



Policy Number:	STU 01
Policy Name:	Student Gender Identity Policy
Contact Officer:	Principal
Date Approved by Leadership:	October 10, 2017
Date of Next Review:	October 2020
Related Policies:	Safeguarding Children & Young People – Code of Conduct Child Safe Policy

1. INTRODUCTION

1.1 At St Joseph's College we hold the care, safety and wellbeing of children and young people as a central and fundamental responsibility of our College. Our commitment is drawn from and inherent in the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the gospel (*CECV Commitment Statement to Child Safety*).

1.2 The Gender Identity Policy must be read in conjunction with the Child Safe Policy. The principles and procedures of the Child Safe Policy underpin the Gender Identity Policy.

2. PURPOSE

2.1 This policy is designed to ensure that St Joseph's College Mildura supports students' gender identity, including those with intersex status, in line with both the Victorian Equal Opportunity Act 2010 (Vic) and the Sex Discrimination Act 1984 (Commonwealth).

3. PRINCIPLES

3.1 Schools must support and respect a student's choice to identify as their desired gender when this does not align with their designated sex at birth.

3.2 Principals must respect privacy and confidentiality in relation to gender identity and intersex status.

3.3 The young person and a family representative/carer must be invited to be part of the formulation of a School Management Plan.

3.4 A letter from a gender identity specialist may be requested by the school to support them in developing the plan. This letter is not a conditional requirement for the school in providing support to the student, but it may help to ensure that schools can adequately discharge their duty of care to a student by planning appropriately. Gender identity specialists are available through the Royal Children's Hospital and Monash Medical Centre.

4. DEFINITIONS USED IN THIS POLICY

4.1 **Gender Identity:** Gender identity is broadly defined as meaning 'the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth'.

4.2 By this definition, the Sexual Discrimination Act therefore affords protection from discrimination for persons who identify as men, women or also as neither male nor female. It does not matter what sex the person was assigned at birth, or whether the person has undergone any medical

intervention. Some terms used to describe a person's gender identity include trans, transgender and gender diverse. The Sexual Discrimination Act does not use these labels; however, it is intended to cover these identities and more.

4.3 Intersex Status: Intersex Status is defined by the Sexual Discrimination Act as meaning the status of having physical, hormonal or genetic features that are:

- Neither wholly female nor wholly male; or
- A combination of female and male; or
- Neither female nor male.

4.3.1 This attribute is directed at protecting the 'biological' aspects or characteristics of intersex persons, but not the person's gender identity. These provisions will afford an intersex person protection from discrimination based on whether that person may have the biological attributes of both sexes, or lack some of the biological attributes considered necessary to be defined as one or the other sex.

5. SCHOOL MANAGEMENT PLANS

5.1 The Principal and relevant key staff should:

- Identify current supports that are in place and not automatically assume school-based wellbeing supports are required;
- Respond to students or parents/guardians who identify a need, such as counselling support.

5.2 It is important that the student understands that they are a partner in a plan and actively follow the agreed decisions.

5.3 The Principal and relevant key staff with the student and their parent/guardian will create a School Management Plan that ensures the school responds to the student's needs and addresses any facilities and privacy issues.

5.4 The School Management Plan should:

- Cater to the student's gender identity;
- Reflect this policy;
- Take a common sense approach;
- Be developed over staggered sessions to allow time for trialling and opportunity for adjustments to occur;
- Consider the best timing to undertake any change of gender identity, such as term break;
- Consider implementing a student support group to support, guide and monitor the student's progress;
- Agree to arrangements in relation to toilet facilities (*the Enright Centre toilets are single toilets and have a high level of privacy, therefore are suitable for transgender students*);
- Consider the wellbeing of other students in an addendum to the plan, in the event the student's transgender status becomes known and causes distress. This should include a student support referral process;
- Determine whether other staff members, such as a student welfare coordinator or the physical education teacher, need to be advised to support or teach the student;
- List the names of staff members who know of the gender identity change;
- Identify processes to:
 - Review the plan
 - Inform others should it be decided necessary
 - Address potential school community concerns
 - Manage unforeseen circumstances

5.5 The best way to protect a student's privacy and confidentiality is to minimise the number of staff required to know the student's transgender status. In most cases this is limited to the Principal and other relevant key staff. Do not assume a staff member or the student's social network are aware.

6. TOILET FACILITIES

6.1 Use of toilets, showers and change rooms: arrangements for the use of these facilities will be made by the Student Support Group and will be documented in the School Management Plan. Careful consideration will be given to the use of facilities that are appropriate to the student's preferred or chosen gender.

6.2 Regular use of disabled toilets by a student without disabilities can draw attention to the student and may not be appropriate for these purposes.

7. COMMUNITY ADJUSTMENT

7.1 Where the student changing gender identity stays at the same school, community members who knew the student before may need:

- Support;
- Further information on gender identity; and
- To discuss issues in general with a senior staff member.

7.2 Adjustments typically:

- Occur as a matter of practice over time;
- Include use of:
 - A student's new name;
 - Address appropriate to the preferred gender identity.

8. CAMPS AND SOCIAL EVENTS

8.1 Students who identify with gender identity issues will have these issues addressed by the College in an appropriate manner through consultation with the following:

- The specific student with gender issues;
- The parent/carer of the student identified with gender issues;
- Students and their parent/carer who may be directly impacted by the arrangements made to address the gender identity issues;
- The staff co-ordinator of the camp/event;
- Wellbeing staff familiar with the gender identity issues;
- The Deputy Principal – Community & Principal.

8.2 All staff, students and parents of students attending will be informed, as deemed appropriate by the Principal, regarding arrangements made to cater for the needs of specific students if these arrangements are contrary to normally accepted procedures and have an effect on the greater student cohort. The student with gender identity issues will be fully informed of such developments, and will agree to such arrangements, before these initiatives are instigated. Care will be taken at all times to respect the dignity of the individuals and families involved.

9. PARENTAL CONSENT

9.1 The policy currently does not explicitly address situations in which a student and their parents are not in agreement regarding the student's gender identity. There may arise circumstances in which students wish to change their gender identity without the consent of their parents, and without consulting medical practitioners.

9.2 If no agreement can be reached between the student and the parent regarding the student's gender identity, or if the parent will not consent to the contents of a Student Management Plan, it will be necessary for the school to consider whether the student is a mature minor enabling the student to permissibly make decisions for themselves without parental consent.

9.3 The Principal will need to be satisfied that the student has sufficient maturity, understanding and intelligence to make up their own mind about a particular issue (such as decision making around name change). This is a decision for the Principal and a written record should be kept regarding the decision, including consideration of whether the student understands the consequences that might flow from the relevant decision.

9.4 Should the school consider that the student is a mature minor, in these circumstances it may not be appropriate for the student's family representative/carer to be invited to participate in formulating the School Management Plan.

9.5 The decision making responsibilities policy for students addresses situations in which students, though under the age of 18 years, may be sufficiently mature to make their own decisions.

10. SCHOOL DOCUMENTATION

10.1 This table describes how schools change records and documentation.

Stage	Description
1	Parents/guardians or the student advise the school they intend to change the birth certificate.
2	Update school records and documentation with the new name and sex, including enrolment documentation.
3	Parents/guardians or the student provide the new birth certificate when it becomes available.

11. RISK MANAGEMENT

11.1 At St Joseph's College we are committed to proactively and systematically identifying and assessing risks to student safety across our whole school environment, and reducing or eliminating (where possible) all potential sources of harm. We document, implement, monitor and periodically review our risk management strategies for gender identity and ensure that the strategies change as needed and as new risks arise.

12. POLICY REVIEW

12.1 At the College we are committed to continuous improvement of our child safety systems and practices. We intend this policy to be a dynamic document that will be reviewed annually with provision to update on a required basis to accommodate changes in legislation or circumstance.

13. REFERENCES

<http://www.education.vic.gov.au/school/principals/spag/health/Pages/genderidentity.aspx>