# Gender Affirmation Policy (MPFXX)

## 1. Objective

The objectives of this policy are to:

1. Affirm the University’s commitment to building a culture that is safe, inclusive and respectful for all transgender and gender diverse (TGD) members of the University community; and
2. Provide key principles and actions which will enable this commitment to be realised; and
3. Support staff and students in affirming their gender identity or expression.

## 2. Scope

This policy applies to all members of the University community.

## 3. Authority

This policy is made under the [*University of Melbourne Act 2009* (Vic)](http://www.legislation.vic.gov.au/domino/web_notes/ldms/pubstatbook.nsf/edfb620cf7503d1aca256da4001b08af/489fcdb5278f3602ca25767f00102b11/$file/09-078a.pdf) and the [Vice-Chancellor Regulation](http://www.unimelb.edu.au/governance/statutes) and supports compliance with equality obligations and best practice guidelines including the:

1. Equal Opportunity Act 2010 (Vic);
2. Sex Discrimination Act 1984 (Cth);
3. Charter of Human Rights and Responsibilities Act 2006 (Vic); and
4. Births, Deaths and Marriages Registration Act 1996 (Vic).

## 4. Policy

4.1.    The University recognises, values and celebrates the diversity of its community, including diversity in gender identity and expression.

4.2.    The University commits to proactively ensuring that TGD members of the University community will not be discriminated against on the basis of their gender identity or gender expression.

4.3.    The gender identities of TGD members of the University community will be affirmed by University employees through the use of names, pronouns and descriptors as affirmed by the TGD person.

4.4. TGD members of the University community are encouraged and supported to choose bathroom facilities that most closely align with their gender identity or expression and make them feel safe. In addition to binary gendered toilets, all-gender facilities are available to people of all gender identities and expressions.

4.5.   Resources to assist TGD members of the University community to affirm their gender will be made available, communicated, and supported.

4.6.   Gender expression is a significant part of gender affirmation and can manifest in many ways, including non-binary and gender diverse expressions. The University is committed to providing a safe, respectful and inclusive environment for all forms of gender expression. To this end:

1. TGD members of the University community are encouraged to express their gender identity as they wish through dress and personal presentation, while remaining appropriate to the University environment.
2. While expressing gender identity through dress and personal presentation, TGD members of the University community are required to continue to comply with occupational health and safety requirements.

4.7 To maintain a respectful and safe learning and working environment, the University will assess the potential harm to TGD members of the University community in decision-making regarding public events and public discourse conducted by or associated with the University (to the extent permitted by law). The University is committed to freedom of speech, as expressed in the Freedom of Speech Policy (MPF1342) but does not support the exercise of freedom of speech when the exercise undermines the capacity of individuals to participate fully in the University.

1. Where the University determines that an activity or event poses an unacceptable risk of harm to TGD members of the University community, it may determine not to the conduct or host the activity or event on those grounds (in accordance with the provisions of the Freedom of Speech Policy).
2. Where the University determines to conduct or host an activity or event and it is apparent that the event could be of some potential harm to the TGD members of the University community, the University will take steps to mitigate this potential harm.

## 5. Procedural principles

### Planning and accessing support during gender affirmation

5.1 There is no legal requirement for any person to inform the University of their intention to affirm their gender. However, if a person does choose to seek assistance from the University, appropriate, sensitive and expert advice and assistance is available. People are encouraged to have a support person of their choosing present during any discussions with their supervisor or any part of University administration.

5.2 If a student chooses to disclose their intention to affirm their gender and would like to discuss a gender affirmation plan with regard to their studies, they can do so via support services as may be identified from time to time. As at the date of release of this policy, Stop 1 (the student advice portal) will provide direction and assistance with:

1. changing details with the University;
2. liaising with academic staff regarding the student’s affirmation; and
3. accessing counselling and other supports if needed and wanted.

5.3 If an employee chooses to disclose their intention to affirm their gender and would like to discuss a gender affirmation plan, they can do so with assistance from support services as may be identified from time to time which as at the date of release of this policy are:

1. their supervisor; or
2. their HR Business Partner.

5.4 The aim of a gender affirmation plan is to:

1. articulate the administrative and practical steps associated with the process of affirmation;
2. ensure the employee is treated with respect and dignity; and
3. ensure the workplace remains free from unacceptable behaviours.

5.5 A workplace affirmation plan may include (but is not limited to):

1. identifying those individuals who need to know about the affirmation;
2. timelines for affirmation or affirmation milestones (if applicable);
3. what workplace flexibility or leave may be available (if applicable);
4. name and pronoun use; and
5. how and if this will be communicated to immediate colleagues, and where relevant, to the wider University community.

5.6 Supervisors who have been advised by an employee of their intention to affirm their gender should take all appropriate action to provide a safe and supportive environment for the individual.

5.7 Employees may require leave or some flexibility during affirmation for surgery, medical appointments, counselling or other related purposes. Employees and supervisors are encouraged to contact their HR Business Partner for advice on leave entitlements, flexible working arrangements and types of documentation that may be necessary to support these requests.

5.8 Students may require intermissions of study, flexibility with assessment or other accommodations for surgery, medical appointments, counselling or other related purposes. Leave may be available under the Enrolment and Timetabling Policy (MPF1294), while adjustments to assessment may be available under the Assessment and Results Policy (MPF1326). Students are encouraged to contact Stop 1, who will provide advice and assistance to access available options.

### Changing details on University records

### 5.9 A person may wish to update their personal details with the University as part of a gender affirmation.

### An employee may change details during their employment by completing an Employee Detail Changes (HR9) form. Changing an individual’s gender marker in University records does not require any evidence, but other related changes may do so. Table A below specifies which changes may require evidence to be made.

### A student may change details during their enrolment by completing the Change to Personal Details Form. Changing an individual’s gender marker in University records does not require any evidence, but other related changes may do so. Table A below specifies which changes require evidence in order to be reflected on a testamur.

### 5.10 Changing name and/or gender with the University may give rise to unexpected consequences with records of Government and other agencies (i.e. Australian Taxation Office, Centrelink) not matching with University employment or enrolment records. Employees and students should carefully consider and understand these potential consequences prior to making a change.

### 5.11 It is the individual’s responsibility to communicate changes to personal details to external organisations. Refer to the Australian Government Guidelines on the Recognition of Sex and Gender for more information.

### Table A: Changing Details with the University

|  |  |  |  |
| --- | --- | --- | --- |
| Personal Detail | Process | Evidence Required: Employee | Evidence Required: Student |
| Title (eg Ms, Mx, Dr, Professor, nil title) | Complete form (HR9 or Change to Personal Details Form) and submit. Attach evidence for degree-based titles. | For Dr or Professor: Copy of testamur conferring degreeFor all other title changes: None | For Dr or Professor: Copy of testamur conferring degreeFor all other title changes: None |
| Preferred Name | Complete form (HR9 or Change to Personal Details Form) and submit. | None | None |
| Given Legal Name | Complete form (HR9 or Change to Personal Details Form) and submit. Attach evidence as per following. | Passport, birth certificate, marriage certificate or Births Deaths and Marriages Victoria (BDMV) or other relevant Registry change of name certificate | Passport, birth certificate, marriage certificate or Births Deaths and Marriages Victoria (BDMV) or other relevant Registry change of name certificate |
| Family Legal Name | Complete form (HR9 or Change to Personal Details Form) and submit. Attach evidence as per following. | Passport, birth certificate, marriage certificate or Births Deaths and Marriages Victoria (BDMV) or other relevant Registry change of name certificate | Passport, birth certificate, marriage certificate or Births Deaths and Marriages Victoria (BDMV) or other relevant Registry change of name certificate |
| Gender | Complete form (HR9 or Change to Personal Details Form) and submit. | None | None |
| University email address | Submit ServiceNow request. | None, but name details must be changed with the University first. | None, but name details must be changed with the University first. |

### Experiencing, reporting and addressing unacceptable behaviour

### 5.12 Every person is entitled to a workplace or study environment free from unacceptable or unlawful behaviour, including harassment, bullying and discrimination regarding sexual orientation, gender identity or expression, or intersex status.

### 5.13 Examples of unacceptable and/or unlawful behaviour in relation to gender identity or expression may include (but are not limited to):

### deliberately disclosing someone's sexual orientation, gender identity or expression, or intersex status without their permission;

### deliberately using incorrect names or pronouns (such as ‘he’ instead of ‘she’);

### denying a person training and promotion opportunities because of their gender identity or expression or changing the nature of their job, such as taking them away from customer service duties because of gender identity or expression;

### denying a student opportunities to expand or enrich their studies; and

### ridiculing or ignoring a person because of their gender identity or expression.

### 5.14 Any member of the University community who experiences or observes unacceptable behaviour towards a TGD person is encouraged to take action.

### 5.15 Advice and assistance is available from:

### HR Business Partners (for employees); and

### Stop 1 for students.

### 5.16 If a matter cannot be resolved through discussion and support, people may choose to lodge a complaint.

### Any complaint that relates to the behaviour of a person who performs work for the University (employees, contractors, honorary appointees or volunteers) can be made under the Appropriate Workplace Behaviour Policy and its associated processes.

### A complaint about the behaviour of a student can be lodged:

### under the Student Complaints and Grievances Policy if the complainant is a student; or

### to HR through the Appropriate Workplace Behaviour process if the complainant is not a student. HR will liaise with the Student Complaints Office to address the complaint.

## 6. Roles and responsibilities

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| --- | --- | --- |
| **Role/Decision/Action** | **Responsibility** | **Conditions and Limitations** |
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## 7. Definitions

**Gender affirmation** is an interpersonal, interactive process including a breadth of actions and possibilities that can be involved in TGD people living and thriving as their gendered selves. This process may (but not necessarily) include any of social, medical and/or legal affirmation processes which may be undertaken in any order over a short or long period of time.

**TGD** means transgender and gender diverse.

**University community** means:

* enrolled students, including cross-institutional students and students on exchange from another institution
* employees and exchange staff
* employees of controlled entities, Centres and Institutes,
* contractors and consultants performing work on University sites or on behalf of the University
* honorary, visiting or adjunct appointees
* the University Council and its committees; and
* any volunteer in the workplace and study environment.

## POLICY APPROVER

## Vice-President Strategy and Culture

## POLICY STEWARD

## Director, Diversity and Inclusion

## REVIEW

This policy is to be reviewed by XX.

## VERSION HISTORY

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Version** | **Approved By** | **Approval Date** | **Effective Date** | **Sections Modified** |
| 0.1 |  |  |  | First draft |