

Policy Name: Gender Identity and Gender Expression (Staff)

Policy Title:	Gender Identity and Gender Expression (Staff) Policy
Description:	To recognise and support an individual’s gender identity and gender expression so that all members of the Marino Institute of Education community experience a positive and tolerant environment where every member is treated with dignity and respect.
Author (Position):	Human Resources
Version:	1
Approved By:	MIE Governing Body
Policy Approval Date:	January 2019
Date of Next Policy Review:	April 2023 (or as necessary)

Gender Identity and Gender Expression (Staff) Policy

1. Context

The Marino Institute of Education (MIE) aims to provide an inclusive environment which promotes equality, values diversity and is committed to maintaining an environment of dignity and respect¹ where all staff can develop their full potential. The concept of equality is central to MIE's ethos of academic and service excellence².

This Policy is developed in the context of the Employment Equality Acts 1998-2011 ([Employment Equality Act, 1998](#), [Equality Act 2004](#), [Civil Law \(Miscellaneous Provisions\) Act 2011](#), [Equality \(Miscellaneous Provisions\) Act 2015](#)) and Equal Status Acts 2000-2015 ([Equal Status Act, 2000](#), [Equality Act, 2004](#), [Equal Status \(Amendment\) Act 2012](#)) which prohibit direct and indirect discrimination, sexual harassment, harassment and victimisation in relation to nine equality grounds including gender. The gender ground protects trans persons from sex discrimination, that is, discrimination arising from gender identity and gender expression.

2. Purpose

This policy outlines MIE's formal commitment to recognise and support an individual's gender identity and gender expression so that all members of the MIE community experience a positive and tolerant environment where every member is treated with dignity and respect¹.

3. Benefits

MIE promotes, and is committed to supporting, a collegiate environment, which is free from bullying, sexual harassment and other forms of harassment¹. MIE will not tolerate harassment or bullying of staff, students or other members of the MIE community³. All members are protected by the MIE [Dignity and Respect Policy](#).

¹ See [Dignity and Respect Policy](#)

² See [MIE Equality Policy](#) and [Staff Equality Policy](#)

³ See [Disciplinary Policy](#)

4. Principles

- 4.1. All members of the MIE 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 MIE property, at MIE functions and activities and where one is representing MIE. This policy also pertains to usage of electronic technology and electronic communication that occurs in the above locations and situations⁴.
- 4.2. MIE will treat all trans staff, students, alumni and service users with dignity and respect and seek to provide a work and learning environment free from discrimination, harassment or victimisation⁵. MIE:
- i. Is committed to non-discrimination (direct or indirect) on the grounds of gender identity or gender expression.
 - ii. Supports an inclusive environment of dignity and respect where everyone can develop their full potential. MIE does not tolerate harassment or bullying of staff, students or other members of the MIE community on the basis of gender identity and expression. Any such incidents will be dealt with via the procedures outlined in the See [Dignity and Respect Policy](#).
 - iii. Respects the privacy of all trans individuals and will not reveal information related to their trans status without their prior agreement⁶.
 - iv. Seeks to provide a supportive environment for staff.
 - v. Supports an environment in which trans individuals who choose to be open about their gender identity feel respected and safe.
 - vi. Supports and is committed to providing reasonable accommodations for staff undergoing medical procedures related to gender reassignment, in accordance with the [Employment of People with Disabilities](#) and other relevant MIE Procedures.

⁴ See [MIE Staff & Students Code of Conduct for Use of IT Systems](#)

⁵ See [Dignity and Respect Policy](#)

⁶ See [MIE Privacy Policy](#)

Policy Name: Gender Identity and Gender Expression (Staff)

- vii. Facilitates staff seeking to update their personal records to match their gender identity and expression by providing clear and easily accessible guidelines on processes.
- viii. Encourages and facilitates staff training and awareness to ensure a supportive environment.
- ix. Is committed to removing unnecessary gender distinctions within the MIE environment.

5. Definitions

- 5.1. 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.
- 5.2. Intersex: An umbrella term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that does not fit the typical definitions of female or male. Although intersex individuals do not always identify as transgender or do not consider themselves covered by the Trans umbrella; where this policy uses the term trans it equally applies to intersex individuals.
- 5.3. 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).
- 5.4. Gender Identity: A person's deeply-felt identification as male, female, or some other gender. This may or may not correspond to the sex they were assigned at birth.
- 5.5. Gender Expression: The external manifestation of a person's gender identity. Gender can be expressed through mannerisms, grooming, physical characteristics, social interactions and speech patterns, etc.

For further definitions see, for example, the [Glossary of Terms](#) of Transgender Equality Network Ireland (TENI).

6. Policy

6.1. Roles, Rights and Responsibilities

- i. As a trans individual you have a right to:
 - a. Openly be who you are. This means expressing your gender identity without fear of consequences.
 - b. Be treated with fairness, dignity and respect⁷.
 - c. Privacy and appropriate confidentiality of records. Disclosure of information will only happen with your consent⁸.
 - d. Equal access to employment, education, services, activities and facilities⁹.
 - e. Reasonable and appropriate arrangements, academic adjustments, and services if your trans status or transition is affecting your engagement with work/education.
- ii. If you wish to disclose to or avail of MIE supports/change records⁸, as a trans individual you have a responsibility to:
 - a. Inform MIE of any support needs as soon as possible to allow appropriate arrangements to be put in place in a timely fashion.
 - b. Provide any documentation necessary for changing records in a timely manner.
- iii. MIE has a right to:
 - a. Request you to provide information and documentation from an acceptable professional source to establish the nature of reasonable arrangements to be put in place.
 - b. Request documentation from you which is necessary to change your records if applicable⁸.
- iv. MIE has a responsibility to:
 - a. Oversee the implementation of the policy in relation to gender identity and gender expression in a fair and transparent manner.

⁷ See [Dignity and Respect Policy](#)

⁸ See [MIE Privacy Policy](#), [Data Protection Policy](#) and [Record Management Policy](#)

⁹ See [Staff Equality Policy](#)

- b. Take all reasonable steps to provide appropriate support and arrangements for trans individuals.
- c. To develop best practice and policy in line with legislation.
- d. To raise awareness and to provide advice and training on gender identity and expression to staff and students in MIE.

6.2. Non-Discrimination

- i. Under the Employment Equality Acts 1998-2011 ([Employment Equality Act, 1998](#), [Equality Act 2004](#), [Civil Law \(Miscellaneous Provisions\) Act 2011](#), [Equality \(Miscellaneous Provisions\) Act 2015](#)) and Equal Status Acts 2000-2015 ([Equal Status Act, 2000](#), [Equality Act, 2004](#), [Equal Status \(Amendment\) Act 2012](#)) discrimination, harassment, and victimisation on the basis of gender, which encompasses gender expression and gender identity, is unlawful.
Discrimination is defined as the treatment of a person in a less favourable way than another person is, has been, or would be treated in a comparable situation on any of the nine grounds which exists, existed, may exist in the future, or is imputed to the person concerned.
- ii. MIE is committed to a policy of non-discrimination (direct or indirect) in access and participation in education and employment within the [Staff Equality Policy](#) and discrimination will not be tolerated by MIE. Some indicative examples of unlawful discrimination include:
 - a. Refusing employment, education, services or support on the basis of gender expression or gender identity,
 - b. Verbal or physical threats, harassment, or malicious gossip,
 - c. Refusing to address a person by their preferred gender pronoun or new name,
 - d. Revealing the trans status of a person to others without their explicit consent, excluding exceptional circumstances detailed in the Confidentiality section.

6.3. Confidentiality and Privacy

- i. All persons have a right to privacy, and this includes the right to keep one's trans 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.
- ii. MIE is committed to respecting the right to privacy¹⁰. 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.
- iii. 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 law¹⁰.
- iv. Information held by MIE complies with the requirements of the [Data Protection Act, 2018](#) and the [Freedom of Information Act, 2014](#) and relevant MIE policies. In order to comply with the above principles, MIE staff must take all necessary precautions to ensure the safekeeping and accuracy of all records containing personal information¹⁰.
- v. Where information is recorded or shared, the terminology used must be respectful. You may use this policy as a guide for what is acceptable language.

6.4. Transitioning or Gender Reassignment Process

- i. Gender reassignment is a process that is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex, and includes any part of such a process.
- ii. MIE aims to support students or members of staff considering gender reassignment and is aware that gender reassignment and transition may not be applicable, necessary or desirable for all trans* individuals for a variety of reasons.

¹⁰ See [MIE Privacy Policy](#), [Data Protection Policy](#) and [Record Management Policy](#)

- iii. If a member of staff has decided to undergo gender reassignment, 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: Head of their Department, Human Resources (HR) Manager. A very important element of this meeting will be to determine who should be told what and when and how this should occur.
- iv. 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:
 - a. The expected point or phase of change of name, personal details or gender,
 - b. The expected time scale of any medical and surgical procedures,
 - c. What time off will be required for treatment and/or how possible side effects from any medication may affect job/study and any arrangements needed¹¹,
 - d. 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,
 - e. Whether the individual wishes to inform co-workers, or would prefer this to be done for them,
 - f. What amendments will be required to records and systems¹²,
 - g. Whether training or briefing of co-workers, fellow students or service users will be necessary, at what point and by whom this will be carried out.
- v. 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 or study relationship with the individual. It is also important to note

¹¹ See [Illness Policy](#)

¹² See [MIE Privacy Policy](#) and [Record Management Policy](#)

that different individuals will have different needs, and that there is no set, standard model of transition.

6.5. Practical Considerations

Some practical considerations will arise when a person is transitioning, for example, single gender accommodation and facilities. 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.

6.6. Training and Awareness Raising in MIE

MIE will provide education for staff in order to ensure the implementation throughout MIE of this policy. Awareness will be incorporated in relevant training programmes for staff including equality and diversity training¹³, and staff support training. This will include online and printed literature as appropriate. Where desirable, MIE will develop, promote and run specific training on trans issues for students and staff.

6.7. Forms and Records

- i. Please note that everyone has the right to be addressed by their preferred name and pronoun¹⁴. A legal name or gender change is not required, and the individual need not change their official records.
- ii. Staff Records:
 - a. MIE is obliged to maintain records that include an individual's legal name and legal gender¹⁵. However, to the extent that MIE 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. MIE will change an individual's official record to reflect a change in name or gender upon receipt of official documentation.

¹³ See [MIE Equality Policy](#) and [Staff Equality Policy](#)

¹⁴ See [Dignity and Respect Policy](#)

¹⁵ See [MIE Privacy Policy](#) and [Record Management Policy](#)

Policy Name: Gender Identity and Gender Expression (Staff)

- b. In situations where MIE 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.

6.8. Complaints Procedures

- i. 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 [Dignity and Respect Policy](#).
- ii. To identify an individual as trans 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.
- iii. For complaints of discrimination under the Equal Status Acts 2000-2015 ([Equal Status Act, 2000](#), [Equality Act, 2004](#), [Equal Status \(Amendment\) Act 2012](#)) there is a requirement for a written notification to the person against whom the complaint is being made within two months of the most recent occurrence of the incident; a six-month time-limit for raising a complaint with the Workplace Relations Commission applies.

7. Responsibility

The responsibility for maintenance of this policy rests with HR.

8. Related Documents

- 8.1. [Data Protection Policy](#)
- 8.2. [Dignity and Respect Policy](#)
- 8.3. [MIE Equality Policy](#)
- 8.4. [Staff Equality Policy](#)
- 8.5. [Disciplinary Policy](#)
- 8.6. [MIE Staff & Students Code of Conduct for Use of IT Systems](#)

Policy Name: Gender Identity and Gender Expression (Staff)

- 8.7. [MIE Privacy Policy](#)
- 8.8. [Employment of People with Disabilities](#)
- 8.9. [Illness Policy](#)
- 8.10. [Record Management Policy](#)