

Gender Identity Policy

Date Implemented	16 th May 2018
Author	Trish Bulluss / Jeynelle McLennan
Approved By	College Council / Policies sub-committee
Approval Authority (Signature & Date)	<i>Gail Hardman 16/5/18</i>
Date Reviewed	
Responsible for Review	Assistant Principal
Review Date	April 2021
References	DET

Purpose of this policy

Seymour College 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 (Cth).

Policy

Seymour College supports and respects a student's choice to identify as their desired gender when this does not align with their designated sex at birth. The Seymour College Principal will always respect privacy and confidentiality in relation to gender identity and intersex status. The young person and a family representative/ carer will be invited to be part of the formulation of a school management plan

A letter from a gender identity specialist may be requested by Seymour College 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 and intersex status: definitions

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 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'.

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 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 SD Act does not use these labels; however it is intended to cover these identities and more.

Intersex Status is defined by the SD 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 or male.'

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.

School management plans

Seymour College Principals will:

- 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.

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

Seymour College Principals, with the student and parents/guardians, will create a school management plan that ensures the school responds to the student's needs and addresses any facilities and privacy issues.

The school management plan will:

- cater to the student's gender identity
- reflect this policy
- take a common sense approach
- be developed over staggered sessions to allow time for trialing 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 see: Department resources
- agree to arrangements in relation to toilet facilities
- 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.

Important: 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 Principals. There will be no assumption that a staff member or the student's social network is aware.

Toilet facilities

Toilets, showers and change rooms are specific to each school. The arrangements for the use of these facilities will be made locally and 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.

Community adjustment

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; to discuss issues in general with a senior staff member.

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.

Parental consent

There may arise circumstances in which students wish to change their gender identity without the consent of their parents, and without consulting medical practitioners. 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.

Principals 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 principals and a written record will be kept regarding the decision, including consideration of whether the student understands the consequences that might flow from the relevant decision.

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.

School documentation

How Seymour College will 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.

EXPECTATIONS

- This policy will be reviewed as part of the College's review cycle.
1. This policy will be made available to staff.
 2. This policy was ratified by College Council on

16/05/2018

Child Safe Standards

"Victorian government schools are child safe environments. Seymour College actively promotes the safety and wellbeing of all students, and all school staff are committed to protecting students from abuse or harm in the school environment in accordance with their legal obligations including the Child Safe Standards. The College's Child Safety Code of Conduct is available on the school's website."