

# Monitoring student sexual orientation and gender identity

**The NUS LGBT Campaign is strongly in favour of collecting monitoring data on student sexual orientation and gender identity, but we recognise how complicated this can be.**

This briefing introduces you to the issue of monitoring sexual orientation and gender identity, gives an overview of where we are now, and lays out our top tips for how you can move sexual orientation and gender identity monitoring forward at your institution.

## Introduction

One of the primary methods that institutions — and the further education (FE) and higher education (HE) sectors as a whole — use to understand the state of student equality and diversity is by monitoring of certain diversity characteristics, including age, disability, ethnicity, and gender. As the Equality Challenge Unit (ECU) point out, monitoring is widely accepted by institutions as a legitimate tool for equality and diversity work.

Monitoring data has also been used by students' unions to highlight the qualities in the student experience and campaign for better support and services for students where disparities in participation, retention, attainment, or graduate destinations have been found.

Historically, sexual orientation and gender identity monitoring have been less prevalent in institutions, and there is still no national systematic monitoring data for these categories, meaning that lesbian, gay, bisexual, and trans (LGBT+) students and their

advocates have not had access to this vital source of information.

In 2011, the NUS LGBT Conference passed policy in support of the monitoring of sexual orientation and gender identity in further and higher education. However, it would be counterproductive for institutions to introduce this monitoring without making sure that they are asking the right questions, in the right way.

This briefing aims to help students' unions engage with their institutions on the issue of sexual orientation and gender identity monitoring. It indicates the NUS LGBT campaign's idea of good practice and provides students' unions with the arguments in favour of institutional monitoring of sexual orientation and gender identity.

## The current state of monitoring

### National sex monitoring

Institutions in both FE and HE routinely monitor the proportions of their students who are 'female' and 'male', and collect this data both for national use as well as for use within the institution. In further education in England, national data on student characteristics is collected via the Individualised Learner Record (ILR). In higher education, this data is collected via the Higher Education Statistics Agency (HESA) Student Record.

In higher education, the HESA student record has recently been amended to include the categories 'female', 'male', and 'other', with HESA guidance stating that the 'other' category is more appropriate for people who associate with terms such as intersex, androgyne, intergender, ambigender, gender fluid, polygender, and gender queer. HESA does not include the option of 'prefer not to say' for this question. In further education, the ILR only gives the option for 'female' or 'male' and only collects a students' sex. This is consistent with the UK legal definition of sex, which also gives only those two options.

There is no specific requirement for learner records to be compatible with legal definitions of sex. Current language usage and structures of monitoring collection alienate and isolate LGBT students, particularly trans students who find themselves either not represented, expected to tick 'legal' framings of their gender that are at odds with their gender identity or otherwise faced with forms that confuse and conflate gender identity, sex and sexual orientation.

A more robust argument can be made for a systematic national monitoring system for sexual orientation and gender identity across the education sector. Up to this date, there has been no systematic monitoring of sexual orientation or gender identity in further and higher education, although HESA has looked to develop a national framework within HE, but the introduction of the Equality Act 2010 has

raised questions as to how long this can continue to be the case.

The Equality Challenge Unit (ECU), which works with HE institutions across the UK as well as colleges in Scotland, has suggested that collecting data, at least on sexual orientation, is an important first step to a 'strategic approach to LGB equality'.

ECU does note, however, the importance of ensuring that other steps are taken to encourage student and staff disclosure; this will be discussed in section three of this briefing. ECU also has guidance for higher education institutions across the UK on how to extend diversity monitoring for sexual orientation and gender identity.

### Institutional data monitoring

Many colleges and universities do collect data on the sexual orientation and gender identities of their students, although as mentioned above, the status of national efforts to collect this type of data can clearly have a large effect on the number of institutions doing so locally.

Institutional data monitoring is important, especially in the absence of a national framework as is currently the case for the FE sector. It is also important to get a picture of how LGBT students are faring at a particular institution, as well as across the sector.

However, students' unions may in some cases find it harder to access data collected only for institutional purposes as institutions may not publish it in the same way.

Although institutions are required to publish equality data under the Equality Act 2010, the Equality and Human Rights Commission (EHRC) found that universities and colleges were the lowest performing sectors in terms of publishing equality information; and that in particular universities and colleges were the least likely to have published equality information on religion or belief and sexual orientation, where the information was not found in 85 to 95 per cent of cases.

## Good practice in monitoring

Although NUS supports institutions monitoring the sexual orientation and gender identity of their students, it is important that the right questions are asked, in the right way. If not, students will be less likely to disclose information about their sexual orientation and/or gender identity, and if done very badly, the institution risks alienating LGBT students.

### Recommended questions

National monitoring must be standardised if it is to be put to effective use and for this reason NUS supports the use of current HESA and ILR questions for both sexual orientation and gender identity monitoring. These questions have been suggested by the ECU and closely relate to questions recommended by representative organisations such as Stonewall and Press for Change.

### Sexual Orientation

#### What is your sexual orientation?

- Bisexual
- Gay man
- Gay woman/lesbian
- Heterosexual/straight
- Other
- Prefer not to say

### Gender Identity

#### Is your gender identity the same as the gender you were originally assigned at birth?

- Yes
- No
- Prefer not to say

*HESA and ILR sexual orientation and gender identity questions*

However, these questions are the beginning of the way that institutions can find out information about the sexual orientation and gender identity of their students, not the end point. When gathering information via other institutional surveys that are not part of official

monitoring processes, NUS recommends that institutions:

- Phrase questions as 'Which of the following best describes how you think of yourself?' which is more inclusive terminology.
- Instead of asking for 'legal sex', ask for gender – asking if students identify as a woman/man/other rather than if they are legally male/female.
- Include an 'other' option in questions about sex or gender, giving students the opportunity to describe their gender if it does not fit within the binary of woman/man.
- Instead of asking for 'legal sex', ask for gender – asking if students identify as a woman/man/other rather than if they are legally male/female.

## Gathering data in an inclusive way

Though the wording of the question is very important, the circumstances around how the question is asked are equally so. There are several principles we would recommend institutions to adopt when gathering data on students' sexual orientation and gender identity.

### **Consult with student representatives**

Institutions who are planning to introduce sexual orientation and gender identity monitoring of students should work with students' unions and representatives of LGBT students to ensure that the data is collected in the best possible way.

### **Be clear on how the data will be used**

Data can be collected for many different reasons but students are more likely to disclose their sexual orientation and gender identity if they understand what the institution plans to do with that data. Where possible, explanations of why the question is being asked should be included or linked to with the question itself.

### **Create and communicate robust systems for confidentiality**

Not all LGBT students are fully open about their sexual orientation or gender identity.

Institutions should make very clear to students how they will keep this information confidential and in particular that it will not be shared with teaching staff or other staff that the students interact with regularly.

### **Give students privacy when they fill in monitoring forms**

Students should be able to complete any forms asking them to identify their sexual orientation or gender identity in private. When hardcopy forms are used, staff collecting the forms should not look at students' answers as they are being handed in.

### **Always include 'Prefer not to say'**

Students should always have the option not to disclose their sexual orientation and/or gender identity (and anything else about their

identity). Where institutions have control over the data being collected, they can simply introduce a 'prefer not to say' option.

A high proportion of respondents selecting 'prefer not to say' could be taken as an indication that some of the principles above are not being fully put into practice.

### **Never use the same question to monitor sex, sexual orientation and/or gender identity**

Sex, Sexual orientation, and gender identity are separate characteristics and should never be asked about in the same question. For instance institutions should never include 'trans' as a 'third option' in questions about sex, nor should they include it as an option under 'sexual orientation'.

## Winning the arguments

Students' unions that decide to lobby their institutions to introduce monitoring of students' sexual orientation and gender identity may encounter questions and concerns from their institution. The following are examples of common arguments heard against monitoring students' sexual orientation and gender identity, along with the counter-arguments that should help students' unions to win sexual orientation and gender identity monitoring for their institutions.

**Argument: It is not necessary to know the sexual orientation or gender identity of our students to provide them with a high quality education.**

**Counter-argument:** Sexual orientation and gender reassignment are protected characteristics under the Equality Act 2010, and public institutions like universities and colleges have a duty to advance equality of opportunity amongst other things.

Although there is no legal requirement for institutions to monitor sexual orientation and gender identity, they are required to demonstrate how they are meeting their equality duties and the ECU recommends that the publishing of monitoring data is a key way to achieve this.

**Argument: Asking for such personal details might make students uncomfortable.**

**Counter-argument:** It is a misconception that all LGBT students will regard this as highly sensitive information. While it is true that some students may be uncomfortable giving their personal information to their institution, many LGBT students are fully open and comfortable about their sexual orientation and gender identity.

The way the question is asked is far more likely to influence whether students feel comfortable answering it than the characteristic they are being asked about. This concern does, however, make it clear why it is important to

have a 'prefer not to say' option, which is also recommended by the ECU.

**Argument: There is likely to be a low disclosure rate.**

**Counter-argument:** Similar to the arguments around the 'personal' nature of these questions, a low disclosure rate is more likely to indicate problems with the way the question or the circumstances under which the data is collected. The disclosure rate will be zero if the question is never even asked, so any amount of data is better than none. Furthermore, simply including the question on forms and surveys is likely to increase the disclosure rate over time as people become accustomed to seeing the question being asked.

**Argument: The numbers of people involved are too small to give meaningful data.**

**Counter-argument:** Without collecting any monitoring data, institutions will not know how small or large their populations of LGBT students are. Even if the proportion in the general population is thought to be relatively low, it is possible that certain institutions or courses will have a much higher proportion of LGBT students. There is no way to know without asking the question

## Any more questions?

If you have questions about the NUS LGBT+ Education Charter, getting involved or developing resources, please contact:

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