**Durham University Trans and Intersex Inclusion Policy**

**Introduction:**

Durham University acknowledges the specific barriers to participation faced by transgender and intersex individuals in sports, music, theatre and volunteering and aims to combat these to ensure that all students and staff are able to access the opportunities facilitated by the University through Experience Durham and our colleges.

We further acknowledge those particular barriers to participation faced by transgender and intersex athletes, such as lack of an inclusive and comfortable environment and lack of inclusive facilities and through this document aims to set forth our specific policy relevant to sporting activities within Team Durham. Team Durham is affiliated to various national governing bodies (NGB) of sport and British Universities and College Sport (BUCS) which is the NGB for Higher Education (HE) sport in the UK. These bodies regulate training and competition, regionally, nationally and internationally and, as such, members are required to abide by these regulations. Regulations vary widely from sport to sport and also competition type.

**Definitions:**

Definition of transgender (trans):

* Trans is an umbrella term used to describe people whose sense of personal identity and gender does not correspond with the sex they were assigned at birth, including but not limited to those who are transgender, transsexual, and non-binary.

Definition of intersex:

* ‘Intersex’ is a general term used for approximately 300 medical conditions in which an individual’s reproductive or sexual anatomy does not fit that which is typically considered ‘male’ or ‘female’.

**Policy Statement of Inclusion:**

We are committed to encouraging higher levels of participation in extra-curricular activities from all students and staff and are dedicated to upholding the highest standards of equality and inclusivity in all areas of activity.

We welcome transgender and intersex students and staff to **train** with the squad which best fits their gender identity, without requiring evidence of medical transition or hormone levels. In addition, transgender and intersex students are welcome to **compete** within the collegiate system in the squad which best fits their gender identity, without requiring evidence of medical transition or hormone levels. The current exception to this is Football and Rugby Union, where the associated NGB’s require evidence in the form of hormone tests.

In encouraging and welcoming the involvement of LGBTI+ students and staff at Durham University in all Team Durham activities, at the collegiate, national and international level, we commit to:

* maintaining a zero tolerance to LGBTI+-phobia, harassment, or bullying;
* appointing a staff lead within Experience Durham for students and staff to contact for questions and advice;
* having Team Durham participate in annual events to raise awareness of LGBTI+ inclusion in sports and other extracurricular activities in line with national campaigns such as Rainbow Laces;
* annually renewing the Durham Sports Charter;
* engaging with the Durham Students’ Union Trans Association to develop and implement awareness raising and educational campaigns around trans inclusion in sport;
* committing to facilitate inclusion training to College Sports Captains/Chairs/Representatives as well as staff within Experience Durham;
* publicising inclusion policies through the Team Durham website, social media and emails to all students;
* investigating the possibilities of setting up mixed-gender teams in more sporting categories to increase inclusion of non-binary and trans individuals;
* developing internal support mechanisms and ensuring staff are aware of appropriate external and internal services to which they may signpost LGBTI+ students;
* ensuring gender neutral/accessible changing and showering facilities are available within our sport facility, Maiden Castle;
* respecting the confidentiality of all trans staff and students and not revealing information without the prior agreement of the individual;
* providing support for any student or staff athlete wishing to undergo hormone testing.

Emma Hall-Craggs, Head of Student Volunteering and Outreach at Experience Durham is named as the lead staff member for questions or advice on trans inclusion in Experience Durham activities. Ms. Hall-Craggs may be contacted via email at emma.hall-craggs@durham.ac.uk.

This policy is in accordance with and complimentary to the University’s Equality & Diversity Policy <https://www.dur.ac.uk/equality.diversity/positiveworking/policies/eanddpolicy/>

Durham University will ensure this policy remains consistent with national equality law through periodic review of this policy, with the first review taking place in academic year 2018/19, and then every two years going forward. Trans and intersex student representatives from Durham Students’ Union will be engaged in all policy reviews.

**Legal Obligations:**

Data Protection Act 1998

* Under the Data Protection Act, trans identity and gender reassignment constitute ‘sensitive data’ for the purposes of the legislation. Therefore information relating to a person’s trans status cannot be recorded or passed to another person unless conditions under schedule 3 of the Data Protection Act for processing sensitive personal data are met.

Equality Act 2010

* Gender reassignment is one of nine protected characteristics within the Act, and it is also included in the Public Sector Equality Duty. The definition of gender reassignment within the Act gives protection from discrimination to a person who has proposed, started or completed a process to change their gender.
* The Act offers more far-reaching protection from discrimination on the grounds of gender reassignment than previous equality law as it protects:
	+ trans people who are not under medical supervision;
	+ people who experience discrimination because they are perceived to be trans;
	+ people from discrimination by association because of gender reassignment. For example, it would protect the parents of a trans person from being discriminated against because their child is transitioning.

* The Act prohibits unlawful discrimination in providing services and recreational facilities such as denying a trans person from using the facilities of their preferred gender.

Gender Recognition Act 2004

* The Gender Recognition Act allows trans people to be recognised in the opposite binary gender from their sex assigned at birth once they have met a set of requirements, however, medical intervention is not required. This includes people who:
	+ have, or have had, gender dysphoria;
	+ have lived in the acquired gender for at least two years, ending with the date on which the application is made;
	+ intend to continue to live in the acquired gender for the rest of their life;
	+ can provide medical reports containing specified information.
* Once a trans person has received a Gender Recognition Certificate they are able to change their birth certificate and are treated as that gender for all purposes.
* A Gender Recognition Certificate exists solely for the purpose of changing one’s birth certificate and the act specifies that it is a criminal offence to request to see a Gender Recognition Certificate for any other means.

**Key contacts for signposting and advice:**

LGBT+a Sports Liaison, Welfare Officer, or Trans Association ([www.durhamlgbta.org.uk](http://www.durhamlgbta.org.uk); http://trans.durhamlgbta.org.uk/)

<http://www.stonewall.org.uk/help-advice>

<http://www.pridesports.org.uk/>

[https://www.glaad.org/](https://www.glaad.org/tags/lgbt-sports-coalition)

<https://www.bucs.org.uk/page.asp?section=18783&sectionTitle=BUCS+Policies>

For information regarding DBS checks for trans and intersex individuals, information can be found at: <http://uktrans.info/legislation/72-political-documents/180-disclosure-and-barring-service-dbs-checks-for-transgender-persons-formerly-criminal-records-bureau-crb-checks>

UK Trans can also be emailed about sensitive information in DBS checks at sensitive@dbs.gsi.gov.uk. These enquiries will be treated with strict confidentiality.