



Fairfield School of Business

info@fairfield.ac

Transgender and Non-binary Policy

Version	2.0 Public
Last updated	March 2025
Category	Regulations
Approved by	Board of Governors

Abstract:

Fairfield School of Business seeks to foster good relations between all members of its community, including trans, non-binary and intersex individuals.

This policy builds upon the principles of FSB's *Equality, Diversity and Inclusion Policy*, and its *Dignity (Anti-bullying) Policy*, to promote a safe, inclusive and supportive environment where **all** individuals can fulfil their academic and professional potential without fear of harassment and victimisation.

Applicability:

This policy applies to all staff (including contractors and volunteers), students and visitors at Fairfield School of Business (FSB).

NB: There is current government consultation about the interpretation of the law relating to transgender issues and the legal standing of the Gender Recognition Certificate, which may have implications for trans women accessing single-sex spaces.

FSB will align its policies and procedures with prevailing guidance from by the Department for Education for higher education providers.

Nothing in this policy shall supersede FSB's duty of care to ensure the safety and wellbeing of all members of its academic community.

Contents

1. Principles.....	2
2. Definitions	2
3. Recognition and Support for Trans People and People who are Transitioning	3
4. Harassment and Bullying.....	4
5. Use of Pronouns.....	5
6. Monitoring	5
Appendix: Legal Framework.....	6

Related Policies

- *Equality Diversity and Inclusion Policy*
- *Dignity (Anti-bullying and Harassment Policy)*
- *Academic Freedom and Freedom of Speech Policy*

1. Principles

- 1.1. FSB expects that people will be treated according to their self-determined gender. This means using the name, title and pronouns they have requested. It also includes the use of and the use of gender markers. Notwithstanding this, FSB will take disciplinary action against anyone who uses self-determined gender as a means to use facilities or concessions which would not be normally accessible to them or for purposes which infringe upon the rights of others.
- 1.2. FSB will work towards the creation of a respectful and dignified environment for all trans, non-binary and intersex people within and without the School. This includes respecting, other people's right to privacy and confidentiality, the encouragement of gender-neutral language, awareness of specific mental and physical healthcare needs and avoidance of assumptions about gender identity.

2. Definitions

- 2.1. In this Policy we use the expressions 'trans' or 'trans people' as an umbrella term to describe people who are trans, non-binary, non-gender, gender-fluid, or who have a gender identity which is not consistent with the sex they were assigned at birth.
- 2.2. **Transgender ('Trans'):** Someone whose self-determined gender is not the same as the sex that they were assigned at birth:
 - Trans women – those assigned male at birth but whose gender is now female
 - Trans men – those assigned female at birth but whose gender is male
 - those who do not identify as either male or female (non-binary, third gender)
- 2.3. **Non-binary:** Refers to people whose gender identity does not accord either with 'man' or 'woman'. However, it can include people who identify with some aspects of binary identity, but others reject them entirely. May include the term 'Agender' (without gender). The term is used by those who reject the whole idea of gendering practice. Thus, some non-binary people consider themselves Trans whilst others do not.
- 2.4. **Intersex:** describe persons who have the physical/biological attributes of both sexes so that they do not accord with the traditional view of what constitutes male or female. Intersex people may identify as male, female or non-binary.
- 2.5. **Transitioning:** This refers to a person who is already or who intends to move from their assigned sex/gender to expressing their self-determined gender either by social, medical or legal changes.

- 2.6. **Pronoun:** A pronoun is the term used to refer to somebody for example she or her or hers or herself, or he or him or his or himself. Gender-neutral pronouns include:
- they or them or their or themselves
 - che or chim or chis or himself
 - E or Em or Eir or Eirs or Emself
 - Per(person) or pers or perself
 - Xe or hir or hers or himself
- 2.7. **Gender expression:** While gender identity is subjective and internal to the individual, gender expression refers to all of the external characteristics and behaviours that are socially defined as either masculine or feminine, such as clothing, hairstyle, make-up, mannerisms, speech patterns and social interactions.
- 2.8. **Gender-critical** refers to the conviction that sex is biological, immutable, and binary, and that people cannot change their sex, and sex is distinct from gender-identity.

3. **Recognition and Support for Trans People and People who are Transitioning**

- 3.1. FSB will provide the option of selecting gender markers other than 'male' and 'female' for both staff and students when they sign a contract to work of study with the institution.
- 3.2. Where people are transitioning during their studies or an application to study, they are encouraged to communicate this to FSB so that we can amend our records accordingly. FSB will require official documentary evidence of any legal name change and gender recognition before these can be recognised on official degree transcripts and award certificates. Official Documentation is required for these changes include:
- A registered statutory declaration of name change (by deed poll),
 - Gender Recognition Certificate (this cannot be requested by FSB, and should only be provided if the individual wishes to present it),
 - Updated passport, driving license, and birth certificate.
- 3.3. FSB's Student Support Services can, if requested signpost to counselling, support groups, and other resources for transgender people, including access to gender-affirming healthcare services or external help with the transitioning process.
- 3.4. FSB provides training and education for staff, faculty, and students to promote awareness and understanding of transgender issues, as well as best practices for creating an inclusive environment.

4. Harassment and Bullying

- 4.1. Any form of harassment, bullying and victimisation is unacceptable to FSB, and any persons engaging in such behaviour will be subject to the appropriate disciplinary procedure.
- 4.2. There are a number of examples of bullying and harassment which are specific to trans, non-binary and intersex people and may include:
- Deadnaming – calling someone by their birth name after they have chosen a new name
 - Misgendering – referring to (someone, especially a transgender person) using a word, especially a pronoun or form of address, that does not reflect their gender identity.
 - Transphobia – the fear or dislike of someone based on the fact that they are or are perceived as transgender, and it can manifest through words, actions, harassment, hatred, or discriminatory practices.

It is accepted that inadvertent mistakes are possible, and action will only be taken where it is clear that there is malicious intent.

- 4.3. Any student who considers they are the subject of bullying or harassment taking place at FSB, or in connection with it, should speak to their Student Support Team on campus or their Dean; staff members should speak to their on-site HR representative or contact FSB's Head Office.
- 4.4. All alleged instances of bullying and harassment will be investigated in accordance with the provisions of FSB's Dignity Policy; there will be no presumption of wrongdoing or sanction applied until a properly convened review has concluded. FSB does have the authority to separate or suspend individuals from its premises and online environments where it believes there is a risk to the safety or wellbeing of FSB's community.
- 4.5. Nothing in this policy is intended to have the effect of limiting or 'chilling' academic freedom or freedom of expression within the law, or the rights of individuals to engage in legitimate peaceful protest. Our Code of Practice on Academic Freedom and Freedom of Expression Policy affirm our commitment to securing people's statutory right to question and test received wisdom and put forward innovative ideas and controversial or unpopular opinions, without jeopardising their academic or professional standing within FSB.

FSB understands that holding and expressing gender-critical beliefs (such as those in 2.8) is not of itself a breach of law or of this Policy.

Where investigating suspected breaches of this policy, FSB will be guided by information available from the Department for Education, the Office for Students, as well as available caselaw: <https://commonslibrary.parliament.uk/employment-tribunal-rulings-on-gender->

[critical-beliefs-in-the-workplace/](#) in determining whether such behaviour is protected by Free Speech legislation in the UK.

- 4.6. It is important above all to recognise that FSB's duty of care extends to all members of its academic community and does not permit persons with particular or protected characteristics to breach to our Codes of Conduct.
- 4.7. All those involved in disciplinary investigation conducted under the provisions of FSB's Dignity Policy shall have the right to appeal the outcome of that procedure, where the conditions for such an appeal exist.

5. Use of Pronouns

- 5.1. FSB expects its academic community to respect the use of a person's preferred pronouns, title and name, where these have been clearly communicated by the person.
- 5.2. FSB will not expect its employees to communicate their preferred pronouns on their email signatures or personal calling cards, but welcomes them to do so if they wish.

6. Monitoring

- 6.1. It is important for the school to monitor the operation of this policy and to ensure that its principles are operating for the benefit of all who work and study within it. Therefore although it accepts the right to privacy and confidentiality it will proactively engage with staff or students who are the subject of this Policy with their consent to ensure that the Principles of this Policy are being enacted.
- 6.2. The monitoring will be the specific responsibility of the Head of Student Lifecycle and Enhancement, who will present a biannual Report to the Governing Body and advise on necessary changes to this Policy,

Appendix: Legal Framework

Equality Act 2010

The particularly relevant section of this Act is that which prohibits discrimination of people who have undergone, are in the process of or intend to undergo 'gender reassignment'. The process is defined in medical terms but there is also emphasis on the social aspects.

Gender Recognition Act 2004 (GRA)

The GRA allows a person to change their legal gender provided it is male or female. Thus although there is increasing recognition in public life of a third or non-binary gender this is not recognised in law. There is current government consultation about changes to this Act. Under GRA a person can obtain a Gender Recognition Certificate (GRC) which will allow the issue of a new birth certificate. Obtaining a GRC requires medical evidence. The GRC has strict privacy conditions. It is a criminal offence to disclose the information to anyone without the permission of the Trans person.

Data Protection Act 2018 (DPA)

Under the DPA information concerning a person's Trans status is defined as 'sensitive personal data'. It must therefore be kept as a 'special category'. Failure to change a person's gender when requested would be a breach of terms of the Act.

Human Rights Act 1998 (HRA)

The HRA embodies Article 8 of the European Convention which protects a person's right to a private and family life. Thus it protects the right to remain private about identity. Any information held about a person is therefore to be kept secure and not shared unless the person gives permission. There is an exception where there is a safeguarding issue or where a crime has been committed.

The Education (No. 2) Act 1986 (section 43(1)) places a statutory obligation on Higher Education Providers in England and Wales to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students, and employees of the establishment and for visiting speakers.

The Higher Education (Freedom of Speech) Act 2023 builds upon the provision within the Education (No2) Act in relation to freedom of speech and academic freedom in higher education institutions and in students' unions; and for connected purposes. The legislation is intended to strengthen the legal requirements on universities and colleges in relation to free speech and academic freedom and assert the [Office for Students](#)' regulatory role.

Document governance

Document owner*	Principal
Consulted parties**	CEO; Vice Principal; HR Consultant; Student Union President
Next update due	September 2025
Classification	Public – Anyone can view this document

**Responsible for updates to this content.*

*** To be consulted on updates to this content.*

Versions

Version no.	Description of Changes	Approved by	Date
0.1 Draft	Original version, to be adopted as a working version	Board of Governors	Oct 2020
1.0 / 1.1	Content reviewed; document formatting, pagination added	Board of Governors	Jan 2022
1.2.	Annual review; no major changes; new formatting applied	Board of Governors	Sep 2022
1.3	Policy Ownership reassigned	Board of Governors	Jan 2024
2.0	Content reviewed and reordered; legal framework updated	Board of Governors	April 2025

