
Ballyfermot College of Further Education

Gender Identity and Expression Policy

Policies and Procedures 2023-2025

Version History

Version	Date	Revision Description	Originator
1	21st August 2023	New document	P/DPs
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1. Introduction

Ballyfermot College of Further Education (BCFE) is committed to fostering a supportive, fair, and inclusive workplace where all the college community are treated with dignity and respect. This includes creating a welcoming and safe environment for all, regardless of gender identity or expression. Gender identity refers to a person's internal, deeply felt sense of being male, female or something other or in-between, regardless of the sex they were assigned at birth.

The college recognises that there can be differences between physical sex and gender expression and identity. The college will not discriminate against people on the grounds of transgender or gender non-binary expression or identity. Additionally, the college will not discriminate against people on the grounds of any process of gender transition (social, physical, or medical) begun or completed.

This policy is supported by the Education and Training's Boards of Ireland (ETBI), Dignity and Respect at Work Policy (2022) which outlines the commitment to ensuring that everyone can work in an environment that is free from any form of bullying, harassment, sexual harassment, or any other inappropriate behaviour that could be reasonably regarded as an affront to a person's dignity at work.

2. Purpose

The purpose of this policy is to provide guidance and support to those who may wish to transition or affirm their gender in the college. It is unlikely that this policy will anticipate every situation that might occur and therefore the needs of each individual must be considered, on a case-by-case basis, as and when the circumstances arise.

This policy is supplemented by guides from the **Transgender Equality Network Ireland (TENI)** and **BeLonG To Youth Services (Appendices 4 and 5)** which promote awareness and understanding of gender identity and expression and provide practical guidance and further information for the college community.

Ballyfermot College of Further Education:

- Will not tolerate discrimination (direct or indirect) in any form, including in discrimination against a person's gender expression and/or identity.
- Supports an environment of dignity and respect where everyone can develop to their full potential.
- Will not tolerate the bullying or harassment of any student or staff member on the basis of gender identity and expression. If applicable, such incidents may be dealt with in line with the colleges' Code of Conduct policy or the ETBI Complaints Procedure or the City of Dublin ETB complaints procedure.

- Respects the privacy of all trans and non-binary students and alumni and will not, so far as is reasonably practicable, reveal any information related to their trans or non-binary status unless required or authorised to do so.
- Is committed to establishing a safe and supportive environment for all students, alumni, and the wider college community.
- Will provide the best possible support to BCFE students undergoing medical and/or social transition.
- Will encourage and facilitate training and awareness raising activities for students to ensure a supportive environment.

3. Scope

This policy applies to all BCFE's students who wish to change their gender identity/ expression or affirm how they identify.

4. Definitions

Transgender or Trans is an umbrella term for people whose gender identity or gender expression differs from the sex assigned to them at birth and includes people who live permanently or temporarily in one or more genders. The term 'trans' can also be used to describe people who:

- Intend to undergo, or are undergoing social, legal, and/or medical transition at any stage
- Identify as someone with a different gender from that which they were assigned at birth, but who may have decided not to undergo medical intervention, present in clothing worn by the other sex, either permanently or temporarily.

Non-binary is a term for people who identify as a gender that is neither male nor female, or who are not male or female exclusively. The term non-binary can itself refer to a specific gender identity, or it can function as an umbrella term which can include (though not always) people who identify as agender, bigender, genderqueer, intersex or neutrois, amongst other identities.

Please see **Appendices 2** and **3** for further terminology which may be helpful in understanding this policy.

5. Context and Legislation

This policy has been developed in the context of the Employment Equality Acts 1998- 2021 and Equal Status Act 2000- 2015 which prohibit direct and indirect discrimination in relation to the nine equality grounds including gender.

Discrimination with respect to gender can include both direct and indirect discrimination:

- Direct discrimination may occur when a person is treated less favourably than another in the same situation or circumstances because of their gender (including gender identity or gender expression); and
- Indirect discrimination may occur where an apparently neutral provision puts a person who are members of one of the nine groups (including gender) at a disadvantage because of being a member of that group.

The Gender Recognition Act 2015 provides for a process that enables transgender people to apply for full legal recognition by the State of their preferred gender by obtaining a **Gender Recognition Certificate (Appendix 4)** that reflects a gender change.

As a public sector body, the college has a statutory duty under the Irish Human Rights and Equality Commission Act 2014. It places an obligation on any public sector body, in the performance of its functions, to have regard to the need to eliminate discrimination, promote equality of opportunity and treatment of members of the college community.

6. College Records

For the purpose of this policy college records refers to records held on the following systems or by the following bodies:

- *MIT*
- *VSware*
- *Office 365 (Including BCFE Email Address)*
- *Award Force*
- *Quality and Qualifications Ireland (QQI)*
- *Business Technology and Education Council (BTEC)*
- *Dublin City University (DCU)*
- *University of Dundee (UoD)*
- *Institute of Art, Design and Technology (IADT)*

BCFE is an all-inclusive college, and both acknowledges and fully embraces that there will be a variety of sexual orientations, gender identities and gender expressions amongst its student population.

6.1 Change of Name

Students can alert the relevant course co-ordinator to a preferred forename and/or surname. This will be recorded on BCFE's Student Management Database Systems (VSware) **in brackets** beside the birth name. BCFE staff will use the preferred forename and/or surname.

However, it is important that students are aware that though a preferred name can be recorded on the college's database (and used by staff) all official personal data must match an individual's Personal Public Service Number (PPSN).

It is also important for students to be aware that their BCFE email address will have their official name as part of their email address naming convention and that this cannot be changed to their preferred name.

At registration each student must provide proof of identity, and this is matched to official SOLAS, Department of Employment Affairs and Social Protection (DEASP) and Department of Further and Higher Education, Research, Innovation and Science (DFHERIS) records.

If a student wishes to officially change their name on BCFE's data systems and for Certification purposes the following official documents will be needed.

- Deed Pole document for name change (**Appendices 4 and 5**).

6.2 Change of Gender

If a student wishes to officially change notification of gender on BCFE's data systems and for Certification purposes the following official documents will be needed.

- Gender Recognition Certificate for gender change

The change to the official internal record in the college of name and/or gender will occur at the time of change once the Gender Recognition Certificate and/or Deed Poll document is submitted. The change to the internal college record **won't apply retrospectively to previous records held or created** with respect to students (e.g., email addresses already created and in use cannot be amended).

It is important to note however that each person may have a different approach to their transition, and this may or may not include social, physical, or legal changes. The college will respect and support each person's choice and preference.

7. Confidentiality and Privacy

All individuals have a right to privacy, and this includes the right to keep one's transgender and gender identity status private. Equally members of the college community may choose to discuss and express their gender identity and expression openly and it is at their discretion as to when, with whom, and how much to share.

The college is committed to respecting the right to privacy in respect of a person's gender identity and expression and any information disclosed in this regard will be treated as confidential and only disclosed as necessary with the individual's prior consent.

Information held by the college complies with the requirements of the Data Protection Legislation and the Freedom of Information Act as listed below.

- General Data Protection Regulation (GDPR) 2018
- Data Protection Act 2018
- Data Protection Acts 1988 and 2003
- Freedom of Information Act 2014

The college must take all necessary precautions to ensure the safe-keeping and accuracy of all records containing personal information; and where information is recorded or shared the terminology used must be respectful.

8. Transitioning and Gender Affirmation

The college will support all students in whatever form of transitioning or gender affirmation is right for them and acknowledge that some people may decide to medically transition, some may change their name(s), pronouns, style of dress etc. as a means to express their gender identity while others may not.

9. Use of Facilities

The college has two all-gender toilet facilities available.

Appendix 1: City of Dublin ETB Complaints Procedure

[City of Dublin ETB Complaint Procedure September 2018.pdf](#)

Appendix 2: Gender Identity and Expression Definitions

[Gender Identity & Expression Definitions.pdf](#)

Appendix 3: Gender Pronouns and Usage

<https://spunout.ie/lgbti/gender-identity/why-use-gender-pronouns>

Appendix 4: Gender Recognition Certificate and Change of Name

<https://www.gov.ie/en/service/b55abf-gender-recognition-certificate/>

<https://teni.ie/gender-recognition/applying-for-a-gender-recognition-certificate/>

<https://teni.ie/wp-content/uploads/2019/07/Lifehack-5-Deed-Poll.pdf>

Appendix 5: Transitioning

<https://www.belongto.org/youngpeople/advice/transgender-info/transitioning/>