Non-Binary Staff and Student Guidance
For Higher Education Institutions
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Note: This document can stand alone or be used to inform trans, LGBT+, or general equality and diversity guidance. Feel free to adapt it for your own specific institutional needs.

Introduction
Non-binary - or genderqueer - people are those who do not experience themselves as being male or female (i.e. within the gender binary, Richards, Bouman & Barker, 2016). In recent years there has been an increasing cultural awareness in western cultures of genders beyond the binary (Barker & Richards, 2015). This means that more people are able to explicitly identify in non-binary ways. In addition, globally many cultures have never understood gender to be binary (Herdt, 1993). This means that - in our multicultural society - many people's understanding of gender is not binary.

Gender refers to a person's sense of themselves as a woman, man, or non-binary person. It can encompass how they experience themselves, how they identify, and how they express themselves in terms of voice, clothing, etc. Gender is complexly biopsychosocial, therefore it would be impossible to delineate those who were 'biologically' non-binary (or male, or female) from those who were not, even if there were any justifiable reason for wanting to do so (Joel, 2012; Van Anders, et al., 2012; Fine, 2010).

The increasing awareness of non-binary gender raises issues for areas of higher education which have previously assumed that staff and students will either be men or women. This document provides key information about non-binary gender, followed by guidance around the kinds of shifts that are necessary to make higher education institutions more inclusive for non-binary people. A glossary of key terminology is provided at the end of the document.

Extent of non-binary gender
According to official statistics, the proportion of the UK population who defines as non-binary when given a choice between male, female and another option is 0.4%, which is 1 in 250 people (Titman, 2014). This means that a significant proportion of the staff and student body is likely to be non-binary identified, although current demographic measurements will not have picked this up given that surveys tend to assume binary gender (Westbrook & Saperstein, 2015).

Beyond those who explicitly identify as non-binary, recent research has found that, in a general population, over a third of people say they are to some extent the 'other' gender, 'both genders' and/or 'neither gender' (Joel et al., 2014). Therefore, a far greater proportion of the staff and student body may benefit from non-binary inclusive policies and practices than those currently identifying as non-binary.

It is also likely that, as cultural awareness of non-binary genders increases, more people will identify and express themselves in non-binary ways. Research by the likes of YouGov and Metro so far certainly suggests that, as with sexuality, young people are more likely to regard gender as a spectrum, and to locate themselves somewhere between the poles of exclusively male or female (e.g. Metro Youth Chances, 2014). Again this has important implications as the current generation of young people begin to access higher education.

Non-binary, trans and intersex
Non-binary people fall under the wider umbrella of transgender - or trans - given that they have not remained in the gender they were assigned at birth. However, not all non-binary people identify themselves as trans. Some regard themselves as somewhere between or beyond the binary of cisgender and transgender (see glossary). Some regard the term transgender as applying more specifically to those who have undergone a formal medical transition (something that not all non-binary people, and not all trans men or women, actually go through).

Therefore non-binary people should be included under transgender policies and practices, given that around a quarter to a third of trans people identify in some way outside the gender binary (McNeil, Bailey, Ellis, Morton, & Regan, 2012; Hansbury, 2005). However they also need to be considered independently, given that not all non-binary people identify themselves as trans, or undergo the kind of transition that much trans-related policy and practice focuses on.

Regarding intersex it is estimated that around 1-2% of people have bodies which do not conform to a male/female binary in some way, be that chromosomal, hormonal, or in terms of primary or secondary sex characteristics (Fausto-Sterling, 2012). Some intersex people identify their gender as non-binary, many do not. Similarly some non-binary people are also intersex, but many are not.

Necessity of guidance
In coming years it is likely that the numbers of people wanting to identify as non-binary in higher education will increase, therefore institutional support for those coming out as non-binary is necessary. Guidance in this area is also important because existing cultures of transphobia and non-binary invisibility contribute to a very negative experience for many non-binary people (Richards, et al., 2016).

McNeil et al. (2012) found that those who identify as non-binary and/or express themselves in ways that challenge binary gender, face similarly high levels of mental health difficulties to trans people more generally, linked to common experiences of transphobia. Harrison et al. (2012) found that over 40% of non-binary people had attempted suicide at some point, a third had experienced physical assault and a sixth sexual assault based on their gender: experiences which we know are strongly related to emotional distress. A more recent study in the UK found that over three quarters of non-binary people avoid situations for fear of being misgendered, outed, or harassed, two thirds feel that they are never included in services, and very few feel able to be out in their workplace or educational context (ScottishTrans.org, 2016).

Current Legal Situation

Thus far non-binary people are not recognised explicitly in UK legislation, and non-binary people are not able to obtain a gender recognition certificate that represents their gender in the way that trans men and women can. However, there is increasing legal recognition of non-binary identities globally, with non-binary options on passports in countries like Australia, Denmark and India, for example, and the US states of Oregon and California legally recognising non-binary genders.

In January 2016 the UK House of Commons Women and Equalities Commission published the Trans Equality Report, which was the result of a long inquiry that included evidence from many non-binary individuals, activists and experts. The report called for more extensive investigation into the needs of non-binary people, for a gender X option to be added to passports (in addition to M and F) and to move away from gender markers on passports long-term, for non-binary people to be specifically protected from discrimination under the Equality Act 2010, and for updating of trans medical procedures to be inclusive of non-binary people.

The current Equality Act 2010 does make it unlawful to discriminate against or harass a person because they are intending to undergo, are undergoing, or have undergone gender reassignment: whether that is social and/or medical. Therefore non-binary people who change their names or appearance, and people who are perceived as doing so, should be protected from discrimination and harassment under this act.

While there is currently no legal requirement for employers and institutions to be inclusive of non-binary gender specifically, LGBT organisations such as Stonewall are supporting the legal right to self-define one's gender, and calling upon employers to be fully inclusive in order to be included in their Equality Index. Many higher education institutions and other employers have already taken steps such as providing gender neutral and trans-inclusive toilets, non-binary gender options on documentation, and the capacity to choose the title Mx.

Guidance

The following guidance represents the shifts that would be necessary for a higher education institution to be inclusive of non-binary people.

Demographics
- Ensure that a non-binary gender or 'other' option is provided on all documentation which requires staff or students to provide their gender, e.g. for equality and diversity monitoring purposes. Remove gender questions from documentation where gender is irrelevant.
- Ensure that the gender neutral title Mx. is provided as an option in all documentation requiring people to give their title.
- Ensure that it is as straightforward for non-binary people to alter their names, genders and titles on documentation as it is for trans men and women.

- Ensure that the option to indicate one's pronoun, which may be different from official documentation submitted, is available on forms and University documentation.

Gendered Spaces
- Ensure that all single cubicle toilets are simply labelled 'toilets' rather than being unnecessarily gendered. Consider changing strategy on grouped toilets/changing rooms, which are currently gendered male and female to provide additional non-gendered toilets and/or to indicate that non-binary people are welcome to use either.
- Consider policy and practice around any other single-gendered spaces or groups to ensure that they are non-binary inclusive.

Visibility
- As with other aspects of diversity (race, sexuality, disability, etc.) ensure that different gender presentations[1] are visually represented in the institution's online presence and in materials around campus.
- Encourage those producing educational materials to avoid phrases that exclude non-binary people (e.g. 'both men and women', 'either gender', 'the opposite sex'), and to include non-binary experience where relevant. In materials directly relating to gender, ensure that teaching does not assume that gender is binary. Encourage the use of 'they' when gender is unspecified.

Training
- Provide training for line managers and administrative staff in order that they can support non-binary employees who require it.
- Provide training for chairs in order that they can ensure non-binary inclusivity on modules.
- Provide training for student support staff in order that they can support non-binary students who require it.
- Ensure that all gendered forms of training, e.g. women's leadership courses, have clear access for non-binary people.

Language
- Encourage staff at all levels to avoid gendered language such as 'ladies and gentlemen' or automatically referring to a person as 'sir' or 'madam' (for example in shops and canteens).
- Consider adopting processes or forms for new staff and students whereby they can provide their pronoun in order that non-binary people are not misgendered by colleagues or tutors. Non-binary people may use he or she pronouns, a combination of the two, or a non-binary pronoun such as the singular they, ze or per.
- When policies require gender diversity, e.g. on an interview panel or running a field trip, that non-binary people are included in the language.

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[1] See http://www.identityprojectsf.com/photos/ for an example of a good visual representation of gender diversity.

Further Resources

House of Commons Women and Equalities Commission (2016). Transgender equality. HC390. Accessed   from: www.publications.parliament.uk/pa/cm201516/cmselect/cmwomeq/390/390.pdf

Barker, M-J. & Lester, CN. (2015). Non-binary gender factsheet. Accessed from: www.rewriting-the-rules.com/resources-2/non-binary-gender-factsheet

Beyond the Binary: beyondthebinary.co.uk

Non-binary Inclusion Project: nonbinary.co.uk

TMW (2014). Understanding non-binary people: A guide for the media. www.transmediawatch.org/Documents/non_binary.pdf.

Several universities are already using Mx for staff and students, including Cambridge, Portsmouth, Birmingham, Winchester, Portsmouth and Oxford. UCAS now includes it for prospective students. Here is an example of best practice communicating about gender neutral titles to staff and students: www.admin.ox.ac.uk/.../tran.../gender-neutraltitles. There is a general report on the use of Mx here: https://uktrans.info/att.../article/249/mxevidencelowres.pdf

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van Anders, S. M., Tolman, R. M., & Volling, B. L. (2012). Baby cries and nurturance affect testosterone in men. *Hormones and Behavior, 6*1(1), 31-36.

Westbrook, L. & Saperstein, A. (2015) New Categories Are Not Enough: Rethinking the Measurement of Sex and Gender in Social Surveys. *Gender & Society, 29,* 534-560.

Glossary of terms

Agender: Having no gender in terms of presentation, identity, etc.

Androgynous: Having a gender identity and/or presentation including both masculinity and femininity, or which is neither masculine nor feminine.

Bigender: Identifying as both male and female. Possibly moving between these.

Cisgender (Cis): A person who remained in the gender they were assigned at birth.

Demi man/boy or demi woman/girl: Identifying somewhat as male or female, but not completely.

Gender confirmation surgery(ies): The surgical construction of primary and secondary sexual characteristics (confirmation is a better term than 'reassignment').

Gender dysphoria: A deep sense of unhappiness with one's birth-assigned gender.

Gender fluid: Experiencing oneself as different genders over time.

Genderfuck: Troubling the gender binary of male or female through presentation.

Gender identity: One's internal sense of one's self as a man, a woman, or another gender.

Gender neutral: Being neither male nor female.

Genderqueer: Identifying and/or presenting in a way, which is outside the gender binary of man/woman. Sometimes also used as an umbrella term for all non-binary people.

Intersex: Possessing any of several variations in sex characteristics including chromosomes, gonads, sex hormones, or genitals that, according to the UN Office of the High Commissioner for Human Rights, "do not fit the typical definitions for male or female bodies".

Neutrois: Having no gender in terms of presentation, identity, etc.

Pangender: Having mixed aspects of both male and female in presentation and/or identity. Possibly moving between male and female. Possibly identifying outside of male and female.

Third gender: Identifying as a further gender to male and female.

Transfeminine: Being feminine identified or expressing, but not necessarily being a trans woman.

Transgender (trans): An umbrella term for people who do not present and/or identify as the gender they were assigned at birth either some or all of the time.

Transition: Often used to refer to making a shift from one gender to another.

Transmasculine: Being masculine identified or expressing, but not necessarily being a trans man.

Transphobia: Negative attitudes, emotions, behaviours and structures relating to people on the basis of their being trans in some way, or otherwise not conforming to conventional gender roles.

Trans man: A person who was assigned female at birth but who identifies as a man and lives in a male role (only used when pertinent – otherwise a man).

Trans woman: A person who was assigned male at birth but who identifies as a woman and lives in a female role (only used when pertinent – otherwise a woman)

Terms to Avoid

Male to Female / Female to Male (MtF/FtM): Assumes that people were previously one gender and are now another. Many trans people have experienced themselves as always the gender they now are, albeit that they were not always read that way by others. Therefore trans woman, trans man, and non-binary person are safer terms to use.

Transsexual: Generally associated with an overly medical and pathologising approach. Trans or Transgender is a better/more accurate word.