

Version number:	Status:	Owner:	Approved By:	Date Approved:	Next Review Date:
1	Approved	Joanne Mulvihill-Allen	OCA Board	7 June 2022	June 2023

Gender Identity Policy

Updated: New

1. Purpose

- 1.1. The Open College of the Arts (OCA) recognise that individuals can identify with a range of different gender identities, and that gender identity may or may not be associated with the sex assigned at birth and gender presentation.
- 1.2. OCA aims to support gender diverse and trans students to have an equitable student experience and learning environment in line with OCA's equality, diversity and inclusion policy and action plan. And to provide a supportive workplace for staff members who may be transitioning to a gender other than the one assigned at birth or who may identify as non-binary.

2. Values

- 2.1. The Open College of the Arts (OCA) strategic vision is "to be at the forefront of student-led creative arts education through open, enhanced, & supported distance learning, for an evolving society". OCA is a non-profit educational charity, whose purpose is to widen participation in arts education through open flexible distance and online learning.
- 2.2. OCA's Open Learning Attributes translates our vision and values by outlining the underlying principles that inform approaches to learning, teaching, assessment, learning design, and wider academic related approaches. These are:
 - Openness - being accessible, inclusive, adaptable, and flexible
 - Engaging - creating active, enjoyable and meaningful educational experiences
 - Empowering - widening access to arts education, building trust, sharing experiences, and being student-led
 - Social - building learning communities, developing networks, and sharing our experiences
 - Sustainable - building resilience, and integrating environmentally sound and sustainable creative practice

Version number:	Status:	Owner:	Approved By:	Date Approved:	Next Review Date:
1	Approved	Joanne Mulvihill-Allen	OCA Board	7 June 2022	June 2023

- Evolving - being relevant and responsive, and creating a positive social impact

3. Scope

3.1. This policy applies to all OCA students, tutors, and staff.

3.2. This policy outlines OCA's process with regard to Trans and non-binary students and staff members wishing to change their recorded gender identity, as well as providing information more generally on gender identity and gender reassignment/transitioning.

3.3. It is everyone's responsibility to understand that transitioning may have an impact on students and staff ability to work and study and to be anticipatory and responsive to their needs and to recognise an individuals' right to share their gender identity or trans status if they wish. To 'out' someone without their permission is a form of harassment, could be considered a criminal offence, and will not be tolerated.

3.4. Student refers to anyone studying a course with the OCA.

3.5. Staff member refers to anyone under the employment of the OCA.

4. Changes

n/a as this is a new policy

5. Policies superseded by this document

5.1. This policy extends and enhances OCA's [Equality, Diversity & Inclusion Policy](#).

6. Related policies and legislation

This policy references:

6.1. [The Equality Act \(2010\)](#)

6.1.1. Gender reassignment

A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a

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1	Approved	Joanne Mulvihill-Allen	OCA Board	7 June 2022	June 2023

process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

6.1.2. The Act protects someone as soon as they demonstrate their intention to transition: they do not need a Gender Recognition Certificate nor surgery for this protection to apply. It is unlawful to ask for a Gender Recognition Certificate except in very few specific circumstances. (Please note it is a term of much contention and is one that Stonewall's Trans Advisory Group feels should be reviewed.)

6.1.3. Other relevant legislation

- [Data Protection Act 2018 \(UK\)](#)
- [The Human Rights Act 1998 \(UK\)](#)
- [The Gender Recognition Act 2004 \(UK\)](#)
- [Sex Discrimination \(Gender Reassignment\) Regulations \(Northern Ireland\) 1999](#)

7. Policy / procedure

7.1. Introduction

This policy was written with reference to the [Equality Act 2010](#), through a review of best practice within the HE sector and using resources from [Advance HE](#), [the Equality & Human Rights Commission](#) and [the Office for Students \(OfS\)](#). Information was also drawn from training provided by [Diversity & Ability](#), [PILAA](#) and [Curious Arts](#) for the OCA. Below is a list of important terminology and following are our aims and objectives for this policy.

7.2. Important terminology

7.2.1. Cisgender

Someone whose gender identity is the same as the sex they were assigned at birth.

7.2.2. Gender

Often expressed in terms of masculinity and femininity, gender is largely culturally determined and is assumed from the sex assigned at birth.

7.2.3. Gender identity

A person's innate sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to the sex assigned at birth.

7.2.4. Gender Recognition Certificate (GRC)

This enables trans people to be legally recognised in their affirmed gender and to

Version number:	Status:	Owner:	Approved By:	Date Approved:	Next Review Date:
1	Approved	Joanne Mulvihill-Allen	OCA Board	7 June 2022	June 2023

be issued with a new birth certificate. Not all trans people will apply for a GRC and you currently have to be over 18 to apply.

You do not need a GRC to change your gender markers at work or to legally change your gender on other documents such as your passport.

7.2.5. Non-binary

An umbrella term for people whose gender identity doesn't sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

7.2.6. Pronouns

Words we use to refer to people's gender in conversation - for example, 'he' or 'she'. Some people may prefer others to refer to them in gender neutral language and use pronouns such as they/their and ze/zir. If you are unsure what pronouns to use, it is always best to ask the individual what they prefer.

7.2.7. Sex

Assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions. Sometimes the terms 'sex' and 'gender' are interchanged to mean 'male' or 'female'.

7.2.8. Trans

An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.

7.2.9. Transgender man

A term used to describe someone who is assigned female at birth but identifies and lives as a man. This may be shortened to trans man, or FTM, an abbreviation for female-to-male.

7.2.10. Transgender woman

A term used to describe someone who is assigned male at birth but identifies and lives as a woman. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female.

Version number:	Status:	Owner:	Approved By:	Date Approved:	Next Review Date:
1	Approved	Joanne Mulvihill-Allen	OCA Board	7 June 2022	June 2023

7.2.11. Transitioning

The steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this.

Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents. Legally, this is referred to as Gender Reassignment and is a protected characteristic under the Equality Act 2010.

7.2.12. Transphobia

The fear or dislike of someone based on the fact they are trans, including denying their gender identity or refusing to accept it. Transphobia may be targeted at people who are, or who are perceived to be, trans.

[For a full list of LGBTQ+ terms visit Stonewall's website here.](#)

7.3. Aims and objectives

7.3.1. Students

7.3.1.1. Students will not be denied access to courses, progression to other courses, or fair and equal treatment while on courses because of their gender identity or because they propose to or have transitioned.

7.3.1.2. Requests to change name and gender on records, email addresses, other electronic handles and ID cards will be handled promptly and confidentially. The students requesting the change will be made aware of any implications of the changes.

- All students are required to provide formal evidence of a change of name, for example a copy of a deed poll or marriage certificate. We do not require evidence of a change of gender.
- If you wish to change the way in which your gender is recorded on your student record, then you can simply let us know. Information will be handled with sensitivity and confidentiality.
- Edits and updates to existing records or a new record will be created depending on what you feel appropriate. Checks will be made if you have any restrictions, safeguarding concerns or disability declarations on your original record and will be moved over to your new record. Reference to

Version number:	Status:	Owner:	Approved By:	Date Approved:	Next Review Date:
1	Approved	Joanne Mulvihill-Allen	OCA Board	7 June 2022	June 2023

your former recorded identity will be avoided as much as possible and only included if required for safeguarding purposes (accessible only by a restricted number of staff).

7.3.1.3. The curriculum will be checked to ensure that it does not rely on or reinforce stereotypical assumptions about Trans and non-binary people, and that it contains material that positively represents Trans and non-binary people and Trans and non-binary lives.

7.3.2. Staff members

7.3.2.1. Staff members will not be excluded from employment or promotion or be redeployed against their wishes because of their gender identity.

7.3.2.2. Staff members who may be transitioning can work with their manager to put in place an action plan, or to agree a checklist to clarify the actions that will be taken over the course of their transition, dates by which these will be done, and the person who will take responsibility.

- The manager and staff member will discuss the individual's preferences in relation to informing others, including other managers, colleagues, service users and other relevant contacts. They will agree whether the employee will do this, whether they would prefer the manager or a work colleague to do this, or a mixture of these options.
- They will also get express written agreement from the employee about when and how this will happen, including the details of the message and who it will be shared with. Levels of disclosure may vary in detail and will be agreed in advance.
- Electronic records will be updated in a timely manner, to coincide with the date on which the workplace transition begins. Care will be taken to ensure that records do not link back to the former name – this may entail creating a whole new email address rather than simply changing the name on the existing one, for instance. The manager and staff member will work together to ensure that nothing is missed.
- New security passes with the correct name will be issued if applicable.
- Paper records will be updated where possible. Those which cannot be updated, for instance, paper copies of references relating to the staff member's recruitment, will be stored in a secure place, and clearly

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1	Approved	Joanne Mulvihill-Allen	OCA Board	7 June 2022	June 2023

marked as only to be looked at by HR.

7.3.3. Students & Staff

- 7.3.3.1.** OCA will provide a supportive environment for students and staff who wish their Trans status to be known. However, it is the right of the individual to choose whether they wish to be open about their gender identity, Trans status or Trans history.
- 7.3.3.2.** To “out” someone, whether an employee or student, without their permission is a form of harassment and could lead to disciplinary action.
- 7.3.3.3.** OCA will include gender identity issues and allyship in equality training.
- 7.3.3.4.** OCA welcomes, and will work with our Student Association to provide appropriate opportunities and spaces for Trans and non-binary student and staff groups.
- 7.3.3.5.** Transphobic abuse, harassment or bullying are serious disciplinary offences and will be dealt with under the appropriate procedure. Transphobic propaganda, in the form of written materials, graffiti, music or speeches, will not be tolerated.
- 7.3.3.6.** Students and staff members undergoing medical and surgical procedures related to gender reassignment will receive positive support from OCA to meet their particular needs during this period.
- 7.3.3.7.** OCA recognises that Trans and non-binary students and staff come from diverse backgrounds and will strive to ensure they do not face discrimination on the grounds of their gender identity or in relation to other aspects of their identity which may intersect, for example, their race, age, religion or belief, disability or sexual orientation.

7.3.4. Our Community

Everyone at OCA:

- 7.3.4.1.** Has a responsibility to treat the student or staff member with respect and reassure them that the OCA is committed to an inclusive environment.
- 7.3.4.2.** Has a responsibility to realise this may be a significant step for the

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1	Approved	Joanne Mulvihill-Allen	OCA Board	7 June 2022	June 2023

student or staff member to take, so be respectful of the fact that you have been trusted with information that is very important to them.

- 7.3.4.3.** Will be led by the student or staff member as to how much or how little support they might need and the extent to which they wish to keep their situation confidential.
- 7.3.4.4.** Must be aware that the student or staff member might ask to use a gender-neutral pronoun, eg they/them, and respect what they request.
- 7.3.4.5.** Can explain that they might need to seek further information or advice from colleagues elsewhere at OCA, who have more experience and knowledge than them. You can do this with, or without, naming the student or staff member so do clarify with the individual whether they are happy to be named or wish to remain anonymous.
- 7.3.4.6.** Special leave will be given in order for a staff member to attend transition-related appointments and treatment. These absences will not be counted in relation to absence monitoring, included in absences for references, taken into consideration for performance monitoring or, for instance, during redundancy procedures.
- 7.3.4.7.** It is discriminatory to treat a staff member who is absent from work to undergo gender reassignment worse than someone who is absent from work for another reason - for example, because they are ill, injured, recuperating or having counselling or medical appointments.
- 7.3.4.8.** In addition, Trans staff members are entitled to the same sickness absence and pay as other staff. Many people have to travel a long distance for appointments, and these may be given at short notice. People may need reduced hours or duties, or other changes to usual working arrangements, for a temporary period following some treatments. Managers will be as flexible as possible to accommodate this.
- 7.3.4.9.** We encourage staff and students to share their preferred pronouns, for example in email signatures and during introductions on video conferencing calls or in person. If you see someone using the pronouns he/they or she/they, it means they identify as male or female respectively and are just as comfortable being referred to as 'they' as they would be 'he' or 'she'.

Version number:	Status:	Owner:	Approved By:	Date Approved:	Next Review Date:
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7.3.5. New staff members

7.3.5.1. People who have already transitioned have no obligation to disclose their gender history.

7.3.5.2. Job applicants and interviewees will not be asked their gender identity during the recruitment process apart from the equality monitoring questions that do not form part of the recruitment process. Neither is there any obligation for a transgender person to disclose this as a condition of employment. If they choose to disclose, this is not in itself a reason for not offering employment, and non-disclosure or subsequent disclosure is not grounds for dismissal. Appointing officers who become aware that an applicant is Trans will maintain full confidentiality in relation to this.

7.3.5.3. OCA recognises that it can be difficult and expensive for a Trans person to change their qualification certificates. If these are in a former name then where possible a record will be made that the certification has been seen, but a copy will not be taken. If it is absolutely necessary to store a copy, they will be stored securely and only accessed by HR.

7.3.5.4. Where a reference request is received for an existing staff member who has transitioned, OCA will respect the staff member's privacy and only respond using their correct name and gender since transitioning in the reference. OCA will not mention previous names or gender identity, unless specifically asked to do so (in writing) by the Trans person. Disclosure on sickness absence will not include time taken off for medical appointments related to transition. This information is strictly confidential, and managers must be very careful of any record keeping in this.

8. Implementing the policy

8.1. The policy will be reviewed annually by the EDI Group consisting of student and staff representation who will consult with those with lived experience where appropriate and in a respectful manner. The policy will have overall approval by the Curriculum and Quality Committee (CQC) who will ensure relevance with current statutory requirements, and best practice in the field of Equality, Diversity, and Inclusion.

8.2. As part of the review process of this policy, all subsidiary policies listed here will also be reviewed as part of this;

- [Student Accessibility Policy.](#)

Version number:	Status:	Owner:	Approved By:	Date Approved:	Next Review Date:
1	Approved	Joanne Mulvihill-Allen	OCA Board	7 June 2022	June 2023

- [Anti-Harassment & Bullying Policy](#).
- [Student Complaints Policy](#).
- [Ethics Policy](#).
- [Equality, Diversity & Inclusion Policy](#).
- [Fair Selection & Recruitment Policy](#).
- [Menstruation & Menopause Wellbeing Policy](#).
- [Safeguarding Policy](#)
- [Sexual Harassment & Misconduct Policy](#).
- [Wellbeing Policy](#)

9. Support for the policy

9.1. Reporting Process

9.1.1. The College takes extremely seriously any reported cases whereby a student or staff at the college feels discriminated, harassed, bullied, or victimised. In any case whereby these charges are brought, the College will implement a full investigation of the incident(s) and resolve the situation quickly and sensitively. Where a person(s) are found to have breached this policy, either students or staff, formal disciplinary procedures will be followed, and where necessary reported to local authorities including the police.

9.1.2. Students wishing to report any incident can do so via the [Colleges Complaints Procedures](#), details of which are in the Student Regulations.

9.1.3. Staff wishing to report any incident should, where possible, in the first instance talk to their line manager.

9.1.4. Staff and students can disclose anonymously via our safe space reporting space which will be developed at the beginning of the 22/23 academic year.

9.1.5. Please note if you disclose anonymously, we won't be able to contact you to offer any advice or support and reporting anonymously will not lead to formal action being taken. It does however alert us that something has happened and allows us to better understand the prevalence of issues within the OCA.

9.1.6. Members of the public can submit a complaint via email to enquiries@oca.ac.uk.

Version number:	Status:	Owner:	Approved By:	Date Approved:	Next Review Date:
1	Approved	Joanne Mulvihill-Allen	OCA Board	7 June 2022	June 2023

9.2. Support understanding the policy

9.2.1. If you are a disabled student and you would like to receive this procedure in an alternative format please contact the OCA's [Learner Support team](#)

9.2.2. If you live in Wales and require this policy in the Welsh language then please contact the [Learner Support team](#) learnersupport@oca.ac.uk

9.3. External support

Links to external websites

- [Gender reassignment discrimination \(EHRC\)](#)
- [Stonewall](#)
- [Chrysalis GIM](#)
- [Switchboard](#)
- [Trans Unite](#)
- [Mermaids](#)
- [The Beaumont Society](#)