

THE TRANS PROTOCOL

A guideline to understanding, managing and responding to the needs of trans, intersex, gender non-conforming and non-binary students and staff at UP

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1. What is the Trans Protocol?

The Trans Protocol is a guideline to strengthen and support the Anti-Discrimination Policy of the University of Pretoria (UP). It is directed towards the eradication of discrimination against transgender (trans), intersex¹, gender non-conforming² and non-binary members of the student and staff body, and towards building a positive and affirming environment. It has been presented to the University's Institutional Transformation Committee (ITC) for consideration as an approach to supporting trans, intersex, gender non-conforming and non-binary students and staff in the places where they live, study or work. It suggests specific steps to engage with places of residence, study and work to build support for students and staff.

2. What motivated the development of the Trans Protocol?

In response to issues raised by affected students and staff (see Appendix for three case studies), it was clear that their needs were not being met by the anti-discrimination dispensation at UP. This is not unique to UP, as a review of the experiences of trans and gender diverse South African students reveals.³ Even though the Anti-Discrimination Policy has now been adopted, a Protocol such as this is an opportunity to prevent discrimination in a rights-promoting way, address discrimination should it happen, and build a positive, affirming and inclusive institutional culture.

The Protocol allows students and staff who wish to start gender transitioning⁴ or wishing to come out as trans, to be assisted to manage their transitioning and be protected from discrimination or harm. In addition, staff who are joining UP, or students who are studying at UP for the first time, will also be able to have needs addressed and fears allayed. In addition, any student or staff member who is gender non-conforming or non-binary, and therefore at possible risk of othering or discrimination, will be able to find some protection as the knock-on effect of work aimed at trans and intersex members of the UP community.

3. Who initiated this Protocol?

Upon engaging with affected students, Pierre Brouard of the Centre for Sexualities, AIDS and Gender (CSA&G) approached Dr Matete Madiba of the Department of Student Affairs (DSA), who suggested he constitute a small team of stakeholders to develop an initial draft. This is the draft, developed in collaboration with various stakeholders (these include UP's Transformation Office, UP and Out, #SpeakOutUP, trans students and staff, the Department of Residence Affairs, the Student Counselling Unit, the SOGIESC Unit of the Centre for Human Rights, and the SRC).

¹ The term intersex is defined in the document but some intersex people may present as gender non-conforming or non-binary and therefore could be subjected to discrimination on these grounds.

² We use gender non-conforming to speak to the idea that people who are gender diverse do not conform to societal expectations.

³ See here for a copy of this report: http://www.hlanganisa.org.za/wp-content/uploads/2018/08/In-their-voices_-Being-transgender-diverse-at-a-South-African-university_2nd-Draft.pdf

⁴ For example they wish to change their names, sex descriptor on identity documents, and commence in some cases with body altering hormones and surgeries to allow their gender presentation to match their inner gender identity, which may have been different from the sex they were assigned at birth

4. Background and rationale

UP, as stated in the Anti-Discrimination Policy, is committed to an inclusive, affirming and transformed institutional culture, curriculum and campus and residence life. It rejects all forms of discrimination and commits itself to the eradication of these practices. The Policy explicitly addresses discrimination based on gender, sex, gender identity, gender expression, and intersex status. It also creates an enabling framework to address individual, structural and systemic forms of discrimination and exclusion and to ensure procedural as well as substantive justice.

As things stand, however, people who are gender diverse may experience different forms of discrimination or subtle othering. These can include bureaucratic issues⁵ while pursuing their studies or performing duties within the scope of their employment; challenges around residence placements; difficulties in using bathroom and sports facilities; and name-calling, judgement, harassment and shaming as they go about their daily lives. This is an ever-shifting terrain and the protocol is designed at a time wherein binary identities are the only legally recognized identities.

5. Intentions and vision

This document supplements the Anti-Discrimination policy of the University of Pretoria to promote a more affirming and inclusive UP experience for anyone who is gender non-conforming or non-binary.

In addition, the document outlines practical ways to support and assist UP students and employees who are engaged in gender transitioning or otherwise in need of assistance with related issues. It presents mechanisms which allow for the process of gender transitioning to occur without the student or employee being discriminated against during this process.

6. Definitions of key terms⁶

GENDER: The socially constructed roles, behaviour, activities and attributes that a particular society considers appropriate for men and women.

GENDER ROLES: the role or behaviour learned by a person as appropriate to their gender, determined by the prevailing cultural norms.

GENDER IDENTITY: A person's private sense of being male, female or another gender. This may or may not match the biological sex that a person was assigned at birth.

SEX ASSIGNED AT BIRTH: Sex assignment is the determination of an infant's sex at birth. In the majority of births, a relative, midwife, nurse or physician inspects the genitalia when the baby is delivered, and sex is assigned, without the expectation of ambiguity. Assignment in some cases may also be done prior to birth through prenatal sex discernment. AFAB (assigned female at birth) and AMAB (assigned male at birth) are commonly used terms to

⁵ Including but not limited to: problems with discrepancies between official documents and chosen names and pronouns, discrepancies between government identity documents and actual gender identity, delays in making changes to sex descriptor and official name at Home Affairs

⁶ A number of these definitions are based on those used in the PsySSA SGD guidelines of affirming therapies for those working with sexually and gender diverse clients

refer to sex assigned at birth. External genitalia are only one of the generally accepted sex descriptors such as the number and type of sex chromosomes, types of gonads, sex hormones, and internal reproductive organs, all of which can have significant variation. Inspection of the external genitalia therefore provides an incomplete concept of what sex is.

GENDER DIVERSITY: The range of different gender expressions and identities that span across the historically imposed male-female binary. Referring to 'gender diversity' is generally preferred to 'gender variance' as 'variance' implies an investment in a norm from which some individuals deviate, thereby reinforcing a pathologising treatment of differences among individuals.

GENDER NON-CONFORMITY (GNC): Also referred to by some as 'gender variance', 'gender atypical', refers to displaying gender traits such as identity, role, or expression that are not normatively associated with a person's biological sex in that culture. 'Feminine' behaviour or appearance in a male is considered gender non-conforming, as is 'masculine' behaviour or appearance in a female. In the case of transgender people, they may be perceived, or they may perceive themselves, as gender non-conforming before transitioning, but might not be perceived as such after transitioning. Some intersex people may also exhibit gender non-conformity.

GENDERQUEER/NON-BINARY: A catch-all category for gender identities that are not exclusively male or female, i.e. identities, which are thus outside of the gender binary and cisnormativity. 'Androgynous' (also 'androgynous') is sometimes used as a descriptive term for people in this category. However, not all persons identify as androgynous. Genderqueer people may identify as: having an overlap of, or indefinite lines between, gender identity; having two or more genders (being bigender, trigender or pangender); having no gender (being agender, non-gendered, or genderless); moving between genders or having a fluctuating gender identity (genderfluid); or being third gender or other-gendered, a category which includes those who do not place a name to their gender.

TRANSGENDER: A term for people who have a gender identity, and often a gender expression, that is different to the sex (and assumed gender) they were assigned at birth by default, on account of their primary sexual characteristics. It is also used to refer to people who challenge society's view of gender as fixed, unmoving, dichotomous and inextricably linked to one's biological sex. Gender is more accurately viewed as a multi-dimensional spectrum, rather than as a polarised, dichotomous construct. This broad term encompasses genderqueer people, and those who defy what society tells them is appropriate for their gender. Transgender people could be heterosexual, bisexual, same-sex attracted or asexual as gender identity is mutually exclusive of sexual orientation. The term transsexual, often used interchangeably with transgender, is now regarded as outdated and may be offensive to some trans people.

TRANS: Commonly accepted shorthand for the terms transgender, non-binary, and/or gender non-conforming.

CISGENDER: Often abbreviated to simply 'cis', a term describing a person whose perception and expression of her or his own gender identity matches the sex she or he was assigned at birth.

TRANSITIONING: (Including social and medical transition) refers to the (largely permanent, although in rare case reversals may occur) adoption of the outward or physical characteristics of the gender with which one identifies, as opposed to those associated with one's sex assigned at birth.

TRANS(GENDER) MAN: A person who was assigned 'female' at birth, but identifies as male. Such a person is sometimes referred to as a 'female-to-male (FtM) trans person'. Note, the term 'FtM' has become somewhat controversial as many in the trans community feel that they were never female to begin with. Instead, 'masculine presenting' is preferred.

TRANS(GENDER) WOMAN: A person who was assigned 'male' at birth, but identifies as female. Such a person is sometimes referred to as a 'male-to-female (MtF) trans person'. Note, the term 'MtF' has become somewhat controversial as many in the trans community feel that they were never male to begin with. Instead, 'feminine presenting' is preferred.

GENDER-AFFIRMING SURGERY/TREATMENT/PROCEDURE: Also, sometimes referred to as 'sex-reassignment surgery' this refers to medical treatment and other procedures, such as cross-gender hormones and gender-affirming surgeries, which trans persons could choose to undergo if needed in order to make their bodies more congruent with their gender identity, thus affirming their gender.

GENDER DYSPHORIA: bodily discomfort experienced by many transgender and nonbinary people, due to the incongruence of their gender identity and their assigned sex. The term is sometimes rejected by trans people on the grounds that it feels pathologising.

SOCIAL TRANSITION: Also called "coming out", this encompasses the social portion of a transition, in which a transgender person makes others aware of their gender identity. Some parts of social transition could include telling people about one's gender identity whether or not they are aware of one's assigned sex and/or transgender status.

LEGAL TRANSITION: The process of changing one's identification documents to reflect one's gender identity.

STEALTH: To live completely as their gender identity and to pass into the public sphere being sure most people are unaware of their transgender status. This does not mean their status is a secret to every single person; family and close friends may know. It is not necessarily the goal of transition and very often is because of a desire to avoid harassment or due to internalised transphobia. It is a controversial topic in the trans community as it reinforces the binary and may keep trans people invisible. Some trans people and most genderqueer and bigender people purposely do not go stealth because they want the people around them to know they are trans. Some desire to go stealth, but are unable to 'pass' (being accepted as a cisgender person based on appearance) convincingly enough.

CISSEXISM: Privileging societal norms that enforce the gender binary at the expense of trans identities but which is occasionally used synonymously with transphobia.

TRANSPHOBIA: Emotional disgust, fear, hostility, violence, anger, hatred or discomfort felt or expressed towards people who do not conform to the gender expectations of society. Transphobia is a type of prejudice and discrimination similar to racism and sexism; and transgender black, coloured or Indian people are often subjected to all three forms of discrimination at once.

INTERSEX: A term referring to a variety of characteristics (genetic, physiological or anatomical) in which a person's sexual and/or reproductive features and organs do not

conform to dominant and typical definitions of biosex 'female' or biosex 'male'. Such diversity in sex characteristics is also referred to as 'biological variance' – a term which risks reinforcing pathologising treatment of differences among individuals, but which is used with caution in this document to indicate an inclusive grouping of diversity in sex characteristics, including, but not limited to, intersex individuals. The technical term 'Disorders of Sex Development' has been replaced by the less pathologising 'Differences of Sex Development'.

DEAD NAME: A "dead name" is the name of a trans person prior to their transition, usually the one given at birth. Dead naming is the action of calling a trans person by their former name instead of their new name. A trans person will likely experience this throughout their life, from family and personal relationships to education or work environments.

TRANSMASCULINE: This refers to a person who has been assigned female at birth, may have taken hormones, changed their name and had some gender-confirming surgery, and identifies with masculinity more than femininity, but does not want to be perceived as wholly male.

TRANSFEMININE: This refers to a person who has been assigned male at birth, may have taken hormones, changed their name and had some gender-confirming surgery, and identifies with femininity more than masculinity, but does not want to be perceived as wholly female.

7. Stages of transitioning (personal, academic and legal aspects)

Transitioning can begin at any point at which an individual elects to do so. There are different ways to approach transitioning, personally, socially and medically. Transitioning is a complicated process which involves any or all of the gendered aspects of an individual's life. An individual may elect to change the outward presentation of their own gender identity, gendered pronouns and even name. Different elements such as body image, personality, finances, support and the attitudes of themselves and others may affect how far an individual goes with their transitioning process. Whilst South African law requires medical or surgical treatment to have been undergone (or at least started) before one can apply to change the sex description on one's ID, this Protocol supports the view that there should be no specific medical requirements to validate a transitioning process. In other words, it recognises that, over and above legal requirements, people have a right to self-define.

The requirements as specified by the Department of Home Affairs as of 2018 are as follows:

The right to name change⁷

Section 24 of the Births and Deaths Registration Act:

The first step to aligning gender expression with gender identity may simply be to change one's name. For many trans and gender non-conforming persons this can be an empowering change which can go a long way in helping reduce feelings of anxiety and dysphoria. There are no medical requirements for a change of forename. One simply needs to go to a local Home Affairs branch and complete an application with the necessary fees.

Once all changes are reflected in the new identity document, one must update all other formal documents too. The rights, responsibilities and obligations one held under one's "dead" name and "dead" pronoun still remain. Parental, financial and criminal record obligations still pertain. One must also ensure that insurance policies, educational qualifications and any other formal documentation are updated.

The right to change the sex descriptor on an identity document

Alteration of Sex Description and Sex Status, Act 49 of 2003:

Act 49 allows trans persons who have begun their medical transition, and intersex persons, to change the sex descriptor in their identity documents to reflect their gender identity. Unfortunately, the current options are between male or female, with none for 'non-identifying/third gender' persons, or intersex persons who identify as intersex.⁸

Act 49 stipulates various conditions which must be fulfilled before a person is able to make the application for the sex descriptor change. These include proof of medical transition by hormone and/or surgical treatment. For trans and GNC persons, and for the natural transition of sexual characteristics which results in gender reassignment in intersex persons, there is a requirement of two letters from health practitioners confirming the medical treatment received and observed. On the day of the application, the applicant will need to have: two ID-sized photos; an original birth certificate; and two medical reports from health professionals (pharmacist, nurse mental health professional or dental technician). The first must stipulate what treatment was administered by the treating doctor, and the second must be from a medical professional who has examined the person and testifies that they are currently undergoing, or have undergone, gender reassignment.

⁷ See Understanding, supporting and accessing human rights for transgender and gender diverse persons in South Africa AMA'RIGHTS PUBLISHED BY GENDER DYNAMIX ■ DECEMBER 2016 ZACHARY AKANI SHIMANGE & GLENTON LIBERTY MATTHYSE

⁸ This Protocol notes that the Department of Home Affairs released on 22 December 2020, for public comment, a series of proposals on "identity management" in South Africa. Among others, the intention is to address the situation of intersex children at birth and people who do not identify as male or female, and forms of discrimination experienced by trans people at the Department of Home Affairs. One proposal includes the idea of "a random unique identity number that is not linked to or founded on a person's sex, date of birth, place of birth or any other marker." Another suggests that "To accommodate non-binary, transgender and intersex persons, it is recommended that an alternative digit or letter "X" be used for this population. This will be a subject of further consultation with the affected population. This change will not affect the current composition of the ID number for males and females." The policy outcome of these deliberations could affect this Protocol.

Currently the waiting period to receive documents back can range from anything between 6 months to 3 years.

8. Intersex persons

For intersex persons the contents of the letters are slightly different. Although the Act still requires two letters, they differ in that: the first letter is a report prepared by a medical practitioner corroborating that the person is intersex; the second is a report prepared by a qualified psychologist or social worker corroborating that the person is living, and has lived, “stably and satisfactorily for an unbroken period of at least two years in the gender role corresponding to the sex description the applicant wishes to change to”.

9. Preparing for medical or legal transition.

Individuals who are preparing for transitioning will usually have undergone assessments by psychologists and medical persons. Psychological support may be very helpful for many trans people as working through gender identity and transition-related issues can be stressful. In addition to this, they will need to discuss their support systems and needs with the University. These needs could include time off from their studies or work for appointments for consultations and assessments by medical and psychological professionals.

Where possible, provision could be made for the authorisation of special leave to take time off to prepare for transitioning.

Academic support could help the student to make up, if necessary, assignments, projects, class tests, semester tests or exams they may have to miss in order to attend these appointments.

If individuals have begun to socially transition by wearing clothing which communicates their gender identity, further support may be needed to sensitise the environment in which they operate.

Emotional support will be provided at the institution in the form of an available counselling service such as the Student Counselling Unit (SCU) and the Employee Assistance Programme (EAP) on all premises of the institution, where possible. Where this provision cannot be made, the institution could consider making alternative provisions, for example by assisting with referrals to a local support system.

An individual may also ask the institution for information on how they may begin the process of altering their records in line with alterations they seek from Home Affairs to identity documents and other legal documentation which state their sex descriptor, and this could be provided by the SCU and EAP services. The individual must be treated with the utmost respect and the staff who engage with these processes of recording and altering documentation must be sensitised to the nature of this process.

10. Undergoing medical or legal transition.

In similar ways to the preparatory phase, during transitioning a student or staff member may need:

- Meetings with health professionals and time off for medical procedures, including recovery time
- Academic support (for students) to catch up on study-related work: assignments, projects, class tests, semester tests or exams they may have to miss in order to attend these appointments.
- Work-related support (for staff) to meet work deadlines and performance requirements
- Ongoing sensitisation in workplace and study settings as the individual presents socially in congruence with their gender identity
- Emotional support through the SCU or the EAP.

11. After medically or legally transitioning or coming out

After transitioning, much of the information covered in the previous two steps will still apply: further medical consultations; follow up and monitoring of sensitisation work; addressing any cases of harassment or discrimination resulting from stigma; ongoing emotional support; and finalisation of changes to various official documents. If a transgender or non-binary person seeks medical treatment, the treatment will most likely be chronic due to the nature of hormone replacement therapy. Additionally, surgeries and other medical procedures may take decades because of long waiting lists.

12. Emotional support⁹

Anyone who is going through a major life transition can benefit from emotional support. For trans and GNC people, and indeed some intersex people, there can be a long history of trying to cope with feelings of discomfort, shame, guilt, anxiety and fear. They may experience feelings of isolation, and may attempt to conceal aspects of themselves and keep secrets, all of which can lead to depression and anxiety. While some trans people may present as cisgender, others may have been gender non-conforming for many years and could have faced hurtful and harmful consequences because of this: research has found that 50% of trans adults report having had some suicidal ideation.

Making decisions about transitioning, what treatments or procedures to pursue, or whether to attempt any transition at all, are complicated decisions and require time and support. There are fears of how one will be accepted by family (parents, partners, children, grandparents and others), friends, educational institutions, fellow students, faith groups, etc. At the point of decision making, many things are unknown, and it can be a very stressful period. It can also be exciting and joyful to be able to act and move towards a more authentic self.

For those trans individuals who decide to transition, the following psychological issues, amongst others, arise:

⁹ Drawn partly from <https://tgmentalhealth.com/basic-issues-in-transgender-mental-health/>

- Fears about finding a partner or losing an existing partner.
- Impact on family relationships with parents, children, partners and other relatives.
- Impact on relationships at places of study and work, and with friends.
- Fears about violence and prejudice when one is discriminated against for being trans.
- Feelings about surgeries and hormones, as well as many other procedures undergone by transgender and non-binary people in hopes of alleviating gender dysphoria.
- Frustration at having to change or explain legal documents (driver's license, passport, titles to property, educational certificates, etc.).

After transitioning, some issues that may arise include: disappointment that transitioning did not necessarily address all issues the trans person was facing; varying levels of satisfaction with appearance and medical treatments; and emotional issues that were not addressed before. While the clear majority of trans people are satisfied with their transition, it will not solve all an individual's problems for which they may also need support.

It is also important to note that trans (and intersex) people may have other emotional or mental health issues which are not related to being trans (or intersex). Just because someone is trans (or intersex) does not mean they don't have other issues in their lives. It can be hard for some people to let themselves seek treatment for other issues when gender issues are so prominent a concern.

Finally, some people may decide not to transition, or decide to postpone transitioning. This is a valid choice and not everyone is able to or wants to transition. Someone who wishes to transition, but is unable to do so for any reason, may experience great distress because of this. Those who do not wish to transition at all may feel alienated from the general trans community.

Emotional support for some or all of the above issues will be provided by trained professionals at the SCU or the EAP, or, as suggested earlier, a referral to a relevant person or organisation. The first preference is for an in-house option, and this may require in-service training for staff working in these support services. In addition, mental health support offered by other persons, such as those working as Faculty or Residence counsellors, will be facilitated as much as possible, and they should be equipped to do so.

13. Staff and student sensitisation

Preparation, meetings and announcements

Oversight on the needs of trans and gender diverse staff and students, especially around support work and the building of an inclusive university, rests in the first instance with the Registrar and the Transformation Office, as the custodians of the Anti-Discrimination Policy.

Operationalisation of these needs will be led by the Department of Student Affairs for students, supported by partner bodies across the university, including the CSA&G, the SCU and the SOGIESC Unit of the Centre for Human Rights. For staff, the Human Resources Department will lead the necessary work, with the support of the Transformation Office and the EAP.

Specialised training skills will be developed by the SCU (or Human Resources / EAP in the case of trans staff members) so that staff there can manage sensitisation training and meetings held in spaces where a trans student or staff member is transitioning.

The SCU or Human Resources / EAP will then provide the following:¹⁰

- An initial consultation with the relevant department, section, Centre or residence to discuss the needs of the trans student or staff member.
- Advice to the department, section, Centre or residence on how to manage an announcement of a trans person's journey in a sensitive way.
- Meetings, where necessary, with students and staff which provide information, address terminology, allay fears and emphasise human rights.
- More in-depth training sessions/workshops which address stigma and discrimination, clarify values and beliefs and promote inclusivity.
- Ongoing support to the department, section, Centre or residence to monitor the climate in that space and assess whether the student or staff member is coping and thriving.

14. Addressing bullying, harassment and stigma

The University has a zero-tolerance approach to any form of bullying, harassment or stigma aimed at a trans student or staff member, and indeed anyone who is gender diverse. This is enabled by the Anti-Discrimination Policy of the University and is not negotiable.

Where a trans student or staff member, or a gender non-conforming or non-binary person, reports such incidents, these will be immediately addressed by the Transformation Office in terms of the Anti-Discrimination Policy. Ongoing support will be offered to the affected student or staff member during this period and after.

15. Changes to records and other administrative matters¹¹

Current practice at UP is that sex descriptors, gender markers and names of current students and staff will be changed once these have been officially changed at the Department of Home Affairs. This will be maintained.

Where Home Affairs officials misinterpret the law [Alteration of sex descriptions Act, 2003] to say that the client must have undergone full sex alignment surgery to change their documents, the University can provide emotional support to the student or staff member while this is being resolved.

¹⁰ Some of the initial consultation may be undertaken by the Transformation Office who will then work with relevant support services

¹¹ This topic is the subject of discussion and change at UP and the current situation is in flux

16. Students and staff who have applied for gender marker changes and have not received them from Home Affairs (or who are gender diverse and wish to use either gender-neutral identifiers, or the gender identifier of their choice)

From 2021, students will have the option to register with the gender titles Mr, Ms or the gender-neutral, Mx. They will not have to justify their choice and these choices are open to all students.

Systems will be put in place for 2022 to have a registration process that has greater nuance and wider choice in relation to gender, including the student's gender indicator and their preferred forename.

While the systems are being changed so that all students can register in the way in which they are most comfortable, all their legal documents will reflect the name and gender/sex on their current identity documents. These documents will include academic transcripts, graduation certificates, and letters of recommendation for opening bank accounts, gaining accommodation or employment. On receipt of new identity documents issued by Home Affairs (in the case of students who are transgender and apply to have their name and gender/sex marker legally changed), students can request that appropriate changes be made to their legal documents.

For all campus activities using social media, clickUP and other platforms, as well as class lists, registers and student cards, students will be allowed to use the forename and gender indicator of their choice.

For staff, engagement with HR would also allow for preferences around names and gender markers to be accommodated.¹²

17. Housing and accommodation

The University will ensure that any arrangement which requires the student or staff member to occupy, temporarily or semi permanently, accommodation related to their relationship with the University, is sensitive to the needs of the trans person and indeed anyone who is gender diverse.

In the case of student accommodation (usually organised on a single-sex basis), the safety and dignity of trans and gender diverse students is paramount, while acknowledging that ALL students have a right to dignity. The university should do its best to allay anxieties of trans AND cisgender students, and promote an inclusive culture which is accepting of diversity.

Students who have legally transitioned will, in theory, be assigned residence placements based on their identity document. This Protocol acknowledges that the student's trans status might become known, either because they disclose it themselves, or because their gender presentation does not conform in some way to accepted understanding of "maleness" or "femaleness". This could place them at risk for discrimination or harassment, or could cause discomfort or animosity in other students. While the University does not wish to pander to discriminatory attitudes and practices, it also acknowledges the sensitivities in this situation, and wishes to protect students from harm.

The following options should be considered:

¹² This text is directly drawn from a campus-wide email from the Vice Chancellor, Professor Tawana Kupe

- Adopting a case-by-case approach, taking each trans or gender diverse student's needs into account, finding the best option based on an assessment of the student's needs and unique situation. This would require the trans student to be open about their needs when they engage with the residence placement system, and this should be conveyed to prospective students.
- Offering the trans student a single room, with its own bathroom facilities, to avoid possible harm and discrimination.
- Consideration should be given to the development of "gender-neutral" residence accommodation where students of all genders share living and bathroom spaces so that no person's sex or gender identity matters. Although some residences are mixed-gender spaces, current practice is that bathrooms are gender specific.

Regarding travel-based accommodation (for example when participating in conferences, workshops, sports and academic activities which require overnight accommodation or longer stays such as internships and placements), the needs of the trans student or staff member will be accommodated where there are shared sleeping arrangements, through the provision of single rooms where possible.

18. Use of facilities

When a trans student or staff member uses sports facilities, or indeed bathrooms across all University spaces, they will be likely to use the facilities congruent with their legal gender identity.

Where the student or staff member is anxious, where this is likely to arouse active resistance, or where harm may be directed at the trans student or staff member, arrangements should be made which allow them to complete ablutions in ways which are respectful, dignified and safe, for example through facilities designated for their sole use.

Gender-neutral bathrooms will be made increasingly available across the University: these assist not only trans and intersex people but anyone who is gender diverse and faces bathroom anxiety and hostility. This can protect the dignity and rights of all, trans and cisgender people alike.

19. Special considerations

International students

Many international students and staff will come from contexts where they may not legally transition but may find ways to live out their gender identity in private ways. They will be supported to feel comfortable while here at UP, acknowledging that they may not fully transition or will transition with the intention to remain in South Africa. All the support services outlined above will be made available to them.

Confidentiality and communication

At all times the confidentiality of staff and students who are trans will be respected. Only with their written permission, pertinent details of their trans status and transitioning can be shared

in the interests of providing them with the support, safety, equality and dignity they are entitled to.

Time off for procedures and appointments

This document acknowledges that many cisgender students (and some staff members) need to be accommodated for various reasons, including family and health needs, as well as disability-related matters. Accommodating these persons, as well as trans students and staff, while maintaining the rights of all is complex, and there can be suggestions of exceptionalism.

But in all endeavours the University should aim to avoid unfair discrimination, mindful that the needs of the few should not be disregarded by a majoritarian approach. While it is not ideologically appropriate to present trans people as “vulnerable”, it can be argued that they have special needs which, when accommodated, signal an institution which is sensitive and inclusive.

Language use

As can be seen from the definitions section of this document, language matters: it can be respectful and empowering to use correct terminology and it sends a message that the institution cares about the dignity of all who come into its ambit. The Anti-Discrimination Policy of the University makes it clear that we need a space that feels like home for all who are here, and all attempts will be made to get this right.

20. Roleplayers/stakeholders

At UP:

- The Transformation Office
- The Centre for Sexualities, AIDS and Gender
- Department of Student Affairs
- Department of Enrolment and Student Administration
- Department of Residence Affairs and Accommodation
- Human Resources
- Security Services
- The Centre for Human Rights SOGIESC (Sexual Orientation, Gender Identity and Expression, Sex Characteristics) Unit
- Counselling Services
- UP Medical Clinics
- Academic Staff and Non-academic Staff
- Transformation Committees
- Contractors
- Students and Student Associations
- Organised Labour
- Sports Units

Outside UP:

- Home Affairs
- Medical Aid (few provide for gender alignment surgeries)
- Groote Schuur Hospital Transgender Clinic, Cape Town.
- Steve Biko Teaching Hospital (Gender alignment clinic)
- Doctors and psychologists working with trans and intersex students and staff
- NGOs and advocacy groups representing or working with the trans and intersex communities

21. Engagement with affected students and review of this document and action plans/protocols

This document will be reviewed on an annual basis at first, and subsequently every two years, to ensure that it is still meaningful and relevant, and meets the needs of trans (and intersex) students and staff.

22. Action plan: steps to be taken when working with trans and intersex students and staff¹³

This action plan is not a formal requirement from the University but it is a recommended step to allow for systematic planning. It is a useful checklist and can be used as a general guideline or as an informal plan of action drawn up with the student or staff member concerned. Where it is in written form it should be kept confidential. Trans and intersex students and staff will have differing needs, so some sections of this plan may not apply. It should be used as a part of a supportive and sensitive discussion, which will be led by the needs of the student or staff member themselves. Whoever is completing this plan with the transitioning student or staff member will review all relevant policies and sources of information, and confer with the relevant persons, prior to the discussions. These include:

- The Anti-Discrimination Policy
- The Transformation Office
- The Department of Student Affairs and/or Human Resources
- The Department of Residence Affairs
- The SCU and EAP services

(Note, most of these steps apply to students and staff who are transitioning, but some may also be applicable to staff and students who have already transitioned and are coming to UP for the first time, or have not yet transitioned, and may indeed not, but already present in ways which conform with their gender identity)

¹³ Drawn from a similar plan developed by the University of Glasgow

Discussion points and questions to be addressed

1. Date of meeting and names of those present
2. If dealing with a student, does the student feel comfortable continuing with their current course/cohort? Are there any temporary or permanent changes to the student's experience and obligations which should be considered to support the student?
3. If dealing with a staff member, are they planning to remain in their department or section?
4. What will the person's new title and name be?
5. When do they wish to start using this name and title, start dressing and presenting in ways congruent with their gender identity? Will there be any phasing?
6. Has the individual begun the process to obtain formal legal recognition for their gender identity or do they plan to do so soon?
7. What is the expected timescale of any medical and surgical procedures, if known? (This is generally almost impossible to predict).
8. Is any time off required for medical treatment? If so how will this be dealt with?
9. Are there any dress codes which need to be considered?
10. When does the student or staff member wish to use bathroom and changing facilities appropriate to their gender identity? Are there bathroom and changing facilities appropriate for non-binary staff and students? Please note disabled toilets should not be suggested as an alternative as these are experienced as stigmatising.
11. When will the relevant persons be informed and what records and or systems will need to be amended? When should other members of academic staff/student support staff be informed, and how should this happen?
12. When and how should other students and/or staff be informed of the transition, if at all?
13. Have the SCU, EAP or Human Resources been contacted to do the necessary sensitisation work?
14. Is there any education material which could be used?
15. When should other University departments be advised of the transition? What other University departments need to be made aware? E.g. Students organisations, Sports bodies and Residence Affairs.
16. Is the student required to undertake placements/internships as part of their degree following their transition? Consider practical facilities, foreign travel requirements, change of name in professional databases or amendments to placements where student may be known by birth name.
17. Is the staff member engaging in travel where special arrangements must be made?
18. If any bullying or harassment occurs, how will it be dealt with? Support and guidance may also be required by those on placement or internships.
19. Where will this action plan be kept, and who will have access to it?
20. Any other actions agreed.
21. Date of next meeting and plans to review progress.

Appendix: Case studies to illustrate the challenges trans people at UP may face

The case studies presented below, based on interviews, detail the experiences of a transgender student and a transgender staff member. We have not recorded the experiences of intersex or GNC persons at the institution, however the challenges faced can be similar to those detailed below. A common point of challenge is often the misgendering by persons they interact with in the university space, the gender marker assigned to them and the use of a forename which may represent a “deadname” to the individual.

Case study 1

Brief background

UP student, A, started coming out as transgender halfway through 2015. Until starting medical transition in 2017, he made use of the SCU as he had already been using the service to help with his depression for several years.

Experiences at UP

He experienced growing discomfort over the year due to his legal details appearing on class lists, ClickUP, student card, and all other correspondence with UP. This resulted in him being outed several times to staff and classmates against his will. He was not able to change his details on UP’s database because he had not yet been able to apply at Home Affairs for them. Feeling uncomfortable in both the female and male bathrooms, he often went dehydrated because he did not want to use the toilets and also because there were no places where a water bottle could be filled up anywhere other than the bathrooms.

At the beginning of 2018, he applied at Home Affairs for a name change, but could not apply for a gender marker change simultaneously. It took until the middle of March to get his name changed at UP with his proof of application. While everyone he contacted (including faculty advisors, the Dean’s Office, the CSA&G, admin staff, and SRC) tried their best to be helpful, no one knew what procedure to follow which resulted in several weeks of making many enquires. He struggled to find other trans people on campus who were willing to make contact.

While having his name changed on most of UP’s database was hugely helpful, his gender marker could not be changed until the name change was completed at Home Affairs which could take months or even years. The incorrect title still appeared almost everywhere which was very unpleasant, and he was often asked questions about it which he found uncomfortable and caused him a great deal of anxiety because people’s attitudes were not always positive towards trans people.

Things that have and would have been helpful

- A clear process whereby names and titles can be changed and administrative issues specifically related to trans identities can be resolved.
- Gender-neutral bathrooms.

Case study 2

Brief Background

B was a staff member at UP who, at the time, identified as non-binary trans-masculine. They were still adjusting to being out as trans and it was a fairly stressful time for them and they weren't sure how coming out would affect them at work, or whether it would jeopardise their employment.

Experiences at UP

Luckily, they had a supportive group of colleagues. It was a bit scary to explain their situation to them but everyone used their new name immediately. The most difficult part for their colleagues was using the correct pronoun. Using "them" was completely new and they would usually revert to using "she". It was also embarrassing and confusing if they referred to them as "she" in front of other colleagues in the sector.

Later on, other people in the department came to know and use B's new name. This was validating to be called by the correct name and it was a relief not to have to speak to them about it. B assumed their work colleagues had explained the process to them.

A second difficult aspect of being trans that B encountered was dealing with email, staff ID, payslip, and other places where one's name comes up. They found being faced with their dead name on a daily basis, especially as they had only recently come out, to be traumatic. Confusion also arose when clients addressed them on email by their dead name, but they signed with their new name. This was not only confusing for the clients, but embarrassing for B.

Eventually they were able to get their staff ID changed to their new first name – but were given "Mrs" as their title because the computer system had picked up that they were married. So they had a male name but Mrs in front of it which they found embarrassing and unpleasant. It was also nerve-wracking at UP security entry points – especially when security became much tighter after the student protests of that time. They had already struggled to get their email changed and didn't have any more energy to fight on further issues. It takes a really long time to change your gender marker at Home Affairs, and in any case there isn't a legal gender marker for non-binary people in South Africa yet. Two years later, B still doesn't have the correct gender marker on their ID.

Another crucial aspect that most people take for granted is using the bathroom. B only felt comfortable using the bathroom right by their office and anywhere else on campus felt uncomfortable and unwelcoming. This limits the length of time you can go elsewhere on campus and can be nerve-wracking, and scary, as you don't know how people may react. As a non-binary person, it was also painful for B to have to gender themselves every time they went into the women's bathroom as they didn't feel comfortable using the men's bathroom then.

Things that would have been helpful

- To have a point person they were aware of to speak to on handling all the administrative aspects. Dealing with a University bureaucracy is a time-consuming administratively-intensive process. They would have appreciated someone who could support them through the process. It's difficult because they would have to out themselves as trans every time they needed assistance and wouldn't know how the person on the other side would respond. They would also have liked to have every administrative aspect sorted out very quickly, so that everything aligned, and so that there was no misgendering or dead naming.
- To have gender-neutral bathrooms throughout campus.
- To have someone who could assist their colleagues (who were mostly their superiors) to work on the pronouns. It was difficult for them to correct their bosses when they used incorrect pronouns. People who provide diversity sensitisation training would have helped.
- They found UP culture to be very binary and it was difficult to be visibly different on campus.
- What was very helpful was having a trans friend on campus, but they connected through external sources. For someone who is trans at UP, B is not sure who they would turn to for a friendly chat on trans issues. A meeting or group of some sort would be helpful.
- They were also unaware of any other queer people in their department or entire building for that matter and felt like a fish out of water. Perhaps hiring practices could take diversity into account.

Case study 3

Brief background

Former UP student, C, started coming out as transgender during the process of their undergraduate degree. The former student had not yet engaged in any formal processes to begin their transitioning processes at the time of the completion of their degree in 2019.

Experiences at UP

Although C had not begun formally transitioning, she had begun dressing and presenting herself to others as trans-feminine. She used to utilise bathrooms which were assigned for women and she was once asked to leave a bathroom by a ground staff member who was cleaning the facility. On a separate occasion she was denied access by a ground staff member. She then resorted to using bathrooms on the fringes of campus to avoid confrontations with ground staff members.

C reflects that she feels if staff members had received awareness training on transgender identities and expression, it would have been easier for them to understand her anxiety in those situations.

C also experienced rejection of attempts to present herself with a non-binary gender marker and rather be called 'they/them' as opposed to 'him' or 'sir' as she had experienced in her learning environment during interactions with academic tutors.

Things that would have been helpful

- Having access to mental health support and there being a clear channel to a transfriendly support counsellor who can assist with a better understanding of issues faced by transgender and queer youth.
- Gender-neutral bathrooms and sensitisation of ground staff members who facilitate cleaning of bathrooms.
- A clear system to getting recognition of pronouns by academic staff that you engage with on campus (in cases where there is not a change in the forename).