



# EMERALD SECONDARY COLLEGE

## Gender Identity Policy

### AIMS/PURPOSE/OBJECTIVES/EXPECTED OUTCOMES

Emerald Secondary College is a school that is part of the Victorian Governments State Schools coalition which forms part of a wider Australian network of organisations working with schools to create safer and more inclusive environments for same sex attracted, intersex and gender diverse students, staff and families.

This policy has been developed to ensure the College support 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)*. The department guidelines also state:

- 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.
- Principals and all staff must respect privacy and confidentiality in relation to gender identity and intersex status.
- The young person and a family representative/ carer must be invited to be part of the formulation of a school management plan.

Emerald Secondary College in the implementation of this policy looks to support both an inclusive environment but also recognises the important roles of both further support and education for same sex attracted, intersex and gender diverse students, staff and families.

### POLICY STATEMENT

#### **Definitions**

##### **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'. Some terms used to describe a person's gender identity include trans, transgender and gender diverse. 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.

##### **Intersex status**

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

This attribute is directed at protecting the 'biological' aspects or characteristics of intersex persons, but not the person's gender identity.

##### **College Management Plan**

In terms of the action taken to support students who identify themselves as gender diverse or gender neutral/fluid, it is important that the student understands they are a partner in a plan and actively follow the agreed decisions.

The College Principal or his/her representative should:

- identify current supports that are in place and determine if additional school based supports are required.

- respond to students or parents/guardians who identify a need, such as counselling support.

The principal, with the student and parents/guardians, creates a management plan that ensures the school responds to the student's needs and addresses any facilities and privacy issues.

The College will if it becomes aware of a student who is seeking to be recognised as gender diverse or gender neutral/fluid or the opposite gender will with the support of Wellbeing will hold a meeting with the student and makes contact with the students' parents.

**Note: this need to be with the consent and involvement of the young person.** The College may wish to hold this as a formal meeting with the parents and the student so as to ascertain supports the student may be getting outside of school plus also to confirm parent knowledge of the students wish. **A key aspect of this meeting is the discussion around how much information is shared, with who, by who (including the young person in the process).**

Some of the further actions the College may take are likely to include some if not all of the following below:

- Advise the student about the use of the toilet facility in B Block corridor near the wellbeing office
- Inform wellbeing/YLC/ SSL
- Put supports in place for the student such as making them aware of the SAGA group and/or linking them up with supports in the community
- Provide further information on gender identity
- Discuss with them about any issues that could arise relating to coming school camps and negotiate with the student appropriate arrangements
- Hold a Student Support Group (SSG) meeting after initial meeting to ensure that plans put in place are supportive of the student
- Discuss the student's privacy and confidentiality. 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. Do not assume a staff member or the student's social network is aware.

The College may also begin the process of changing College based data i.e. cases, reports etc. but in doing so will be guided by departmental policy which is outlined below:

### School documentation

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. <i>(Changing Birth Certificate is a very involved process – a letter from a GP or Psychologist/Psychiatrist outline a change in Name/Gender/Sex) and can take quite some time).</i>
2	Update school records and documentation with the new name and sex, including enrolment documentation. See: Enrolment within <u>Related policies</u>
3	Parents/guardians or the student provide the new birth certificate when it becomes available.

\*Note: 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 Royal Children's Hospital and Monash Medical Centre

The College management plan should also:

- cater to the student's gender identity
- reflect this policy
- 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 the wellbeing of other students in an addendum to the plan, in the event the student's transgender status becomes known and causes distress.
- Provide for ongoing teacher support and training

### **Parental Consent / Mature Minor**

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.

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 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.

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.

### **Education**

The College through various avenues and other related policies shall continue to maintain its position as a College that does not discriminate and is at the forefront of promoting acceptance of others. The continued running of student groups at the College such as SAGA (Sexuality and Gender Acceptance) and supports of Youth Workers from the Cardina Shire Council are important aspects of the College's approach.

The College also recognises the importance of ongoing teacher support and education from experts/advocates in this area which can be facilitated through staff forums.

### **Further Supportive Resources**

#### **Department resources**

Sexuality Education:

- [Prevention and Support](#) (for a copy of SSAFE Gender Identity Issues (2007))
- [For Principals](#): for a copy of Supporting Sexual Diversity in Schools (2008)

#### **Other resources**

For more information see:

- [GQ: Gender Questioning \(2006\)](#) - available from Gay and Lesbian Health Victoria
- [The legal recognition of sex in documents and government records – Concluding paper of the sex and gender diversity project \(2009\)](#) - Australian Human Rights Commission
- [Safe Schools Coalition Victoria](#)
- [Transgender Victoria](#)

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