



<b>Policy Number:</b>	STU 01
<b>Policy Name:</b>	Student Gender Identity Policy
<b>Contact Officer:</b>	Principal
<b>Date Approved by Leadership:</b>	October 13, 2021
<b>Date of Next Review:</b>	October 2024
<b>Related Policies:</b>	Safeguarding Children & Young People – Code of Conduct Child Safe Policy Student Uniform Policy

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## PREAMBLE

God is at the centre of our College...Mercy is the heartbeat of the Gospel. We encourage every student to grow in the fullness of life and realise their potential through the bread we break at school, the bread of relationships and the bread of conversation. Let us engage the heart and bring faith to life and life to faith (Thomas Groome).

## LEGISLATION

This policy takes into account relevant legislative requirements within the state of Victoria, including the specific requirements of the Victorian Child Safe Standards as set out in *Ministerial Order No. 1359*. This policy applies to St Joseph's College staff, including employees, volunteers, contractors and clergy.

Further information relating to the Ministerial Order can be found at <https://www.safeguardingservices.com.au/wp-content/uploads/2022/02/Ministerial-Order-1359.pdf>

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## 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*). We acknowledge at the start of all college assemblies and gatherings that 'As an inclusive faith community, we acknowledge that we are all made in the image and likeness of God and created with love. All faiths, genders, sexualities, and cultures are therefore respected, accepted and welcome in the St Joseph's College community'.

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 The college 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 Staff 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 Student Support Plan.

3.4 A letter from a gender identity specialist may be requested by the college to support them in developing the plan. This letter is not a conditional requirement for the college in providing support to the student, but it may help to ensure that college 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 1984 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. Some students may identify as non-binary - that is, as neither male nor female. 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. STUDENT SUPPORT PLANS**

5.1 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 Relevant key staff with the student and their parent/guardian will create a Student Support Plan that ensures the college responds to the student's needs and addresses any facilities and privacy issues.

5.4 The Student Support Plan should:

- Cater to the student's affirmed 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;
- Maintain appropriate privacy and confidentiality;
- Consider implementing a student support group to support, guide and monitor the student's progress;
- Agree to arrangements in relation to toilet and changeroom facilities that meets the needs of the student;
- The appropriate uniform that reflects the gender identity of the student and meets the college uniform policy;
- 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 the Wellbeing team 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.

## **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 Student Support Plan. Careful consideration will be given to the use of facilities that are appropriate to the student's preferred or chosen gender.

6.2 Students without a disability should not be required to use disabled toilets or facilities.

## **7. COMMUNITY ADJUSTMENT**

7.1 Developing a communications plan that includes what information staff members and other students needs to know to best support the student.

7.2 The referencing of recording a student's affirmed name, gender identity, and pronouns (he, she, they etc.)

7.3 Make plans to address potential community concerns, ensuring students' right to privacy is maintained.

7.4 Providing support to staff through professional learning and briefings on the arrangements for the student where appropriate.

## **8. CAMPS AND SOCIAL EVENTS**

8.1 Students who identify with gender identity-will have any concerns addressed by the college in an appropriate manner through consultation with the following:

- The specific student with gender identity;
- The parent/carer of the student identified with gender identity;
- Students and their parent/carer who may be directly impacted by the arrangements made to address the gender identity concerns;
- The staff co-ordinator of the camp/event;

- Wellbeing staff familiar with the student;
- The Deputy Principal –Students & 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 current policy 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/or 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 Support Plan, it will be necessary for the college 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 college 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 Student Support Plan.

## 10. COLLEGE DOCUMENTATION

10.1 This table describes how the college changes records and documentation.

Stage	Description
1	Parents/guardians or the student advise the college they intend to change their birth certificate.
2	Update college 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. This policy will be evaluated in accordance with the policy review protocols of St Joseph's College or as required due to changes in relevant legislation.

## **13. REFERENCES**

<https://www2.education.vic.gov.au/pal/lgbtiq-student-support/policy>

[https://transcendaus.org/wp-content/uploads/2020/10/Transcend\\_A-Guide-for-Schools-1.pdf](https://transcendaus.org/wp-content/uploads/2020/10/Transcend_A-Guide-for-Schools-1.pdf)