



## **NCG124/3a: Protocol for Name Changes of Transsexual, Transgender and Intersexual People at the University of Granada**

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- Approved in an ordinary session of the Governing Council on 28 September 2017

***Translated version:*** This document has been translated by the UGR's Language Services Unit (Vice-Rectorate for Internationalization). In the event of any conflict or discrepancy between any translated version of this document and the Spanish language version, the Spanish language version shall prevail.

**PROTOCOL**  
for Name Changes of  
**Transsexual, Transgender**  
and **Intersexual** People  
at the University of Granada



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DE GRANADA**

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Vice-Rectorate for Social  
Responsibility, Equality and Inclusion  
Equality and Conciliation Unit



## Protocol for Name Changes of Transsexual, Transgender and Intersexual People at the University of Granada

(Approved in the ordinary session of the Governing Council on 28 September 2017)

### Introduction: rationale and regulatory framework

Comprehensive Law 2/2014, of 8 July, on Non-Discrimination on Grounds of Gender Identity and the Recognition of the Rights of Transsexual People in Andalusia (Official Gazette of the Regional Government of Andalusia [BOJA] no. 139 of 18 July 2014) defines gender identity as “the internal and individual experience of gender as each person feels it, which may or may not correspond to the sex assigned at birth, and which includes the personal experience of one's body. It may involve modification of bodily appearance or function through pharmacological, surgical or other means, provided that this decision is made freely”.

The Andalusian law recognises a wide range of rights for people who have a gender identity that is different from the one assigned at birth. Among these rights, it establishes the right of individuals to be treated and addressed according to a name corresponding to the gender with which they identify. In particular, section one of Article 9 on “Administrative documentation” establishes the obligation of the Administration, concerning the documentation required to access administrative and other services, to provide any person, upon request, with credentials that contain their stated gender identity, thereby favouring better integration and preventing situations of suffering due to public exposure or discrimination. Moreover, according to the second section of this article “it shall be ensured that individuals are treated in accordance with their freely determined gender identity and that the dignity and privacy of the person concerned shall be respected” (Article 9.2.c).

As these regulations are applicable to the bodies that make up the Andalusian University System (Article 4.2.f), the University of Granada is obliged to guarantee the rights contained herein with regard to the people who make up the university community.

Therefore, through this Protocol, people with a gender identity that is different to the one assigned at birth are guaranteed the possibility of using a name at the UGR that is in line with the gender with which they identify (chosen name), especially in publicly displayed documents and procedures at the UGR, such as university ID cards, class lists, examination results, and electoral rolls. Notwithstanding the foregoing, the identity data that has been officially registered shall be maintained in official documents, which must be valid vis-à-vis third parties, for as long as is legally appropriate.

Furthermore, Law 3/2007, of 15 March, regulating the Correction of Register Entries relating to a Person's Sex, provides for changes of legal names. In these cases, upon request of the person concerned, it is necessary to change the person's legal name on all



# UNIVERSIDAD DE GRANADA

Vice-Rectorate for Equality, Inclusion and  
Sustainability  
Equality and Conciliation Unit

official documents issued by the University. The procedure for such modifications is also regulated by this Protocol.

Through this Protocol, the UGR declares its commitment to respond to the needs of members of the university community regarding gender identity and to ensure freedom of gender identity and expression, as well as the prohibition of any discrimination on these grounds. This commitment has also been expressed through the recent approval of the UGR Protocol for the Prevention of and Response to Harassment, endorsed in a session of the Governing Council on 26 October 2016.

The foregoing is framed within the context of international, European, state and regional regulations on the right to freedom of gender identity and the prohibition of discrimination on the grounds of sexual orientation or gender identity, which include but are not limited to the following:

a) At the international level:

The right to be free from discrimination is enshrined in the United Nations Universal Declaration of Human Rights (Article 2) and in core international human rights treaties, such as the International Covenant on Civil and Political Rights (Article 2) and the International Covenant on Economic, Social and Cultural Rights (Article 2). The Human Rights Committee has included sexual orientation and gender identity as prohibited grounds of discrimination under these Covenants. In June 2011, the Human Rights Council adopted Resolution 17/19, the first UN Resolution on human rights, sexual orientation and gender identity, and in 2012 the UN High Commissioner for Human Rights published a report entitled "Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law". More recently, the Council adopted Resolution 32/2, of 30 June 2016, on Protection against violence and discrimination based on sexual orientation and gender identity, appointing an independent expert on protection against violence and discrimination based on sexual orientation.

b) At the Council of Europe level:

Various provisions have been issued on the right to the free expression of gender identity, such as the Report of the Commissioner for Human Rights of the Council of Europe of July 2009; Resolution 1728 of the Parliamentary Assembly of the Council of Europe, of 29 April 2010, on Discrimination on the basis of sexual orientation and gender identity; and Recommendation CM/Rec (2010)5 of the Committee of Ministers of the Council of Europe to member states on measures to combat discrimination on grounds of sexual orientation or gender identity, adopted on 31 March 2010.

c) At the European Union level:

In addition to the prohibition of discrimination in Article 21 of the Charter of Fundamental Rights of the European Union, the European Parliament adopted the Resolution of 4 February 2014 on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity, based on the Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, adopted by the Council of



# UNIVERSIDAD DE GRANADA

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Vice-Rectorate for Equality, Inclusion and  
Sustainability  
Equality and Conciliation Unit

the European Union on 24 June 2013, while the European Union Agency for Fundamental Rights produced two reports on homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in 2010 and 2014.

d) At the state level in Spain:

In addition to the right to equality and non-discrimination, as well as the rights to privacy and self-image enshrined in Articles 14 and 18 of the Spanish Constitution, several laws have been passed at the state level to safeguard rights related to sexual orientation and gender identity:

- Law 62/2003, of 30 December, on Fiscal, Administrative and Social Measures, in its Chapter III on Measures for the Application of the Principle of Equal Treatment (Articles 27 to 43).
- Law 3/2007, of 15 March, regulating the Correction of Register Entries relating to a Person's Sex (Official State Gazette [BOE] No. 65, of 16 March 2007).

e) At the Andalusian regional level:

In addition to Article 35 of the Statute of Autonomy, which recognises the right of every person to have their sexual orientation and gender identity respected and orders the public authorities to promote policies to guarantee the exercise of this right, the following laws have been passed in this area:

- Law 12/2007, of 26 November, for the Promotion of Gender Equality in Andalusia (Article 43.2).
- Comprehensive Law 2/2014, of 8 July 2014, on Non-discrimination on Grounds of Gender Identity and the Recognition of the Rights of Transsexual People in Andalusia.



## PROTOCOL

### Article 1. Purpose.

The purpose of this Protocol is to regulate the procedure to guarantee the right of transsexual, transgender and intersex people to be identified in the internal administrative documents and procedures of the UGR using the name corresponding to the gender with which they identify (chosen name), when this does not coincide with their legally assigned name (legal name), thus safeguarding the exercise of the rights of gender identity and expression in the university environment.

### Article 2. Scope of application.

This Protocol shall apply to all members of the university community: students, teaching and research staff (PDI), and administrative and support staff (PAS) of the University of Granada.

### Article 3. Procedure for applying to use a chosen name.

3.1. Individuals who wish to use a name that is consistent with their gender identity (chosen name) at the UGR, which is different from the name that appears on their national identity document or passport (legal name), must submit an application for a name change to the Director of the Equality and Conciliation Unit, using the form available on the Unit's website and included as Annexe I to this Protocol.

3.2. The application must be submitted to the Equality and Conciliation Unit which, in order to protect the confidentiality of the procedure, is established as the sole body authorised to receive applications.

3.3. The Director of the Equality and Conciliation Unit shall issue a resolution authorising the use of the chosen name. They may reject applications for name changes that do not meet the purpose mentioned in Article 1 or that include a chosen name considered offensive or which is contrary to a person's dignity, in accordance with Article 51 of Law 20/2011, of 21 July, of the Civil Registry.

3.4. The Equality and Conciliation Unit will contact the bodies in charge of managing university cards, documents and databases where the chosen name must appear - depending on the collective to which the applicant belongs - so that they implement the name change. The Equality and Conciliation Unit shall monitor this entire process.

3.5. The services concerned shall inform the Equality and Conciliation Unit when they have completed the name change and the Unit shall then inform the applicant.



# UNIVERSIDAD DE GRANADA

Vice-Rectorate for Equality, Inclusion and  
Sustainability  
Equality and Conciliation Unit

## Article 4. Deadlines for name changes.

4.1. The Equality and Conciliation Unit shall take no longer than 5 working days to issue a resolution on the application for the name change. Subsequently, the name change will be made effective in university cards, documents and databases within 10 working days from the issuing of the resolution authorising the chosen name, excluding in both cases periods of minimum university services established in the work calendar approved by the University of Granada Director's Office.

4.2. However, the deadline for making the name change effective in records that require modification of databases may be longer, depending on the technical processes involved, which sometimes require progressive implementation.

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

5.1. The records in which the legal name shall be changed to the chosen name comprise all those employed exclusively for internal use at the University. Examples of these include, but are not limited to the:

- a) name of the email address account
- b) name on the University Smart Card (TUI) and any other card issued by the University of Granada
- c) name on class lists and official examination results (*actas de calificaciones*)
- d) name on electoral rolls
- e) name in any other internal documentation generated following modifications to other databases

5.2. In the case of official examination results that identify students by their chosen name, the academic secretary of the faculty or school shall attach an addendum to the examination results to confirm the correspondence between this name and the legal name, which shall be maintained in the official academic transcript.

## Article 6. Issuance of official documents.

Official documents (academic transcripts, degree certificates, etc.) issued by the University that pertain to individuals who have made the change to a chosen name, as provided for in this Protocol, shall indicate the name that appears on their national identity document or equivalent document, in accordance with the current legislation.

## Article 7. Gender transition and change of legal name.

7.1. Individuals who have previously changed their sex assignment and proper name in the Civil Registry in accordance with Law 3/2007, of 15 March, regulating the Correction of Register Entries relating to a Person's Sex, and who have a new national identity document or equivalent identity document indicating the new name, may request a change of legal name.



# UNIVERSIDAD DE GRANADA

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Vice-Rectorate for Equality, Inclusion and  
Sustainability  
Equality and Conciliation Unit

7.2. The application, together with the supporting documents, must be submitted to the Equality and Conciliation Unit which, in order to preserve the confidentiality of the procedure, is established as the sole body authorised to receive applications. The Unit will be responsible for notifying the academic management services (student services) or staff management services (teaching, research, and administrative and support staff services), in order to implement the name change in all internal administrative and official documentation, and to update the personal data in their records.

7.3. The services involved shall inform the Equality and Conciliation Unit when they have completed the name change and the Unit shall then inform the applicant.

7.4. Applications for a change of legal name shall entail the re-issuance by the UGR, free of charge, of the official documents issued prior to the correction of the registry entry, in accordance with the Second Additional Provision of Law 3/2007.

## Article 8. Amendments.

Where circumstances or requests arise that necessitate the amendment of this Protocol, the Equality and Conciliation Unit shall set up a task force to analyse it and, if necessary, propose the amendments to the Governing Council.

## Final provision. Entry into force.

This Protocol shall come into force on the day following its publication in the UGR Official Gazette (BOUGR).