

## STUDENTS AND GENDER IDENTITY POLICY

### 1. Purpose of this Policy

- 1.1 To ensure that Shepparton ACE Secondary College supports the gender identity of each student, including those with intersex status, in accordance with both the *Equal Opportunity Act 2010 (Vic)* and the *Sex Discrimination Act 1984 (Cth)*.

### 2. Policy

- 2.1 Shepparton ACE Secondary College supports and respects a student's right to express their gender identity whether or not this aligns with their sex at birth.
- 2.2 The Principal will endeavour to protect a student's privacy and confidentiality in relation to gender identity and intersex status but there may be circumstances where this is not possible.
- 2.3 The student and a family representative/guardian will be 'invited to be part of the formulation of a school management plan'<sup>1</sup>.
- 2.4 A letter 'from a gender identity specialist may be requested by' Shepparton ACE Secondary College to support the school 'in developing the school management plan. This letter is not a conditional requirement for provision of support to the student, but it may help to ensure that the School can adequately discharge its duty of care to the student by planning appropriately'<sup>2</sup>.

### 3. Gender Identity and Intersex Status: Definitions

- 3.1 'Gender identity has the potential for discriminatory and unfair treatment. Below are the definitions Gender Identity and Intersex status outlined in the *Sex Discrimination Act 1984 (Cth)* (SD Act).

#### *Gender Identity*

- 3.2 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 sex at birth'.

By this definition, the SD 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 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 SD Act does not use these labels; however it is intended to cover these identities and more.

#### *Intersex Status*

- 3.3 Intersex Status is defined by the SD Act as meaning 'the status of having physical, hormonal or genetic features that are:
  - a. neither wholly female nor wholly male; or
  - b. a combination of female and male; or
  - c. neither female or male.'

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<sup>1</sup> Victorian Department of Education and Training, *Gender Identity* (5 July 2019) <<https://www.education.vic.gov.au/school/principals/spag/health/Pages/genderidentity.aspx>>. Accessed 16 July 2019.

<sup>2</sup> Ibid.

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<sup>3</sup>.

## 4. School Management Plans

- 4.1 In formulating a school management plan, Shepparton ACE Secondary College will work with the student and their parents/guardian to identify the ways in which the school may be able to provide support. The purpose of the school management plan is to ensure that 'the school responds to the student's needs and addresses any facilities and privacy issues'<sup>4</sup>.
- 4.2 It is 'important that the student understands they are a partner in a plan and actively follow the agreed decisions'<sup>5</sup>.
- 4.3 The school management plan may include or address the following:
  - a. reflect the terms of this policy
  - b. be developed to allow time for trialling and opportunity for adjustments to occur
  - c. consider the best timing to undertake any change of gender identity, such as term break
  - d. agree to arrangements in relation to toilet facilities and uniform (if appropriate)
  - e. 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'<sup>6</sup>
  - f. 'determine whether other staff members, such as social worker, year level coordinator need to be advised to support or teach the student'<sup>7</sup>
  - g. identify processes to:
    - i. support, guide and monitor the student's progress
    - ii. review the plan
    - iii. address potential school community concerns
    - iv. manage unforeseen circumstances<sup>8</sup>.

## 5. Toilet Facilities and Change Rooms

- 5.1 The arrangements for the use of toilet facilities, including showers and change rooms, should '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'<sup>9</sup>.
- 5.2 Shepparton ACE Secondary College is a very small school with limited facilities. There is no ability to provide extra toilets or change rooms, students are encouraged to use the facilities that they are most comfortable with using and that align with their gender identity.

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<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

## 6. Community Adjustment

- 6.1 Where the student changing gender identity is an existing student at Shepparton ACE Secondary College, 'community members who knew the student before may need:
- support
  - further information on gender identity
  - to discuss issues in general with a senior staff member'<sup>10</sup>.
- 6.2 Adjustments typically include:
- use of a student's new name
  - using forms of address appropriate to the student's preferred gender identity<sup>11</sup>.

## 7. Parental Consent

- 7.1 Circumstances may arise in which a student wishes to change their gender identity without the consent of their parents.
- 7.2 If 'no agreement can be reached between the student' and their parents/guardian 'regarding the student's gender identity'<sup>12</sup>, to discharge the School's duty of care to the student, it must be satisfied that the student has sufficient maturity and understanding to make this decision for them self without parental consent.
- 7.3 Consideration needs to be given to the student's ability to understand the consequences that might flow from the relevant decision. The school may require such external evidence or approvals it considers necessary to be satisfied that the student has sufficient maturity and understanding to make the relevant decision.

## 8. School Documentation

Shepparton ACE Secondary College understands that times of change and transition are complex and at times subject to ongoing change. In this light, in order to avoid regular and ongoing changes to school records, confusion and mistakes by staff, the school will change records by following the below steps.

- 8.1 These steps outline when and how the school will change records and documentation.
- Parents/guardians of the student are to advise the school that they intend to change the birth certificate.
  - The school will update records and documentation with the new name/sex/gender once the amended birth certificate has been received.

## 9. Related Policies

- Child Safe Policy
- Student Welfare Policy
- Privacy Policy

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<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

## 10. Related Legislation

10.1 *Equal Opportunity Act 2010* (Vic)

10.2 *Sex Discrimination Act 1984* (Cth)

Date	Version No.	Change	Author(s)
August 2022	1.0	Issue	Bronwyn Rose
March 2024	1.1	Reviewed and separated point 7.3	Joel Hoffman