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Policy Steward: Director, Diversity And Inclusion

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Gender Affirmation Policy (MPF1364)

1. Objective

1.1. The objectives of this policy are to:

- (a) Support staff and students in affirming their gender identity;
- (b) Affirm and support 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
- (c) Provide key principles and actions which will support this commitment to be realised.

2. Scope

2.1. This policy applies to all members of the University community.

3. Authority

3.1. This policy is made under the [University of Melbourne Act 2009 \(Vic\)](#) and the [Vice-Chancellor Regulation](#) and supports compliance with equality obligations and best practice guidelines including the:

- (a) *Equal Opportunity Act 2010* (Vic);
- (b) *Sex Discrimination Act 1984* (Cth);
- (c) *Charter of Human Rights and Responsibilities Act 2006* (Vic);
- (d) *Gender Equality Act 2020* (Vic); and
- (e) *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, which is inclusive of but not limited to trans, non-binary and agender identities.

4.2. The University recognises the benefits of the diversity within its community and the importance of creating an environment in which all individuals can fully participate, contribute and thrive. The University aims to prevent discrimination on any basis, including on the basis of gender identity or gender expression.

4.3. Gender expression may be a significant part of gender affirmation and may be manifest in many ways, including but not limited to gender nonconforming presentations. The University is committed to providing a safe, respectful and inclusive environment for all forms of gender expression, including through dress and personal presentation.

4.4. The University respects the right of individuals to choose their name, pronouns and descriptors. Staff and students and other members of the University community are expected to respect this right.

4.5. The University provides a range of safe and accessible bathroom facilities and recognises the right of TGD members of the University community to use the facilities they choose as the most appropriate for them. Binary-gendered and all-gender bathrooms are available across campuses.

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

4.7. Consistent with the University's Academic Freedom of Expression Policy ([MPF1224](#)) and Freedom of Speech Policy ([MPF1342](#)), the University recognises the right of members of the University community to hold and express views on matters related to gender identity. The University does not support the exercise of freedom of speech when it:

- (a) undermines the capacity of individuals to participate fully in the University;
- (b) is unlawful;
- (c) prejudices the fulfilment by the University of its duty to foster the safety and wellbeing of staff and students; or
- (d) unreasonably disrupts activities or operations of the University.

Please see [Guidelines for the Appropriate Exercise of Freedom of Speech](#).

5. Procedural principles

Planning and accessing support during gender affirmation

5.1. There is no requirement for any person to inform the University of their intention to affirm their gender. However, if a person chooses to seek assistance from the University, appropriate, sensitive and informed advice and assistance will be available. People are encouraged to have a support person of their choosing present during any discussions with their supervisor or educator 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. The Senior Adviser (Gender Affirmation) in the Safer Community Program will provide direction and assistance with:

- (a) changing details with the University;
- (b) liaising with academic staff regarding the student's affirmation;
- (c) accessing counselling and other supports if needed and wanted; and
- (d) creating a Gender Affirmation Plan 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 and:

- (a) their supervisor; or
- (b) their HR Business Partner; or

(c) the Senior Adviser (Gender Affirmation) in the Safer Community Program.

5.4. The aim of a gender affirmation plan is to:

- (a) articulate the administrative and practical steps associated with the process of affirmation;
- (b) promote an environment in which a student or employee is treated with respect and dignity; and
- (c) promote a workplace or study environment which remains free from inappropriate behaviours.

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

- (a) identifying those individuals who need to know about the affirmation;
- (b) timelines for affirmation or affirmation milestones (if applicable);
- (c) what workplace or study flexibility or leave may be available (if applicable);
- (d) name and pronoun use; and
- (e) how and if this will be communicated to immediate colleagues, and where relevant, to the wider University community.

5.6. Supervisors and teaching staff who have been advised by a student or 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 the Senior Adviser (Gender Affirmation) in the Safer Community Program or 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 the Senior Adviser (Gender Affirmation) in the Safer Community Program, where staff 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.

(a) An employee may change details during their employment by completing an Employee Detail Changes (HR9) form. The Senior Adviser (Gender Affirmation) in the Safer Community Program can assist with this process. 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 provided.

(b) 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, nil title)	Complete form (HR9 or Change to Personal Details Form) and submit. Or contact the Senior Adviser (Gender Affirmation) in the Safer Community Program for support.	None Attach evidence for degree-based titles. eg Dr or Professor	None Attach evidence for degree-based titles. eg Dr or Professor
Name	Complete form (HR9 or Change to Personal Details Form) and submit. Or contact the Senior Adviser (Gender Affirmation) in the Safer Community Program for support.	None	None
Given Legal Name	Complete form (HR9 or Change to Personal Details Form) and submit. Or contact the Senior Adviser (Gender Affirmation) in the Safer Community Program for support.	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	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
Family Legal Name	Complete form (HR9 or Change to Personal Details Form) and submit. Or contact the Senior Adviser (Gender Affirmation) in the Safer Community Program for support.	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	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
Gender	Complete form (HR9 or Change to Personal Details Form) and submit. Or contact the Senior Adviser (Gender Affirmation) in the Safer Community Program for support.	None	None
University email address	Submit ServiceNow request. Or contact the Senior Adviser (Gender Affirmation) in the Safer Community Program for support.	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 inappropriate behaviour

5.12. Every person is entitled to a workplace or study environment free from unlawful and inappropriate behaviour. This includes harassment, bullying and discrimination based on a person's sexual orientation, gender identity or expression, or intersex status.

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

- (a) disclosing someone's sexual orientation, gender identity, or intersex status without their permission;
- (b) deliberately and/or persistently using incorrect names or pronouns after an individual's correct name or pronouns have been made clear;
- (c) denying a person training and promotion opportunities because of their gender identity or expression or changing the nature of their job, such as removing them from customer service duties because of gender identity or expression;
- (d) denying a student opportunities to expand or enrich their studies because of their gender identity or expression;
- (e) ridiculing, excluding, humiliating or ignoring a person because of their gender identity or expression.

5.14. Any member of the University community who experiences or observes inappropriate behaviour towards a TGD person is encouraged to take the matter further through the University's grievance processes (See Section 5.16).

5.15. Advice and assistance for staff and students is available from the Safer Community Program.

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

(a) 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 ([MPF1328](#)) and its associated processes.

(b) A complaint about the behaviour of a student can be lodged:

- i. under the Student Complaints and Grievances Policy ([MPF1066](#)) if the complainant is a student; or
- ii. 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

Role/Decision/Action	Responsibility	Conditions and Limitations
Supervisors	<ul style="list-style-type: none"> - Provide support for TGD employees, both as individuals and in setting cultural and behavioural expectations. - Assist employees who request a gender affirmation plan to create and enact the plan. 	
HR Business Partners	<ul style="list-style-type: none"> - Provide advice and support to TGD employees and their supervisors with regard to gender affirmation plans, experiences of discrimination, and available accommodations and adjustments. 	

Senior Adviser (Gender Affirmation) in the Safer Community Program	<ul style="list-style-type: none"> - Provide advice and support to TGD staff and students with regard to gender affirmation plans, experiences of discrimination, and available accommodations and adjustments. 	
All members of the University community	<ul style="list-style-type: none"> - Act with respect towards all people, and do not discriminate against a person because of their gender identity or expression. - Use the pronouns, names and descriptors that a person has stated they wish to be used in their interactions with them and their colleagues. 	

7. Definitions

Agender may refer to someone who has no gender. Agender people may also be transgender, non-binary, genderqueer, or another gender label.

Gender affirmation is an interpersonal, interactive process which can involve 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.

Gender expression refers to the way in which a person communicates their gender identity within a given cultural context; for example, in terms of clothing, grooming, mannerisms and behaviour. Although gender expression may be used to communicate a person's gender identity, it is not required to validate their gender identity. Additionally, a person's gender expression may shift over both short and long periods of time depending on their identity and/or affirmation journey.

Intersex refers to people who have innate sex characteristics that do not fit medical and social norms for female or male bodies, and that create risks or experiences of stigma, discrimination and harm.

Non-binary refers to any gender that falls outside the binary of man or woman, or male or female. It is usually a descriptive term added to gender labels such as transgender/trans and genderqueer, but some people simply use non-binary to describe their genders. Some non-binary people may partially identify with a binary gender and self-describe as a "non-binary woman" or "non-binary man".

TGD, Transgender and Gender Diverse, is an umbrella term for people whose gender identity is different to that which was legally assigned to them at birth. It is inclusive but not limited to transgender, non-binary and agender people.

University community means:

- enrolled students, including cross-institutional students and students on exchange from another institution;
- employees and exchange staff;
- 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

Deputy Vice-Chancellor (People & Community)

POLICY STEWARD

Director, Diversity and Inclusion

REVIEW

This Policy is to be reviewed by 8 November 2024.

VERSION HISTORY

Version	Approved by	Approval Date	Effective Date	Sections modified
1	Vice-President, Strategy and Culture	8 November 2021	8 November 2021	New policy.
2	Policy Officer	31 May 2022	31 May 2022	Policy Approver changed.