

## **ACTION PROTOCOL FOR CHANGES OF NAME AND MENTION RELATING TO SEX OF TRANSSSEXUAL, TRANSGENDER, AND INTERSEX PEOPLE AT THE UNIVERSITY OF SANTIAGO DE COMPOSTELA**

The right to non-discrimination based on sex and the right to personal privacy and one's own image are protected by the Spanish Constitution (articles 14 and 18, respectively) and, in the specific field of universities, in the Organic Law 6/2001, December 21, of Universities (LOU), in article 46 of which establishes, in relation to the rights and duties of the student body, "equal opportunities and non-discrimination for reasons of sex, race, religion or disability or any other condition or personal or social circumstance in access to the university, admission to centers, permanence at the university or exercise of their academic rights".

In this sense and more specifically, Law 3/2007, March 15, regulating the registry rectification of the mention related to the sex of people regulates the necessary requirements to access the change of the registration related to the sex of a person in the Civil Registry, when the said registration does not correspond to their true gender identity and contemplates the change of the proper name so that it does not conflict with the claimed sex. This text is complemented by the subsequent Instruction of October 23, 2018, of the General Directorate of Registries and Notaries, on change of name in the Civil Registry of transsexual people, issued in response to the urgency of the grievance situation that may suffer the applicants during the waiting time between the presentation of their request to change their name and sex under this law and the moment in which this modification becomes effective and which also aims to provide a solution to the legal uncertainty caused by the orders that resolve these files, detected inconsistencies in the granting of applications in different territories.

The Galician regional legislation contemplates the protection of the student body against discrimination in Law 6/2013, June 13, of the Galician University System, whose article 104 includes, as a right of the SUG students, "not to suffer any discrimination on the grounds of birth, gender, sexual orientation, ethnicity, disability, opinion, religion or any other personal or social circumstance". In addition, Law 2/2014, April 14, for equal treatment and non-discrimination of lesbians, gays, transsexuals, bisexuals, and intersex people in Galicia establishes principles and measures aimed at the prevention, correction and elimination of all discrimination based on sexual orientation and gender identity within its scope, which includes Galician universities.

The University of Santiago de Compostela, within the scope of its powers, includes in article 4 of its Statutes the "creation, development, transmission and criticism of scientific, technical, artistic and humanistic knowledge, so that an education based on democratic principles, the defense of peace and human rights" as a function of the institution and, in article 33, the specific right of the student body to "equal opportunities in access, continuity and completion of studies and the no discrimination based on sex, race, religion, ideology, disability or any other personal or social condition or circumstance in the exercise of their academic rights".

Taking this regulatory framework into account, this protocol enables people with a gender identity other than the one assigned at birth to exercise their right to freely manifest their gender identity and expression, trying to avoid any kind of discrimination. This is a first step in achieving this objective, which may be continued in the future with the incorporation into specific USC regulations of other measures that are technically and legally feasible. For all the above, the Governing Council of the USC in its session of January 27, 2022, agreed to approve this ACTION PROTOCOL FOR CHANGES OF NAME AND MENTION RELATING TO THE SEX OF TRANSSEXUAL, TRANSGENDER AND INTERSEXUAL PERSONS AT THE UNIVERSITY OF SANTIAGO DE COMPOSTELA

## **CHAPTER I General Considerations**

### **Article 1. Purpose**

1. The purpose of this Protocol is to:

a) Establish the procedure for name change for internal purposes in order to enable the exercise of the right of transsexual, transgender and intersex persons to be identified internally, at the University of Santiago de Compostela (USC), with the name with which they are identified (common use name), in cases where this does not coincide with the legally assigned (legal name), with the in order to prevent any form of exclusion and ensure respect within the university environment.

b) Establish the procedure for the change of name and/or the mention of sex in the administrative files of the USC.

2. In any case and with an inclusive purpose, generally, the university administration will avoid referring to the gender of the person in administrative acts, using neutral language for that (e.g., "estudiante" instead of "alumno/a" (in Spanish), or "para la persona interesada" instead of "para el/la interesado/a") whenever possible.

## **CHAPTER II Change of name for internal purposes**

### **Article 2. Start of the procedure**

1. The USC students may request the change of name through the procedure established herein.
2. The procedure will be initiated by the person concerned by requesting a name change, which should preferably be done at the beginning of the academic year.
3. The request, addressed to the General Secretariat, will be made through the form enabled for this purpose, which must be submitted through the Electronic Registry.
4. The interested party may, if they wish, include an updated photograph as an annex to the application, which will replace the one existing at that time in the databases centrally managed by the University. The person may also

accompany the document accrediting having requested the change of name for legal use in the corresponding official instances. If you are a user of university services (SUR, Sports...) you must state this for the purposes of changing your name in the corresponding Services or Units.

### **Article 3. Processing of the procedure**

Once the request has been accepted for processing, the General Secretariat will proceed to notify the corresponding center or unit of the internal adaptations that may apply.

### **Article 4. Conclusion of the procedure**

1. The procedure will end with a resolution from the General Secretariat responding to the request for a name change for internal purposes.
2. Within ten business days, the applicant may contact the General Secretariat again if it is considered that some additional procedure must be carried out.

### **Article 5. Deadlines for modification**

1. The maximum term to proceed with the name modification will be 30 days from the filing of the request in case it is accepted for processing.
2. This period may be extended if the name change implies having to carry out a technical process that cannot be concluded within the period indicated in the previous paragraph. In any case, this extension of time must be communicated to the applicant and may not exceed three additional weeks.

### **Article 6. Procedural guarantees**

1. During the procedure, the confidentiality of the interested party will be guaranteed, without prejudice to that established in Organic Law 3/2018, December 5, about Protection of personal data and guarantee of digital rights. Throughout the procedure and once admitted for processing upon request, the interested party will be treated in accordance with their freely determined identity and their privacy will be respected.
2. The procedures necessary to manage the change of name following this procedure will be free of charge and will not require any type of mediation between the person concerned and the University. The applicant will not be required to present or prove medical documentation.

### **Article 7. Internal effects of the name change**

1. The requested name changes will be carried out in the following internal procedures of the USC:
  - a) in the University Identity Card (TUI)
  - b) in the name of the email account
  - c) in the internal class lists used by the teaching staff
  - d) in the Virtual Campus corporate applications and in the MS 365

e) in the University Residence System and in the Sports Service

f) in the internal dissemination by the centers and information departments on the student representatives in the corresponding collegiate bodies

2. The General Secretariat will contact the center or centers where the person requesting the change of name is studying so that, by virtue of their request and in application of this protocol, inform the teachers in charge of the subjects in which they are enrolled that their common name must be used in formal and informal communication acts.

3. In line with the above, when class lists are disseminated, the commonly used name must be included in them.

#### **Article 8. Legal effects of the change of name and gender of common use**

1. The change of name carried out by virtue of this procedure will not alter the legal ownership of the rights and duties that correspond to the person concerned. The official documents issued by the University of Santiago de Compostela, such as minutes, certificates, or academic titles, will include the name that appears on the national identity document or equivalent document in accordance with current legislation.

2. At the moment in which the registry rectification of the mention related to sex is officially agreed and, if applicable, the change of name for legal use, a new application must be made for the modification of the official administrative file of the USC, leaving this procedure without effect.

### **CHAPTER III Change of name and/or mention related to sex in USC files**

#### **Article 9. Initiation of the procedure**

1. They may request a change of name for legal use and/or mention related to sex in the files of the USC the members of the university community who have a new national identity document or equivalent document in which the new name appears, after the modification of the proper name and, if applicable, the mention related to sex in the Registry Civil in accordance with Law 3/2007, March 15, regulating the registry rectification of the mention related to the sex of people.

2. The following groups of people may make use of this right at the USC by the procedure established herein:

a) USC students

b) USC teaching and research staff

c) USC administration and services staff

#### **Article 10. Issuance of documents**

1. The request to change the legal name and to mention the gender in the registry will mean the change in all administrative files with effects against

third parties and will allow a new issuance by the USC of official documents issued prior to the modification.

2. University graduates may also request a new issuance of the official documents that had been issued prior to the modification.

3. The new issuance of titles will be made in accordance with state regulations on the matter.

4. In the case of new certificates, the issuance will be free of charge.

### **Transitional provision**

The USC will adapt, progressively when technical resources allow it, its computer applications to comply with the provisions of article 7 of this protocol. As long as this does not occur, the General Secretariat will send official communication to the deaneries and directorates of the center and to the different services and units to make this Protocol effective.

### **Final provision**

This protocol shall enter into force on the day following its publication on the USC electronic notice board.