf

- **Travesti:** A term used in certain Latin American contexts to describe a person assigned male at birth who may identify female, undergo a gender transition process, and/or express their gender identity according to feminine norms. The term should be used with an understanding of the specific social, cultural, political and historical position of travesti persons and communities in Latin American societies.

- **Trans:** An umbrella term which can be used without offence for people whose gender identity and/or gender expression differs from that which is

usually associated with the sex assigned to them at birth. This term can include diverse identifications such as: transsexual, transgender, crossdresser, androgynous, agender, genderqueer, gender variant or differently gendered.

- **Transgender:** An umbrella term for people whose gender identity or expression does not match the gender they were assigned at birth. "Transgender" can include transsexuals, cross dressers, drag kings/queens, masculine women, feminine men, and all those who defy what society tells them their "gender" should be.

- **Trans man:** A man who was assigned female at birth.

- **Trans woman:** A woman who was assigned male at birth.

2. Sex and Gender Definitions

- **Sex:** The designation of a person at birth as male or female based on their anatomy (genitalia and reproductive organs) or biology (chromosomes and hormones).

- **Gender:** A complex combination of roles, expressions, identities, performances, and more that are assigned gendered meaning by a society. Gender is both self-defined and society-defined. How gender is embodied and defined varies from culture to culture and from person to person. Gender might be more appropriately understood as a spectrum of possible identities and ways of expressing oneself, rather a simple male/female binary.

3. Intersectionality and Multiple Identities

- **Intersectionality:** The fact that we all have multiple identities (e.g. gender, race, faith/beliefs) and that every part of our identities is connected. Our identities intersect in differing combinations depending on context. Certain intersections of identity can give people privilege and power, or lead them to face oppression. For example, as trans people of colour transition, they may be subject to different racial stereotypes inside and outside the LGBT community. A trans person living on a low income may find it difficult to pursue their own transition path due to certain costs involved. A person of colour's experience of being trans can also frequently be erased by predominantly white Western definitions of what a trans person is (see for example, the terms hijra, mukhannathun, travesti and two spirit above).

- **LGBT:** A common acronym which stands for lesbian, gay, bisexual, and transgender/trans. There are other variations similar to this acronym, such as LGBTQQIAA which stands for lesbian, gay, bisexual, transgender/trans, queer, questioning, intersex, asexual.

- **Sexual Orientation:** Refers to a person's physical, emotional or romantic attraction to another person. Sexual orientation is distinct from sex, gender identity and gender expression. Trans people may identify as lesbian, gay, heterosexual, bisexual or asexual.

4. Gender Identity and Expression Practices and States

- **Bottom surgery:** Any of a variety of gender-related surgeries dealing with genitalia. They can include: vaginoplasty, phalloplasty, vaginectomy, metoidoplasty, orchidectomy, scrotoplasty and others.

- **Dysphoria:** Unhappiness or sadness with all or some gendered aspects of one's body, or in response to social misgendering. Some trans people experience and/or use the term dysphoria, some do not.

- **Outing:** To out oneself is to share an identity that was previously unknown to people, usually referring to sexual orientation or gender identity. You should never out someone without their consent.

- **Passing:** When used by trans people it can either mean that one is being read as the gender they identify as or that one is being read as cisgender. For example, a trans man who people read as a man, most likely a cis man.

- **Top surgery:** This term can refer to any gender-related surgery dealing with a person's chest such as breast implants, mastectomies, and breast reduction surgeries. This term is more commonly associated with mastectomy procedures however.

- **Transition:** To transition can mean a lot of things but a broad definition is the process trans people may go through to become comfortable in terms of their gender. Transitioning may include social, physical, mental, emotional and legal components and may not fit into the narrative we are used to seeing. Transition may or may not include things like changing one's name, taking hormones, having surgery, changing legal documents to reflect one's gender identity, coming out to loved ones, dressing as one chooses, and accepting oneself among many other things. Transition is an individual process with multiple, differing pathways.

- **Pre-op/post-op/non-op:** These terms refer to what gender-related surgeries a person has had, plans to have, or does not want to have. Pre-op (pre-operative) means the person plans to or wants to have some form of gender-related surgery but has not yet, post-op means they already have had some form of gender-related surgery, and non-op refers to trans people who do not desire any gender-related surgeries. These terms should not be used to define a trans person nor should they be applied to trans people without their consent.

5. Directly and Indirectly Discriminatory Practices and Systems

- **Arbitrary gender attribution:** The act of categorizing people we come into contact with as male, female, or unknown, based on personal assumptions. Gender attribution is questionable because it can lead to misgendering people. One can never know a person's gender identity just by looking at them.

- **CAFAB/CAMAB:** Coercively assigned female at birth and coercively assigned male at birth respectively. These terms refer to what intersex people are assigned at birth and reflect the specific way that intersex people are coerced into one of two limited gender categories which attempt to erase their difference. These terms have been co-opted by trans people but this can be problematic, as these are intersex specific terms.

- **Gender binary:** The pervasive social system that tells us there can only be masculine cis men and feminine cis women, and there can be no alternatives in terms of gender identity or expression.

- **Misgendering:** The act of attributing to a person a gender they do not identify as. If you were to call someone a man but they were in fact non-binary, you would have misgendered them. You can cut down on misgendering people by trying to not practice gender attribution, and by asking people their preferred pronouns and terms when appropriate.

- **Transmisogyny:** this term highlights the intersectionality of misogyny and transphobia and how they are often experienced as a dual form of oppression by trans women and some other MAAB trans people.

- **Transphobia:** The fear or hatred of trans people or those perceived as such.