



## PROTOCOL for the name change of trans and non-binary people at the UPV/EHU

### Justification and regulatory framework

One of the issues that can cause most suffering to those people who want to live in alignment with their true identity that has been denied to them is being forced to continue to be addressed by a name they do not consider their own. Recognising the chosen name of people who are beginning their transition to the identity they consider their own is not only a matter of respect, but it must form part of the rights that every person has to be who they are, to express themselves and to live as they truly wish.

This recognition is based on different regional, state and international regulations. Notable among these is Law 3/2007, of 15 March, which regulates the registry rectification of a person's sex marker, facilitating the process of adapting administrative documentation to a person's true gender identity. At the regional level, there is Law 14/2012, of 28 June, on non-discrimination on grounds of gender identity and recognition of the rights of transsexual people, which has allowed progress to be made towards overcoming all discrimination on grounds of personal or social conditions or circumstances, and Decree 234/2015, of 22 December, on the administrative documentation of transsexual people. This decree develops Article 7 of Chapter II of Law 14/2012, which allows transsexual people to have the appropriate documentation during the registry rectification process regarding their sex marker.

At the European and international level, there are also regulations addressing the right to freely express one's gender identity and prohibiting discrimination based on sexual orientation or gender identity. Examples include Resolution 17/19 of June 2011 adopted by the United Nations Council on human rights, sexual orientation and gender identity or the European Parliament Resolution of 4 February 2014 on the EU roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity, based on the EU Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons, adopted by the Council of the European Union on 24 June 2013. Also noteworthy is the Report of the United Nations High Commissioner for Human Rights (2012), entitled: "Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law", the Report of the Commissioner for Human Rights of the Council of Europe, July 2009 and Recommendation CM/Rec (2010)5 of the Committee of Ministers of the Council of Europe to member states on measures to combat discrimination based on sexual orientation or gender identity, adopted on 21 March 2010.

In this context and as part of the commitment of the UPV/EHU to the SDGs, the EHUagenda2030 and the achievement of equality and non-discrimination on grounds of sex or gender, this protocol has been approved with the aim of guaranteeing name changes for university purposes for trans or non-binary people who so wish to do so. To do this, they must submit a request to the Directorate for Equality, or ask for this change to be applied in the event that it has previously been modified through another body of the Basque or state public administration.



With this protocol, the UPV/EHU expresses its commitment to meet the needs related to the gender identity of the members of the university community, and to ensure freedom of gender identity and expression, as well as the elimination of any discrimination for this reason. This commitment is reflected in its Statutes (Articles 4.3, 13.1, 70) and in the Protocol Against Gender Violence of the UPV/EHU, approved at the Governing Council meeting of 7 June 2018.



## Article 1. Purpose

This protocol aims to regulate the procedure to guarantee the right of **trans or non-binary people** to be identified in the UPV/EHU's internal administrative documents with the name they choose, even when this does not match the legal name recorded in the Civil Registry.

In this way, the rights to gender identity and expression within the university environment will be protected until the registry rectification of the name and/or sex in the Civil Registry is completed.

## Article 2. Subjective scope of application

Anyone who is a member of the university community, such as students, teaching and research staff and administrative and service staff of the UPV/EHU may invoke this protocol and request a name change to reflect their true identity.

Likewise, all persons working or studying at the UPV/EHU will be obliged to call trans or non-binary people by their chosen name. The UPV/EHU will encourage people working at the university under subcontracted companies to do the same.

## Article 3. Procedure for requesting a name change when it has not been previously altered through any other Administration.

3.1. Those interested in using a name within the UPV/EHU in line with their identity (chosen name), which differs from the name that appears on their official documentation, must send a request for a name change to the UPV/EHU's Directorate for Equality, using the form available for this purpose on the Directorate's website.

3.2. In order to ensure the confidentiality of the process, the UPV/EHU's Directorate for Equality will be the sole recipient of the request.

3.3. Once it has been verified that the request aligns with the purpose outlined in Article 1, the Directorate for Equality of the UPV/EHU will issue a resolution authorising the name change.

3.4. The UPV/EHU's Directorate for Equality will contact the bodies responsible for the management of administrative and electronic documentation in order to proceed with the name change and will monitor the entire process.

3.5. Once the name change process has been finalised, the services involved will inform the UPV/EHU's Directorate for Equality, which will, in turn, inform the applicant.



## Article 4. Timeframes for the name change process

The period for the UPV/EHU's Directorate for Equality to process the submitted application shall not exceed seven working days. Subsequently, the name change for the university's administrative and electronic documentation will be made effective within a maximum period of 30 calendar days.

## Article 5. Catalogue of records using the chosen name

5.1. Catalogue of records with name changes for exclusive internal use within the university:

- a) name on the email account
- b) name on university ID cards
- c) name on class lists and academic transcripts
- d) name on electoral rolls
- e) name on any other internal documentation generated by the university, other than that referred to in Article 6.

5.2. In the case of academic transcripts that include students identified by their chosen name, the secretary of the corresponding faculty or school shall attach a note to the report to record the connection between that name and the legal name, which will be included in the academic record.

## Article 6. Issuance of official documents

Official documents (certificates, degrees, etc.) issued by the university for persons who have carried out the name change provided for in this protocol shall include the name that appears on their official documentation if it has not previously been changed at the Civil Registry by the person in question.

## Article 7. Name change for administrative documentation at the UPV/EHU if the change has been previously processed with the Basque Government.

7.1. Individuals who have processed a name change in accordance with the provisions of Decree 234/2015, of 22 December, on the administrative documentation of transsexual people in the Autonomous Community of the Basque Country, which is valid across all public administrations in the Basque Country until the rectification of the sex marker in the Civil Registry is completed shall have the right to be addressed by the chosen name given in that documentation. This also applies to migrants residing in the Autonomous Community of the Basque Country, until they are able to process the registry change in their country of origin.

7.2. To formalise the change in the administrative documentation referred to in Article 5 of this protocol, the Directorate for Equality must be notified of the name change by providing a copy of the documentation referred to in the aforementioned Decree. In these cases, the Directorate for Equality will proceed to process and manage the application in accordance with the provisions of Articles 3 to 5 of this protocol.



If when enrolling at the UPV/EHU, the person has previously processed and obtained the name change in accordance with the provisions of Decree 234/2015, of 22 December, on the administrative documentation of transsexual people in the Basque Country, this accrediting documentation shall be provided at the time of enrolling at the UPV/EHU. The chosen name will then be recorded and used for university purposes from the outset in all internal documentation issued, except for that referred to in Article 6 of the protocol.

7.3. In any case, the provisions of Article 6 shall continue to apply in this scenario.

### Article 8. Name change for administrative documentation if the change has been previously processed with the Civil Registry.

8.1. Individuals who have processed the name change at the Civil Registry in accordance with current state legislation, or migrants studying or working at the UPV/EHU, who have proceeded to change their name according to the legislation of their country of origin, will automatically validate the change by presenting the new official documentation at any UPV/EHU service. In this regard, the official documentation referred to in Article 6 will be issued according to the name as it appears in the Registry after the change. In such cases, the person may directly request the name change for the internal documentation referred to in Article 5 of the protocol free of charge.

According to the Second Additional Provision of Law 3/2007, the reissuing by the UPV/EHU of official documents issued prior to the name change will be free of charge.

### Article 9. Revision, development and updating

The Director for Equality may issue resolutions to further develop the provisions of this protocol.

When circumstances or requests arise that require modifications to this protocol, the UPV/EHU's Directorate for Equality may set up a working group to analyse the matter and, if necessary, propose any modifications to the Governing Council.

### First additional provision

The UPV/EHU's Directorate for Equality may draw up and update a glossary related to the regulation in order to facilitate its understanding, which will be updated when the UPV/EHU's Commission for Equality deems it appropriate and approves it.

### Final provision. Entry into force

This protocol will come into force the day after its approval by the Governing Council of the UPV/EHU.