



TRANSSEXUALITY AND TRANSIDENTITY AT THE UNIVERSITY OF BARCELONA

**Name change procedure for transsexual and
transgender members of the UB community**

Approved by the Governing Council on
21 September 2016

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Introduction

This document is an instrument developed by the University of Barcelona to regulate the requirements necessary to standardize its handling of matters related to transsexual and transgender members of the UB community who are undergoing or have undergone medical treatment to align their physical and psychological characteristics with those of their asserted sex or gender.

This document takes into account the right to equality and non-discrimination, protection of human dignity, and the right to moral integrity and privacy; Law 3/2007 of 15 March on the rectification of gender designation in registries (Official Journal of the Spanish State No. 65); Law 11/2014 of 10 October to guarantee the rights of lesbian, gay, bisexual, transgender and intersex people and eradicate homophobia, biphobia and transphobia; the Second Plan for Equal Opportunities between Women and Men at the University of Barcelona, approved by the Governing Council on 12 April 2011, and the University of Barcelona's Protocol for Prevention, Detection and Action against Sexual Harassment and Harassment Based on Gender or Sexual Orientation.

Monitoring

This procedure is subject to revision and improvement. The UB units responsible for monitoring and improving the procedure are the Equality Unit and the Equality Committee.

Regulatory framework

University of Barcelona

Second Plan for Equal Opportunities between Women and Men, approved by the Governing Council on 12 April 2011,

http://www.ub.edu/web/ub/ca/sites/genere/docs/pla_igualtat/pla_igualtat_en.pdf

Protocol for Prevention, Detection and Action against Sexual Harassment and Harassment Based on Gender or Sexual Orientation

http://www.ub.edu/web/ub/ca/sites/genere/docs/protocol_assatjament.pdf

Catalonia

Law 11/2014 of 10 October to guarantee the rights of lesbian, gay, bisexual, transgender and intersex people and eradicate homophobia, biphobia and transphobia (Official Gazette of the Catalan Government)

http://dogc.gencat.cat/ca/pdogc_canals_interns/pdogc_resultats_fitxa/?documentId=672704&action=fitxa

Article 40(8) of the Catalan Statute of Autonomy provides that “Public authorities shall promote the equality of all individuals, regardless of their origin, nationality, gender, race, religion, social condition or sexual orientation, and shall also promote the eradication of racism, anti-Semitism, xenophobia, homophobia and any other expression of intolerance that infringes on the equality and dignity of the individual.”

<http://www.parlament.cat/document/cataleg/48089.pdf>

Spain

Law 3/2007 of 15 March on the rectification of gender designation in registries

https://www.boe.es/diario_boe/txt.php?id=BOE-A-2007-5585

Articles 27 through 43 of Law 62/2003 of 30 December on fiscal, administrative and social measures

Europe

Resolutions of the European Parliament of 8 February 1994, 18 January 2006 and 24 May 2012 concerning equal rights for gays and lesbians and the fight against discrimination and homophobia

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

<https://www.boe.es/buscar/doc.php?id=DOUE-L-2000-82357>

Article 21 of the Charter of Fundamental Rights of the European Union, which enshrines into EU primary law a series of rights and principles, including the prohibition of discrimination based on sexual orientation

*** Precedents**

Protocol concerning name changes for transsexual members of the UPC community, approved by the UPC’s Equality Opportunity Committee on 14 November 2014

<https://www.upc.edu/igualtat/pla-digualtat-doportunitats/legislacio-sobre-igualtat-doportunitats/legislacio-sobre-genero/protocol-d2019actuacio-canvi-de-nom-persones-comunitat-transsexual-upc>

I. Change of commonly used name

Provisions concerning the process for changing one's legal name are laid down in Law 3/2007 of 15 March. Given the time required to complete this process (a minimum of two years of medical treatment), there will be a period when an individual is undergoing treatment but cannot legally change their name, resulting in a mismatch between their physical appearance and their commonly used name.

Law 11/2014 of 10 October requires that conditions be established in university settings to ensure that individuals are addressed as and called by the name corresponding to the gender they identify as, even in the case of minors.

Changing one's commonly used name involves the use of an "alias" at the request of the applicant and has effects only with respect to the internal procedures stipulated in this document.

1. Aim

To enable affected individuals to normalize their activity at the UB during the period when their official ID documents have not been updated. This involves using an alias instead of the individual's legal name in any context that does not have legal implications for the UB. It does not entail changing the gender designation indicated on their documentation.

Changing one's commonly used name only has effects at the level of the alias.

2. Scope of protection

This procedure is open to UB students and staff who are UB employees or civil servants (teaching, research, administrative and service staff).

Law 11/2014 of 10 October stipulates that individuals do not need to have been diagnosed with gender dysphoria or be undergoing medical treatment to be covered by the provisions of the Law (Article 22[5]), and that universities must define the conditions that will apply for transsexuals to be addressed by a name corresponding to the gender they identify as, even if they have not formally changed their legal gender (Article 22[1]).

3. Time limits

The process of changing a commonly used name must be completed within three (3) weeks, counted from the day on which an application is submitted by the person concerned and excluding UB holiday periods. Changes related to email communication, usernames and class lists included in the catalogue of services will be made within fifteen (15) days.

4. Procedure

To ensure that confidentiality is maintained, all queries and/or applications shall be directed to the UB's Equality Unit, which shall act as an intermediary between the applicant and the University.

Any queries or name change requests that reach UB schools or units shall be referred to the Equality Unit. The name change procedure comprises four stages:

1 Application process

Requirements:

- 1 The person concerned must submit a written request, indicating the desired alias (the name they wish to use).
- 2 The person concerned must be interviewed by staff of the UB's Equality Unit.
- 3 The person concerned must provide a photograph, given that this is part of their identity. Photographs are required for applicants' UB cards and are also used in various information systems. If an applicant would like their picture to be updated, they must provide a new photo. (In the case of students, cards are produced on the spot at the Banco Santander branches located on UB campuses. In the case of administrative and service staff (PAS) and teaching and research staff (PDI), cards are produced by the E-Administration Office.)

2 Validation and forwarding of applications

The UB's Equality Unit will review and validate applications, which will then be forwarded to GIGA (in the case of students) or the Human Resources Department (in the case of UB staff) and the E-Administration Office so that the change of commonly used name can be put into effect.

3 Change of commonly used name

The functions of the units involved (according to the group the applicant belongs to) are pending review by the Student Support Service, the E-Administration Office, and the Human Resources Department (in the case of PAS and PDI).

4 Notification of changes

After the changes have been made, the units involved will inform the UB's Equality Unit, which will notify the applicant.

5. Catalogue of services

By submitting an application, and after being interviewed by the Equality Unit, the person concerned may request that the UB change their commonly used name (alias) for the purposes of:

Category	UB group
Email	Students
Username (GIGA, class lists)	Students
UB card and photo	Students, PDI, PAS
Username on the UB intranet, email, and systems that use the UB username	PDI, PAS

II. Change of legal name

Additional Provision 2 (*Reissue of degree certificates or documents*) of Law 3/2007 of 15 March on the rectification of gender designation in registries, stipulates that: “Fees for the reissue of degrees or documents due to rectification of an individual’s gender designation in the Registry Office shall not be payable by the person concerned.”

1. Objective

To implement, at the request of the persons concerned, changes of legal name and gender for transsexual and transgender members of the UB community who have a national identity card with their updated name and gender.

2. Scope of protection

This procedure is open to UB students and staff who are UB employees or civil servants (teaching, research, administrative and service staff), who have changed their gender designation and name in Registry Office records and have an updated national identity card.

As stipulated in Law 3/2007 of 15 March, documents issued before the rectification of Registry Office records may be reissued at the request of the person concerned, who shall not be charged for this service.

3. Procedure

To ensure that confidentiality is maintained, all queries and/or applications must be directed to the UB’s Equality Unit, which will act as an intermediary between the applicant and the University.

1 Application process

Requirements:

- 1 The person concerned must submit an application to the UB.
- 2 The person concerned must submit their national identity card (original and photocopy), which must be attached to the other documents required to change their legal name and gender designation.

2 Validation of the application

The UB's Equality Unit is responsible for dealing with applications, informing the persons concerned of the requirements that apply, and notifying UB units so changes can be put into effect.

3 Change of legal name

4 Notification of changes

After the changes have been made, the units involved will inform the UB's Equality Unit, which will notify the applicant.

4. Catalogue of services

Anyone who holds a national identity card with their updated personal details (gender and name) can request changes to the following documents:

Category	UB group
Degree certificates	Students, alumni
Academic record	Students
UB card and photo	Students, PAS, PDI
UB directory (UB intranet, systems that use the UB username and email); personalized changes according to the needs and possibilities of each individual	PDI, PAS

Any UB staff who have access to information or details related to procedures covered by this protocol must ensure that confidentiality is maintained.

Annex

Glossary

Transgender: A term used to refer to people who identify as the gender opposite to the one assigned to them at birth based on their biological characteristics and to anyone who does not identify as either a man or a woman as these genders are traditionally conceived, regardless of whether the person in question has undergone surgery. Transsexuals are included in the designation *transgender people*. Transsexuality is included in the generic designation *transidentity*, which refers to the condition or quality of being transgender. (Source: Law 11/2014 of 10 October to guarantee the rights of lesbian, gay, bisexual, transgender and intersex people and eradicate homophobia, biphobia and transphobia)

Transsexual: A term used to refer to people whose biological (physical) sex does not match their gender identity (experienced gender). The gender identity of transsexuals is at odds with their sexual anatomy. (Source: FELGTB, Spanish Federation of Lesbians, Gays, Transsexuals and Bisexuals)

Sexual orientation: The tendency of a person to feel desire or physical/emotional attraction towards people of a different sex (heterosexual orientation), people of the same sex (homosexual orientation), or people of either sex (bisexual orientation). A transsexual may be heterosexual, homosexual or bisexual. (Source: FELGTB, Spanish Federation of Lesbians, Gays, Transsexuals and Bisexuals)

Bisexuality: A sexual orientation (that differs from heterosexuality and homosexuality) characterized by an individual's ability to feel sexually, emotionally and/or romantically attracted to people of either gender. (Source: FELGTB, Spanish Federation of Lesbians, Gays, Transsexuals and Bisexuals)

Homophobia: Aversion, rejection or fear of homosexuals. Homophobia is present at all levels of society. (Source: FELGTB, Spanish Federation of Lesbians, Gays, Transsexuals and Bisexuals)

Biphobia: A term that encompasses a range of negative feelings, attitudes and behaviours towards bisexual people. Biphobia is present at all levels of society and is reflected in denial, invisibility, marginalization, exclusion and other forms of violence against bisexual people. (Source: FELGTB, Spanish Federation of Lesbians, Gays, Transsexuals and Bisexuals)

Transphobia: The stigmatization of individuals for being transsexual. Transphobia is reflected in aggression, harassment, employment discrimination and other obstacles to the social integration of transsexuals; hatred and rejection of transsexuals. (Source: FELGTB, Spanish Federation of Lesbians, Gays, Transsexuals and Bisexuals)