



**EQUALITY, DIVERSITY
& INCLUSION**

April
2018

Version No: 1

Last Amended: April 2018 (*Review Date: June 2023*)

Gender Identity and Expression Policy for RCSI Staff and Students





CONTENTS

Gender Identity and Gender Expression Policy for Staff	4
Gender Identity and Gender Expression Policy for Students	12
Appendices	20





Staff

GENDER IDENTITY AND GENDER EXPRESSION POLICY FOR STAFF

1. Purpose

The purpose of this policy is to provide information and guidance to staff and managers and to ensure staff feel supported at RCSI and that transphobia (see Section 2.1) is prevented, while ensuring RCSI remains compliant with legislation. RCSI does not discriminate in any way on the basis of sex, gender identity, or gender expression.

This policy sets forth guidelines to address the needs of transgender and gender non-conforming employees and clarifies how the law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such employees. This policy does not anticipate every situation that might occur with respect to employees, and the needs of each transgender employee must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of transgender employees while maximising the employees workplace integration and minimising stigmatisation of the employee.

This Policy should be read in conjunction with the following RCSI policies along with any other policies applicable to the employee:

- Equal Opportunities Policy http://staff.rcsi.ie/?attachment_id=38010
- Dignity at Work Policy http://staff.rcsi.ie/?attachment_id=37022
- Recruitment and Selection Policy http://staff.rcsi.ie/?attachment_id=40280

This document constitutes the current Gender Expression and Gender Identity Policy of the Royal College of Surgeons in Ireland, Dublin published in conformity with the requirements of the Employment Equality Act, 1998 to 2015 and Equal Status Acts, 2000 to 2015 and the Gender Recognition Act 2015.

2. Scope

This policy applies to:

- All applicants for employment, current employees and former employees
- All service users, visitors, customers and clients of the College

Note: hereafter, 'service user' will be used to denote customers, members of the public, visitors and clients.

All members of the RCSI community share the right to protection under this policy and carry a responsibility for ensuring the policy is adhered to. In particular, this policy includes conduct that takes place on campus, on College property, at College function and activities where one is representing the College. This policy also pertains to the usage of electronic technology and electronic communication that occurs in the above location and situations.

2.1 Definitions

The definitions provided here are not intended to label employees, but rather assist in understanding this policy and the legal obligations of the College. Employees may not use these terms to describe themselves.

- **LGBT:** A common abbreviation that refers to the lesbian, gay, bisexual, and transgender community.
- **Transgender:** An umbrella term that can be used to describe people whose gender identity and/or expression is different from their assigned sex at birth.
 - A person whose sex assigned at birth was female but who identifies as male is a transgender man (also known as female-to-male transgender person, or FTM).
 - A person whose sex assigned at birth was male but who identifies as female is a transgender woman.
 - Some people described by this definition do not consider themselves transgender – they may use other words, or may identify simply as a man or woman. A person does not need to identify as transgender in order for RCSI's non-discrimination policies to apply to them.
- **Transphobia:** Transphobia is a range of negative attitudes, feelings or actions toward transgender people. Transphobia can be emotional disgust, fear, violence, anger or discomfort felt or expressed towards people who do not conform to society's gender expectations.

- **Gender identity:** A person's internal, deeply-felt sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth. Everyone has a gender identity.
- **Cisgender:** a person whose sex assigned at birth and gender identity align (e.g., someone who was assigned male at birth and identifies as a man). A simple way to think about it is if a person is not transgender, they are cisgender.
- **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.
- **Transition:** A 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).
- **Gender expression:** An individual's characteristics and behaviours (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine or feminine.
- **Gender non-conforming:** This term describes people who have, or are perceived to have, gender characteristics and/or behaviours that do not conform to traditional or societal expectations. Keep in mind that these expectations can vary across cultures and have changed over time.
- **Heteronormativity:** the assumption, in individuals and/or in institutions, that everyone is heterosexual and that heterosexuality is superior to all other sexualities. This can lead to invisibility and stigmatizing of other sexualities: e.g. when learning a woman is married, asking her what her husband's name is. Heteronormativity also leads us to assume that only masculine men and feminine women are straight.
- **Intersex:** term for a combination of chromosomes, gonads, hormones, internal sex organs, and genitals that differs from the two expected patterns of male or female. Formerly known as hermaphrodite (or hermaphroditic), but these terms are now outdated and derogatory.
- **Ally:** typically, a straight and/or cisgender person who supports and respects members of the LGBT community.
- **Sexual orientation:** A person's physical or emotional attraction to people of the same and/or other gender. Straight, gay, and bisexual are some ways to describe sexual orientation. It is important to note that sexual orientation is distinct from gender identity and expression. Transgender people can be gay, lesbian, bisexual, or straight, just like non-transgender people.

EVERYONE HAS A ...

Sex assigned at birth
Gender identity
Gender expression
Sexual orientation

For further definitions see, for example, the Glossary of Terms of Transgender Equality Network Ireland (TENI), <http://teni.ie/page.aspx?contentid=139>



3. Context and Legislation

1. This policy is developed in the context of the Employment Equality Acts 1998-2015 and Equal Status Act 2000-2015 which prohibit direct and indirect discrimination, sexual harassment, harassment and victimisation in relation to nine equality grounds including gender. The gender ground protects Transgender persons from sex discrimination, that is, discrimination arising from gender identity and gender expression. Such an approach was approved by the European Courts of Justice in *P v S* and *Cornwall County Council* (Case C-13/9) and reaffirmed by the Equality Tribunal in *Hannon V First Direct Logistics Limited* (DEC-S2011-066).

2. The Employment Equality Acts prohibits discrimination in employment – including recruitment, promotion, pay and other terms and conditions of employment.

3. Discrimination includes:

a. **Direct discrimination** is when an employee is treated less well than another employee in the same situation or circumstances because of their gender identity or gender expression.

b. **Indirect discrimination** happens where an employee or group of employees or job applicants are treated less favourably as a result of requirements that they might find hard to satisfy.

4. The Equal Status Act prohibits discrimination in access to and provision of services, accommodation and educational establishments.

5. Irish discrimination law also prohibits harassment, which is defined as any form of unwanted conduct related to any of the discriminatory grounds which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the persons.

6. **Harassment** is legally defined as any act or contact that is unwelcome to you and is offensive, humiliating or intimidating to you and could take the form of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. For example, your line manager putting unreasonable demands on you, or engaging in rumour spreading and verbal and psychological put downs and threats.

7. It is considered **victimisation** if an employee is dismissed or penalised in some other way if they have: made a complaint of discrimination to the employer; been involved in any discrimination proceedings; helped a colleague to make a claim; been penalised as a result of an unfair comparison with a colleague known as a 'comparator' ;acted as a witness in legal discrimination proceedings; taken a discrimination claim to court under the Acts; or informed an employer that they intend to do any of the things mentioned in any of these points.

8. This aspect of the law aims to uphold the dignity of transgender people and requires RCSI to proactively ensure that offensive language and behaviour is eliminated/not tolerated. Some indicative examples of unlawful discrimination because of a person's gender identity or gender expression include:

- a. Refusing employment, education, services or support;
- b. Making offensive comments about a person's gender identity or gender expression;
- c. Verbally or physically threatening someone or spreading malicious gossip;
- d. Refusing to address a person by their correct gender pronoun or new name; and
- e. Revealing the gender identity of a person to others without their explicit consent, either by disclosing information to individuals or groups – in other words, 'outing' someone - excluding exceptional circumstances detailed in the Confidentiality section.

9. The Gender Recognition Act 2015 provides a process enabling transgender people to achieve full legal recognition of their preferred gender and allows for the acquisition of a new birth certificate that reflects this change. It allows all individuals over the age of 18 to self-declare their own gender identity.

10. The Public Sector Duty was introduced under the Irish Human Rights and Equality Commission Act 2014. It places an obligation on public sector bodies, in the performance of its functions, to have regard to the need to eliminate discrimination, promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and to protect the human rights of its members, staff and the persons to whom it provides services.

4. RCSI Statement of Commitment

RCSI will treat all transgender and gender non-conforming staff and service users with dignity and respect and seek to provide a work environment free from discrimination, harassment or victimisation.

RCSI:

- Is committed to non-discrimination (direct or indirect) on the grounds of gender identity and gender expression.
- Supports an inclusive environment of dignity and respect where everyone can develop their full potential. RCSI does not tolerate harassment or bullying of staff, students or other members of the RCSI community on the basis of gender identity and expression. Any such incidents will be dealt with via the procedures outlined in the RCSI Dignity at Work Policy.
- Respects the privacy of all transgender and gender non-conforming individuals and will not reveal information related to their transgender or gender non-conforming status without their prior agreement.
- Seeks to provide a supportive environment for staff.
- Supports an environment in which transgender and gender non-conforming individuals who choose to be open about their gender identity feel respected and safe.
- Supports and is committed to providing reasonable accommodations for staff undergoing medical procedures related to transition, in accordance with the RCSI Code of Practice for the Employment of People with Disabilities and other relevant RCSI College Procedures.
- Facilitates staff seeking to update their personal records to match their gender identity and expression by providing clear and easily accessible guidelines on processes.
- Encourages and facilitates staff training and awareness to ensure a supportive environment.
- Is committed to removing unnecessary gender distinctions within the RCSI environment.

5. Roles, Rights and Responsibilities

As a Transgender individual you have a right to:

- Openly be who you are. This means expressing your gender identity without fear of consequences.
- Be treated with fairness, dignity and respect.
- Privacy and appropriate confidentiality of records. Disclosure of information will only happen with your consent.
- Equal access to employment, education, services, activities and facilities throughout RCSI.
- To access facilities which you feel best corresponds to your gender identity.
- Reasonable and appropriate arrangements, academic adjustments, and services if your transgender status or transition is affecting your engagement with work.

If you wish to disclose or avail of RCSI supports/change records, as a transgender individual you have a responsibility to:

- Inform RCSI of any support needs as soon as possible (please see supporting guidance document) to allow appropriate arrangements to be put in place in a timely fashion
- Provide any documentation necessary for changing records in a timely manner.

RCSI has a right to:

- Request you to provide information and documentation from an acceptable professional source to establish the nature of reasonable arrangements to be put in place.
- Request documentation from you which is necessary to change your records if applicable.

RCSI has a responsibility to:

- Oversee the implementation of the RCSI policy in relation to gender identity and gender expression in a fair and transparent manner.
- Take all reasonable steps to provide appropriate support and arrangements for transgender individuals.
- To develop best practice and policy in line with legislation.
- To raise awareness and to provide advice and training on gender identity and expression to staff in RCSI



6. Training and Awareness Raising in RCSI

- RCSI will provide education for staff in order to ensure the implementation of this policy throughout RCSI.
- Awareness will be incorporated in relevant training programmes for staff (e.g. annual mandatory unconscious bias training – <https://vle.rcsi.ie/course/view.php?id=2952>) including equality and diversity training, and staff support training. This will include online and printed literature as appropriate.
- See Appendix 3 for guidance for staff on supporting transgender individuals and Appendix 4 for guidance on how to promote transgender equality within RCSI and.

7. Confidentiality and Privacy

- All persons have a right to privacy, and this includes the right to keep one's transgender status private. Each individual has the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share.
- RCSI is committed to respecting the right to privacy. All information disclosed relating to a person's gender identity and expression will be treated as confidential. Confidential information will only be disclosed with the person's prior consent.
- The principle that no confidential information will be passed on to third parties without the express permission of the individual concerned applies, unless there is a serious concern that there may be a threat to the safety or life of the individual or is otherwise required by operation of law.
- Information held by RCSI complies with the requirements of the Data Protection Act and the Freedom of Information Act and relevant RCSI policies. In order to comply with the above principles, RCSI staff must take all necessary precautions to ensure the safe-keeping and accuracy of all records containing personal information.
- Where information is recorded or shared, the terminology used must be respectful. You may use the accompanying guidance document to understand what is acceptable language.

8. Forms and Records

- Please note that everyone has the right to be addressed by their preferred name and pronoun. A legal name or gender change is not required, and the individual need not change their official records.
- **Staff Records:**
 - RCSI is obliged to maintain records that include an individual's legal name and legal gender. However, to the extent that RCSI is not legally required to use an individual's legal name and gender on records or documents, it shall use the name and gender preferred by the individual.
 - RCSI will change an individual's official record to reflect a change in name or gender upon receipt of official documentation
 - In situations where RCSI is required by law to use one's legal name or gender, such as for pension purposes, staff shall adopt practices to avoid the inadvertent disclosure of such confidential information.

9. Medical Transitioning

- Medical transitioning is a process that is undertaken under medical supervision for the purpose of changing physiological or other characteristics of sex, to correspond with an individual's gender identity, and includes any part of such a process.
- RCSI aims to support members of staff considering transition of any kind (e.g. legal, social), including medical transition, and offers a number of support services
- The College is aware that transition, including medical transition, may not be applicable, necessary or desirable for all transgender individuals for a variety of reasons.
- If a member of staff has decided to undergo transition, they should contact one of the following to arrange a meeting to discuss in confidence how they wish to deal with their transition and to agree a process with which they are comfortable:
 - **Staff:** Line Manager, Human Resources, Head of Equality, Diversity and Inclusion.



- A very important element of this meeting will be to determine who should be told what and when and how this should occur. Therefore, it can be helpful to draw up a confidential plan for the period of transition and thereafter.
- The implementation of the plan should be reviewed regularly and reassessed at each significant part of the process. The plan should include the following issues, where applicable:
 - The expected point or phase of change of name, personal details or gender
 - The expected time scale of any medical and surgical procedures
 - What time off will be required for treatment and/or how possible side effects from any medication may affect their job and any arrangements needed
 - 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 the individual wishes to inform line managers, co-workers themselves, or would prefer this to be done for them
 - What amendments will be required to records and systems
 - Whether training or briefing of co-workers or service users will be necessary, at what point and by whom this will be carried out.
- Appendix 1 provides a useful flow chart and checklist that covers most of the issues that need to be considered when an individual is going through this process.
- **Please Note.** It is important to understand that 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. It is also important to note that different individuals will have different needs, and that there is no set, standard model of transition.

10. Practical Considerations

- Some practical considerations will arise when a person is transitioning, for example, single gender facilities. See Appendix 3 for guidance on practical considerations and how to promote transgender equality within RCSI.
- Please note that when a person transitions to live in the gender in which they identify, they will normally use the facilities appropriate for their identified gender.

11. Mental Health and Supports in College

The following resources are available for staff seeking advice or support.

Staff Resources

- Staff Relations (Human Resources)
- The Employee Assistance Programme <http://staff.rcsi.ie/administration-and-support/human-resources/staff-benefits-leave/health-and-wellbeing/employee-assistance-programme>
- Your Trade Union Representative
- RCSI Pride Network

12. Complaints Procedures

- 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 RCSI Dignity At Work Policy http://staff.rcsi.ie/wp-content/uploads/2016/11/RCSIHRDignityatWork-Policy-_FIN.pdf
- To identify an individual as transgender to a third party without the individual's permission (i.e. to 'out' someone) is a form of harassment. The aim of the aforementioned policy is to promote a working and learning environment in which harassment and bullying are known to be unacceptable and where individuals have the confidence to deal with harassment and bullying without fear of victimisation.
- For complaints of discrimination under the Equal Status Acts there is a requirement for a written notification to the person against whom the complaint is being made within 2 months of the most recent occurrence of the incident; a six month time-limit for raising a complaint with the Equality Tribunal applies. For more information please see the RCSI Grievance Procedure http://staff.rcsi.ie/wp-content/uploads/2016/11/RCSIHR_Grievance-Procedure_FIN.pdf. Normal staff complaint procedures apply

13. Policy Review Procedures

- This policy shall complement existing Equality policies adopted by RCSI.
- It shall be subject to continuous assessment and evaluation, and shall be reviewed at least once every three years.
- The implementation of this policy entails taking into account the impact of other policies on Transgender staff and services users.
- Guidance on implementation can be sought from the Head of Equality and Diversity

14. Further Guidance

A guidance document accompanies this policy and covers the following:

- Appropriate Language and Terminology;
- Facilities;
- Records;
- Communication;
- Training and Awareness Raising;
- Supporting People who come out;
- Supporting the Transition process
 - Appendix 1: Gender Identity and Gender Expression Policy - Flowcharts and checklists for transition
 - Appendix 2: Gender Identity and Gender Expression Policy - Notes regarding official Documentation
 - Appendix 3: Gender Identity and Gender Expression Policy - Guidance for Staff and Managers in promoting transgender equality within RCSI: Accommodation, Campus Facilities and other Practical Considerations
 - Appendix 4: Gender Identity and Gender Expression Policy - Guidance to Staff and Students on Supporting Trans Individuals



Student Resources

GENDER IDENTITY AND GENDER EXPRESSION POLICY FOR STUDENTS

1. Purpose

The purpose of this policy is to provide information and guidance to students and alumni to ensure students feel supported at RCSI and that transphobia (see Section 2.1) is prevented, while ensuring RCSI remains compliant with legislation. RCSI does not discriminate in any way on the basis of sex, gender identity, or gender expression.

This policy sets forth guidelines to address the needs of transgender and gender non-conforming students and clarifies how the law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students. This policy does not anticipate every situation that might occur with respect to students, and the needs of each transgender student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of transgender students while maximising the student's educational integration and minimising stigmatisation of the student.

This Policy should be read in conjunction with the following RCSI policies along with any other policies applicable to the student <https://vle.rcsi.ie/mod/folder/view.php?id=30506>:

- Code of Conduct for Undergraduate Students 2016-2017
- Code of Conduct for Postgraduate Students 2017-18
- Student Dignity and Respect Policy

This document constitutes the current Gender Expression and Gender Identity Policy of the Royal College of Surgeons in Ireland, Dublin published in conformity with the requirements of the and Equal Status Acts 2000 to 2015 and the Gender Recognition Act 2015.

2. Scope

This policy applies to:

- All student applicants, current students and alumni

All members of the RCSI community share the right to protection under this policy and carry a responsibility for ensuring the policy is adhered to. In particular, this policy includes conduct that takes place on campus, on College property, at College function and activities where one is representing the College. This policy also pertains to the usage of electronic technology and electronic communication that occurs in the above location and situations.

2.1 Definitions

The definitions provided here are not intended to label students, but rather assist in understanding this policy and the legal obligations of the College. Students may not use these terms to describe themselves.

- **LGBT:** A common abbreviation that refers to the lesbian, gay, bisexual, and transgender community.
- **Transgender:** An umbrella term that can be used to describe people whose gender identity and/or expression is different from their assigned sex at birth.
 - A person whose sex assigned at birth was female but who identifies as male is a transgender man (also known as female-to-male transgender person, or FTM).
 - A person whose sex assigned at birth was male but who identifies as female is a transgender woman.
 - Some people described by this definition do not consider themselves transgender – they may use other words, or may identify simply as a man or woman. A person does not need to identify as transgender in order for RCSI's non-discrimination policies to apply to them.
- **Transphobia:** Transphobia is a range of negative attitudes, feelings or actions toward transgender people. Transphobia can be emotional disgust, fear, violence, anger or discomfort felt or expressed towards people who do not conform to society's gender expectations.

- **Gender identity:** A person's internal, deeply-felt sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth. Everyone has a gender identity.
- **Cisgender:** a person whose sex assigned at birth and gender identity align (e.g., someone who was assigned male at birth and identifies as a man). A simple way to think about it is if a person is not transgender, they are cisgender.
- **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.
- **Transition:** A 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).
- **Gender expression:** An individual's characteristics and behaviours (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine or feminine.
- **Gender non-conforming:** This term describes people who have, or are perceived to have, gender characteristics and/or behaviours that do not conform to traditional or societal expectations. Keep in mind that these expectations can vary across cultures and have changed over time.
- **Heteronormativity:** the assumption, in individuals and/or in institutions, that everyone is heterosexual and that heterosexuality is superior to all other sexualities. This can lead to invisibility and stigmatizing of other sexualities: e.g. when learning a woman is married, asking her what her husband's name is. Heteronormativity also leads us to assume that only masculine men and feminine women are straight.
- **Intersex:** term for a combination of chromosomes, gonads, hormones, internal sex organs, and genitals that differs from the two expected patterns of male or female. Formerly known as hermaphrodite (or hermaphroditic), but these terms are now outdated and derogatory.
- **Ally:** typically, a straight and/or cisgender person who supports and respects members of the LGBT community.
- **Sexual orientation:** A person's physical or emotional attraction to people of the same and/or other gender. Straight, gay, and bisexual are some ways to describe sexual orientation. It is important to note that sexual orientation is distinct from gender identity and expression. Transgender people can be gay, lesbian, bisexual, or straight, just like non-transgender people.

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Sex assigned at birth
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For further definitions see, for example, the Glossary of Terms of Transgender Equality Network Ireland (TENI), <http://teni.ie/page.aspx?contentid=139>



3. Context and Legislation

1. This policy is developed in the context of Equal Status Act 2000-2015 which prohibit direct and indirect discrimination, sexual harassment, harassment and victimisation in relation to nine equality grounds including gender. The gender ground protects transgender persons from sex discrimination, that is, discrimination arising from gender identity and gender expression. Such an approach was approved by the European Courts of Justice in *P v S* and *Cornwall County Council* (Case C-13/9) and reaffirmed by the Equality Tribunal in *Hannon V First Direct Logistics Limited* (DEC-S2011-066).

2. The Equal Status Acts makes it unlawful for education establishments to discriminate in relation to admissions; access to any course, facility or benefit they provide; any other term or condition of participation; and the expulsion of a student, or any other sanction against a student.

3. Discrimination includes:

a. **Direct discrimination** is when student is treated less well than another student in the same situation or circumstances because of their gender identity or gender expression.

b. **Indirect discrimination** happens where a student or group of students or student applicants are treated less favourably as a result of requirements that they might find hard to satisfy.

4. Irish discrimination law also prohibits harassment, which is defined as any form of unwanted conduct related to any of the discriminatory grounds which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the persons.

5. Harassment is legally defined as any act or contact that is unwelcome to you and is offensive, humiliating or intimidating to you and could take the form of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. For example, a RCSI employee or fellow student engaging in rumour spreading and verbal and psychological put downs and threats.

6. It is considered victimisation if a student is suspended or expelled or penalised in some other way if they have: made a complaint of discrimination to the college; helped a fellow student to make a claim; been involved in any discrimination proceedings; been penalised as a result of an unfair comparison with a student known as a 'comparator'; acted as a witness in legal discrimination proceedings; taken a discrimination claim to court under the Acts; or informed RCSI that they intend to do any of the things mentioned in any of these points.

7. This aspect of the law aims to uphold the dignity of transgender people and requires RCSI to proactively ensure that offensive language and behaviour is eliminated/not tolerated. Some indicative examples of unlawful discrimination because of a person's gender identity or gender expression include:

- a. Refusing employment, education, services or support;
- b. Making offensive comments about a person's gender identity or gender expression;
- c. Verbally or physically threatening someone or spreading malicious gossip;
- d. Refusing to address a person by their correct gender pronoun or new name; and
- e. Revealing the gender identity of a person to others without their explicit consent, either by disclosing information to individuals or groups – in other words, 'outing' someone - excluding exceptional circumstances detailed in the Confidentiality section.

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9. The Public Sector Duty was introduced under the Irish Human Rights and Equality Commission Act 2014. It places an obligation on public sector bodies, in the performance of its functions, to have regard to the need to eliminate discrimination, promote equality of opportunity and treatment of its staff and the persons to whom it provides services (i.e. students), and to protect the human rights of its members, staff and the persons to whom it provides services.



4. RCSI Statement of Commitment

RCSI will treat all transgender and gender non-conforming students with dignity and respect and seek to provide an educational environment free from discrimination, harassment or victimisation.

RCSI:

- Is committed to non-discrimination (direct or indirect) on the grounds of gender identity and gender expression.
- Supports an inclusive environment of dignity and respect where everyone can develop their full potential. RCSI does not tolerate harassment or bullying of staff, students or other members of the RCSI community on the basis of gender identity and expression. Any such incidents will be dealt with via the procedures outlined in the RCSI Dignity at Work Policy and the Student Dignity and Respect Policy.
- Respects the privacy of all transgender and gender non-conforming individuals and will not reveal information related to their transgender or gender non-conforming status without their prior agreement.
- Seeks to provide a supportive environment for students.
- Supports an environment in which transgender and gender non-conforming individuals who choose to be open about their gender identity feel respected and safe.
- Supports and is committed to providing reasonable accommodations for students undergoing medical procedures related to transition, in accordance with the
- Facilitates students seeking to update their personal records to match their gender identity and expression by providing clear and easily accessible guidelines on processes.
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5. Roles, Rights and Responsibilities

As a Transgender individual you have a right to:

- Openly be who you are. This means expressing your gender identity without fear of consequences.
- Be treated with fairness, dignity and respect.
- Privacy and appropriate confidentiality of records. Disclosure of information will only happen with your consent.
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- To access facilities which you feel best corresponds to your gender identity.
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- Request documentation from you which is necessary to change your records if applicable.

RCSI has a responsibility to:

- Oversee the implementation of the RCSI policy in relation to gender identity and gender expression in a fair and transparent manner.
- Take all reasonable steps to provide appropriate support and arrangements for transgender individuals.
- To develop best practice and policy in line with legislation.
- To raise awareness and to provide advice and training on gender identity and expression to staff and students in RCSI

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- See Appendix 3 for guidance for staff on supporting transgender students and Appendix 4 for guidance on how to promote transgender equality within RCSI.

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- All persons have a right to privacy, and this includes the right to keep one's transgender status private. Each individual has the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share.
- RCSI is committed to respecting the right to privacy. All information disclosed relating to a person's gender identity and expression will be treated as confidential. Confidential information will only be disclosed with the person's prior consent.
- The principle that no confidential information will be passed on to third parties without the express permission of the individual concerned applies, unless there is a serious concern that there may be a threat to the safety or life of the individual or is otherwise required by operation of law.
- Information held by RCSI complies with the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2014 and relevant RCSI policies. In order to comply with the above principles, RCSI staff must take all necessary precautions to ensure the safe-keeping and accuracy of all records containing personal information.
- Where information is recorded or shared, the terminology used must be respectful. You may use the accompanying guidance document to understand what is acceptable language.

8. Forms and Records

- Please note that everyone has the right to be addressed by their preferred name and pronoun. A legal name or gender change is not required, and the individual need not change their official records.

Student Records

- RCSI will maintain records in the name and gender under which an individual originally applied to, and was admitted, to RCSI. RCSI will change an individual's official record to reflect a change in name or gender upon receipt of official documentation. In order to facilitate the processing of arrangements for Conferring ceremonies, student's eligible to amend their name should contact registry@rcsi.ie as soon as possible and within six weeks of conferring.

9. Medical Transitioning

- Medical transitioning is a process that is undertaken under medical supervision for the purpose of changing physiological or other characteristics of sex, to correspond with an individual's gender identity, and includes any part of such a process.
- RCSI aims to support students considering transition of any kind (e.g. legal, social), including medical transition, and offers a number of support services.
- The College is aware that transition, including medical transition, may not be applicable, necessary or desirable for all transgender individuals for a variety of reasons.
- If a student has decided to undergo transition, they should contact one of the following to arrange a meeting to discuss in confidence how they wish to deal with their transition and to agree a process with which they are comfortable: All Undergraduate and Postgraduate students can access support through the Student Welfare Officer (swo@rcsi.ie)
- A very important element of this meeting will be to determine who should be told what and when and how this should occur. Therefore, it can be helpful to draw up a confidential plan for the period of transition and thereafter.
- The implementation of the plan should be reviewed regularly and reassessed at each significant part of the process. The plan should include the following issues, where applicable:
 - The expected point or phase of change of name, personal details or gender
 - The expected time scale of any medical and surgical procedures
 - What time off will be required for treatment and/or how possible side effects from any medication may affect their education and any arrangements needed



- 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 the individual wishes to inform fellow students or would prefer this to be done for them
 - What amendments will be required to records and systems
 - Whether training or briefing of students will be necessary, at what point and by whom this will be carried out.
- Appendix 1 provides a useful flow chart and checklist that covers most of the issues that need to be considered when an individual is going through this process.
 - **Please Note.** It is important to understand that 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 study relationship with the individual. It is also important to note that different individuals will have different needs, and that there is no set, standard model of transition.

10. Practical Considerations

- Some practical considerations will arise when a person is transitioning, for example, facilities. See Appendices 3 & 4 for guidance on practical considerations and how to promote transgender equality within RCSI.
- **Please note** that when a person transitions to live in the gender in which they identify, they will normally use the facilities appropriate for their identified gender.

11. Mental Health and Supports in College

The following resources are available for students seeking advice or support.

Student Resources (swo@rcsi.ie)

- Student Welfare Officer – SSG/Beaumont
- External Counselling
- Mercer Medical Centre

12. Complaints Procedures

- 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 RCSI Student Dignity and Respect policy <https://vle.rcsi.ie/mod/folder/view.php?id=30506>
- To identify an individual as transgender to a third party without the individual's permission (i.e. to 'out' someone) is a form of harassment. The aim of the aforementioned policy is to promote a learning environment in which harassment and bullying are known to be unacceptable and where individuals have the confidence to deal with harassment and bullying without fear of victimisation.
- For complaints of discrimination under the Equal Status Acts there is a requirement for a written notification to the person against whom the complaint is being made within 2 months of the most recent occurrence of the incident; a six month time-limit for raising a complaint with the Equality Tribunal applies. For more information please see the RCSI Student Complaints Procedure <https://vle.rcsi.ie/mod/folder/view.php?id=30506>
- Normal student complaint procedures apply

13. Policy Review Procedures

- This policy shall complement existing Equality policies adopted by RCSI.
- It shall be subject to continuous assessment and evaluation, and shall be reviewed at least once every three years.
- The implementation of this policy entails taking into account the impact of other policies on Transgender staff and services users.
- Guidance on implementation can be sought from the Head of Equality, Diversity and Inclusion

14. Further Guidance

A guidance document accompanies this policy and covers the following:

- Appropriate Language and Terminology;
- Facilities;
- Records;
- Communication;
- Training and Awareness Raising;
- Supporting People who come out;
- Supporting the Transition process;
 - Appendix 1: Gender Identity and Gender Expression Policy - Flowcharts and checklists for transition
 - Appendix 2: Gender Identity and Gender Expression Policy - Notes regarding official Documentation
 - Appendix 3: Gender Identity and Gender Expression Policy - Guidance for Staff and Managers in promoting transgender equality within RCSI: Accommodation, Campus Facilities and other Practical Considerations
 - Appendix 4: Gender Identity and Gender Expression Policy - Guidance to Staff and Students on Supporting Trans Individuals



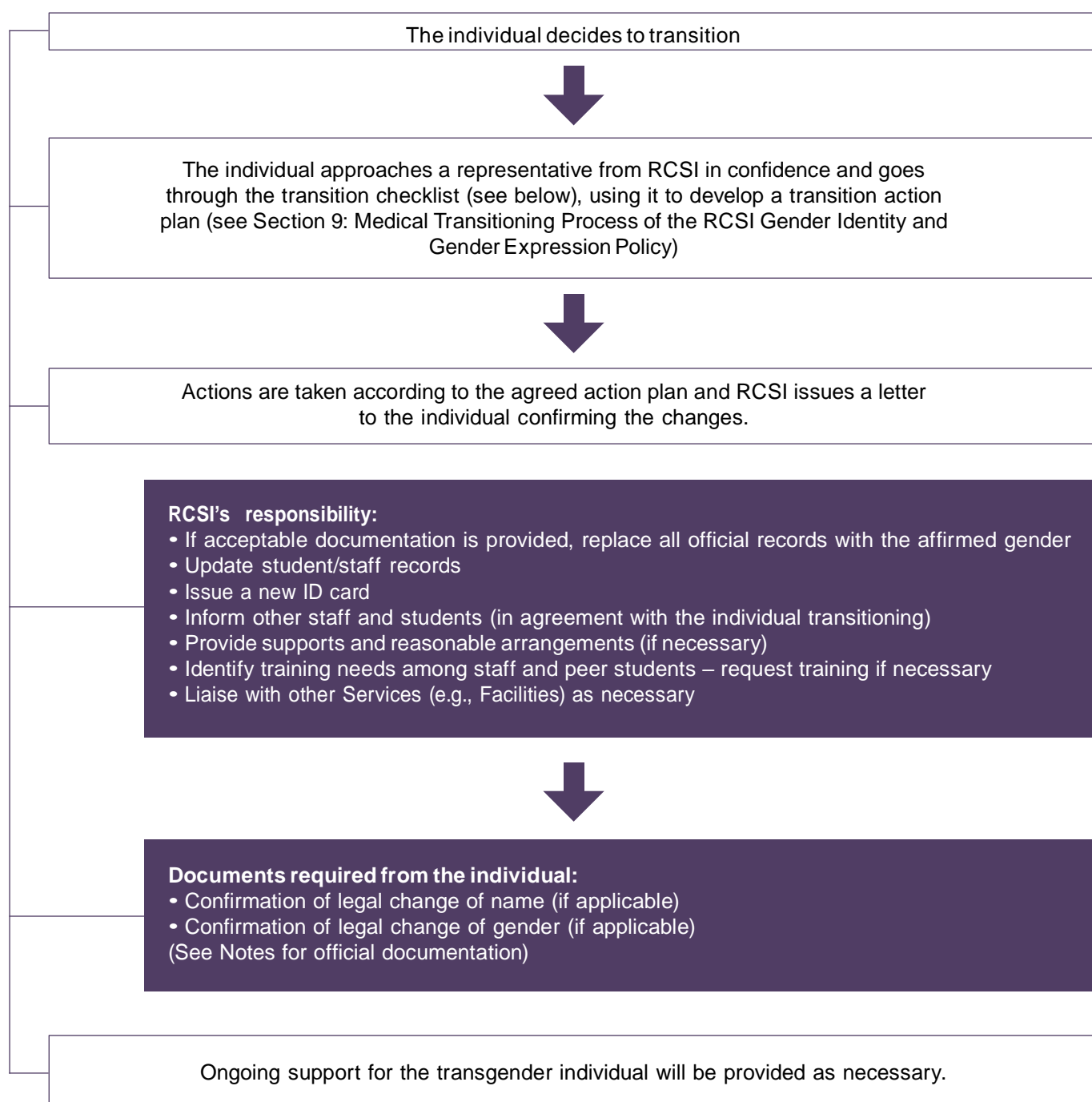
Appendices

GENDER IDENTITY AND GENDER EXPRESSION POLICY - SUPPORTING GUIDANCE DOCUMENT

Appendices

APPENDIX 1: FLOWCHARTS AND CHECKLISTS FOR TRANSITION

It is important to note that each individual will have a different approach to their transition. Some may want to change their entire record, yet others may not wish to do so and the University will respect and support individual's choices and wishes. If someone does not wish to change their record, some of the actions below may not apply. This flowchart is only a guideline and all cases will be treated individually.



Checklist to consider when discussing a student or staff member's transition

Time scale

What will be the timetable of transition?	
What will be the date for - name changes, - use of facilities (toilets, changing rooms), - Change of records?	
What is the expected time scale of any medical procedures? (Note the need for flexibility as the timescale for medical procedures may not always be clear from the outset)	

Updating Records

Which identification / Records will need to be changed? (Check all that apply)

[illegible]

Supports during Transition

Who will need to be informed initially, and what level of information should be provided, in order to offer support and arrangements during the transition process?	
If the individual experiences effects from any medication what accommodations may be needed?	
Will the individual require time off for medical treatment and recovery, or flexibility for the duration of the transition?	
If yes, what will be done to ensure they remain on their programme of study/in employment, or can return when they have recovered	
Are there any professional requirements or attendance requirements that may be affected by the person's absence for medical treatment?	

The day the transition will be made known to work colleagues:

1. Have a work team transition meeting that includes the transitioning employee, the employee's supervisor, the employee's co-workers, and any other team or regional leadership if they are able to attend live. Otherwise, remote conference any members of the transition team or the employee's work team that cannot be there live. It's important to have this meeting in person if at all possible. If the employee thinks it would be helpful, a handout about transgender issues can be provided at this meeting. It is up to the employee whether they feel comfortable attending or would prefer not to be there.

2. The head of the employee's work team should announce the transition, along with any other high level management who are there in order to show solidarity for the transitioning employee. The speaking supervisor must:

- i. Emphasize the transitioning employee's importance at the company and the management's complete support of the employee's transition.
- ii. Review the company's relevant nondiscrimination policies.
- iii. Indicate that the transitioning employee will be presenting themselves in accordance with their gender identity and this should be respected. The manager should also advise co-workers about the transitioning employee's new name and preferred pronoun.
- iv. Be a behavioral model by using the transitioning employee's new name and pronoun in all communication – written and oral, formal and informal.
- v. Make a point that the transition will not change the workplace and that everything should go on as it did previously.
- vi. Solicit any questions. Refer questions the manager cannot answer to HR.
- vii. If training is going to occur, the date should be announced at this meeting. If possible, the training should occur before the date of the employee's official workplace transition.

The first day of the employee's official workplace transition:

The transitioning employee's supervisor should be clear that all elements are in place, in the same way the supervisor would for a new hire or transferred employee. These elements include:

1. Making sure that the transitioning employee has a new ID badge and photo if necessary.
2. Ensuring all work documents have the appropriate name and gender and checking that these have been changed in all of the places an employee's name may appear.

Other considerations:

If the individual is involved in an awards ceremony during the transition process what name will be used?	
If the individual is involved in a degree ceremony during the transition process what name will be used if the person's name has not been changed legally (on certificate, in ceremony programmes, name read out, etc.)?	

Training and Awareness:

Who will need to be informed, and who will inform (Check all that apply and state who will inform):

Does the individual wish to inform line managers, co-workers/fellow students themselves, or would prefer this to be done for them,	
Who will need to be informed: Staff within the individual's school / area? Students within the individual's school / area? Support departments used by the individual (disability, student counselling, etc.) Work placement providers? Committee chairs/secretaries where the individual is a member? Club and society members?	

Training:

Who will need to be informed, and who will inform (Check all that apply and state who will inform):

Will there be a need to arrange training?	
Who should be trained, e.g. fellow students or colleagues, staff in staff/ student services?	
Who will deliver this training?	
What will the training cover?	
Will the student/staff member be involved to share their experience and expectations?	

APPENDIX 2: NOTES REGARDING OFFICIAL DOCUMENTATION

Note: This applies to current record

To change all records one of the following documentation would be acceptable:

Passport, Birth Certificate, Driver's License, Deed Poll (for name change), National Identity Card (country dependent) or other documentation deemed acceptable by SARA or Human Resources.

Relevant forms and further procedures for students are available from SARA.

Relevant forms and further procedures for staff are available from Human Resources

Limitations for Change of Name for Students:

RCSI will maintain records in the name and gender under which an individual originally applied to, and was admitted, to RCSI. RCSI will change an individual's official record to reflect a change in name or gender upon receipt of documentation. In order to facilitate the processing of arrangements for Conferring ceremonies, student's eligible to amend their name should contact registry@rcsi.ie as soon as possible and within six weeks of conferring.

Changing a Degree Certificate:

Alumni who wish to change the name in which they were admitted to an award must submit a request in writing to the SARA Office, requests should provide the following:

- Full name (forename[s] and surname) in which award(s) made
- Date of birth
- Awards obtained from RCSI
- Year(s) in which award(s) made
- Current address
- Previous address (for verification purposes)

Any request for a change or correction to a name or date of birth in the record of a graduate must be supported by official documentation (See Notes on Official Documentation).



APPENDIX 3:

GUIDANCE FOR STAFF AND MANAGERS IN PROMOTING TRANSGENDER EQUALITY WITHIN RCSI: CAMPUS FACILITIES AND OTHER PRACTICAL CONSIDERATIONS

Organisational Strategies for Creating a Transgender-Affirming Environment

- There are several steps that management at health care organisations can take to support staff in creating an environment of care that allows transgender people to feel safe, included, and welcome.
- Here are some suggestions:
 - Include “gender identity and expression” in your non-discrimination policies. Post those policies.
 - If possible, have single-occupancy bathrooms that are not designated as male or female.
 - If you do not have this option, consider putting full-length doors on your stalls.
 - If neither of these options is possible, have a policy that allows transgender staff to use the bathroom that matches their gender identity.
- Provide annual trainings in transgender cultural competency for staff.
- Train all new staff within 30 days of hire.
- Have clear lines of referral for complaints and questions from both staff and patients.
- Appoint a staff person responsible for providing guidance, assisting with procedures, offering referrals, fielding complaints.
- Have procedures in place that hold staff accountable for making negative or discriminatory comments or actions against transgender people

Bathroom Facilities

Staff and students shall have access to the bathroom corresponding to their gender identity. Any employee or student who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single-stall restroom, when available. No employee or student, however, shall be required to use such a bathroom.

All staff and students have a right to safe and appropriate bathroom facilities, including the right to use a bathroom that best corresponds to the employee’s/student’s gender identity, regardless of the employee’s/student’s sex assigned at birth. That is, transgender women must be permitted to use the women’s bathroom, and transgender men must be permitted to use the men’s bathroom. That decision should be left to the transgender employee/student to determine the most appropriate and safest option for them.

When a person transitions they will normally use the facilities (e.g. bathroom and changing rooms) appropriate for their identified gender. It is unacceptable and unlawful to restrict a transgender person to use disabled toilets or other unisex facilities. Requiring the person to use disabled toilet facilities is unlawful unless the person requires these facilities due to a disability.

When a person who is transitioning begins to live in the gender in which they identify, they will normally start to use the facilities appropriate for their identified gender. This should not happen suddenly. It may be desirable to explain the situation carefully to work / study colleagues after consultation with the person who is transitioning.

Good practice requires the provision of private cubicles within existing changing facilities where they are not currently provided. RCSI commits to making these changes when the opportunity arises.

Dress Codes (where applicable)

RCSI does not have dress codes that restrict staff clothing or appearance on the basis of gender. Transgender and gender non-conforming employees/students have the right to comply with RCSI dress codes in a manner consistent with their gender identity or gender expression

Forms and questionnaires

When designing forms and questionnaires consider whether it is necessary to request that respondents provide their gender.

If it is necessary to request gender, bear in mind that some people prefer a further option in addition to ‘male’ or ‘female’, for example ‘other’. Also, an option ‘prefer not to disclose’ is helpful. The Equality Challenge Unit UK suggests these categories: male; female; other; prefer not to disclose.

It should also be made clear on forms requesting this information what the intended use is, as this may affect how some transgender people respond.

Pensions

For pension, life cover and disability cover purposes; all staff can only be regarded as their legal sex.

References

References for current or former students or staff who have transitioned must make no reference to the person's former names or gender and must use the appropriate pronoun. If RCSI receives a reference for someone who has previously transitioned, which refers to them by a previous name, this information should be treated as confidential.

Sport

RCSI expects RCSI student sports clubs and societies to support its Gender Identity and Gender Expression policy.

Sports Clubs should seek to be inclusive in their activities, ensuring a person can participate according to their identified gender.

RCSI is aware there may be restrictions in place regarding some competitive sports and sports clubs should address these external sporting bodies for guidance regarding this. The Equality, Diversity and Inclusion Office (equality@rcsi.ie) are available to provide advice on supporting this policy in sports activities.



APPENDIX 4:

GUIDANCE TO STAFF AND STUDENTS ON SUPPORTING TRANS INDIVIDUALS

Maintaining a Respectful Workplace Culture

Below are tips for creating a transgender-affirming culture at your workplace.

- **Stay relaxed and make eye contact:** Speak with transgender individuals just as you speak to anyone else.
- **Avoid asking unnecessary questions:** People are naturally curious about transgender people, which sometimes leads them to want to ask questions. However, like everyone else, transgender people want to keep their medical and personal lives private. Respect people's privacy. Do not ask what their 'real' or 'birth' name is. Trans people are often sensitive about revealing information about their past, especially if they think it might affect how they are perceived in the present.
- Before asking a transgender person a personal question, first ask yourself:
 - Is my question necessary for their care or am I asking it for my own curiosity?
 - If for your own curiosity, it is not appropriate to ask.
 - Think instead about: What do I know? What do I need to know? How can I ask for the information I need to know in a sensitive way?
- **Do not tell others about a person's trans status.** If documents have to be kept that have the person's old name and gender on them, keep them confidential.
- **Do not gossip or joke about transgender people:** Gossiping about someone's transition, or making fun of a person's efforts to change their gender expression, for example, should not be tolerated. In addition, only discuss a patient's transgender identity with those who need to know for providing appropriate and sensitive care.
- **Use the name and pronoun that the person asks you to.** If you aren't sure what the right pronoun is, ask.
- **If you make a mistake with pronouns, correct yourself and apologise –** 'I apologise for using the wrong pronoun. I did not mean to disrespect you.'
- **Practice making these language changes with a friend/peer/work colleague.**
- **Continue to use a patient's preferred name and pronoun, even when they are not present:** This will help maintain respect for the patient and help other staff members learn the patient's preferences.
- **Create an environment of accountability:** Don't be afraid to politely correct your colleagues if they use the wrong names and pronouns, or if they make insensitive comments. Creating an environment of accountability and respect requires everyone to work together.
- **Think of the person as being the gender that they want you to think of them as.**
- **Listen to the person, and ask how they want to be treated and referred to.**

(Adapted from the Equality Challenge Unit: Trans Staff and Students in Higher Education: 2010 and Affirmative Care for Transgender and Gender Non-Conforming People: Best Practices for Front-line Health Care Staff, https://www.lgbthealtheducation.org/wp-content/uploads/13-017_TransBestPracticesforFrontlineStaff_v9_04-30-13.pdf).

Helpful Resources

- General Information on Transgender Health Care
- World Professional Association for Transgender Health Standards of Care: www.wpath.org
- Center of Excellence for Transgender Health Primary Care Protocols www.transhealth.ucsf.edu
- Vancouver Coastal Health: Guidelines for Transgender Care: www.transhealth.vch.ca/resources/careguidelines.html
- The Fenway Guide to LGBT Health, American College of Physicians: available on amazon.com

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