



# GENDER DIVERSITY POLICY

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## PURPOSE

The School 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)*.

The School is committed to the safety of children and has zero tolerance of child abuse.

## SCOPE

This policy applies to all students at the School.

## DEFINITIONS

The format is displayed as:

Key word/abbreviation	Definition
Child or Children	for the purpose of this Policy means all students at the School, including those aged 18 years and older.
Gender Identity	is broadly defined as means 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. This includes people who identify as female, male or as neither male nor female. Other terms students may use to describe their gender identity included but are not limited to transgender, gender non-binary, gender non-conforming or agender.
Intersex Status	is defined by the SD Act as meaning 'the status of having physical, hormonal or genetic features that are: 1. neither wholly female nor wholly male; or 2. a combination of female and male; or 3. neither female or male.
the School	means Monivae College.
School Employee	means a member of the School Board, employee, third party contractors or volunteer.
School Management Plan	is a management plan which may be formulated through consultation with the student, parent(s) / legal guardian, the Director - Students or Wellbeing Staff together with the students medical and counselling team.
SD Act	means the <i>Sex Discrimination Act 1984 (Cth)</i>

## POLICY STATEMENT

The School is committed to creating a community where all students are equally respected and valued and diversity is celebrated.

The School recognises that gender inequality has the potential to limit and impact negatively on the safety, education, family lives and opportunities of students in the immediate and long term.

The School recognises its vital importance in promoting gender equality for its students. This recognition is embedded in the way the School educates, engages with, and supports students.

### **1. Gender Identity and Intersex Status**

- 1.1. The SD Act provides protection from discrimination for persons who identify as male, female or 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.
- 1.2. Intersex Status 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.
- 1.3. The School does not tolerate any discrimination on the basis of Gender Identity or Intersex Status, and any behaviour of this nature will be addressed in accordance with the Grievance Policy.

### **2. Support for Individual Students**

- 2.1. The School supports and respects a student's right to express their gender identity whether or not this aligns with their designated sex at birth.
- 2.2. It is important that the student and their parent(s) / legal guardian are at the centre of discussions to plan and provide on-going support for the student throughout the process.
- 2.3. A support team for the student will be established and communicated to the student and parent(s) / legal guardian at the earliest opportunity. This team may consist of the student's Year Level Coordinator, the Director - Students, and a member of the counselling and or Wellbeing Hub at the School, in addition to any other School Employee the student would like to seek support from.
- 2.4. Without limiting any other legal obligation to do so, a student's right to privacy and confidentiality will be respected within the team assigned to assist the student.
- 2.5. The School has a student led group that exists to celebrate diversity and may also provide support to a transitioning student, should they wish to use this support base. Students can seek further information about this group from the Director - Students or Director – Student Wellbeing.
- 2.6. The School will consult with the student, parent(s) / legal guardians and, with guidance from the student, invite any members of the student's medical support such as their counsellor or psychologist to assist in the development of a School Management Plan.

### **3. School Management Plan**

- 3.1. In formulating a School Management Plan, the School will work with the student and their parent(s)/ legal guardian and the student's medical team to identify the ways in which the School may be able to provide a support network for the student. The purpose of the School Management Plan is to ensure that the School responds to the student's needs and addresses any of the student's concerns, including but not limited to physical facilities and privacy issues.
- 3.2. The School recognises the importance of the student being a partner in a plan and taking ownership of it.
- 3.3. The School Management Plan may include or address the following:
  - 3.3.1. it will cater to the student's gender identity;
  - 3.3.2. it will reflect the terms of this Policy;
  - 3.3.3. where possible, it will be developed to allow time for trialling and opportunity for adjustments to occur;
  - 3.3.4. it will consider the best timing to undertake any change of gender identity;

- 3.3.5. agree to arrangements in relation to bathroom facilities and uniform (if appropriate);
- 3.3.6. provide the support to other students by means of education and opportunity for discussion;
- 3.3.7. determine which other School Employees, such as student counsellors, or the Health and Physical Education teachers need to be advised to support or teach the student;
- 3.3.8. identify processes to:
  - 3.3.8.1. support, guide and monitor the student's progress
  - 3.3.8.2. review the plan;
  - 3.3.8.3. address potential school community queries; and
  - 3.3.8.4. manage unforeseen circumstances.

#### **4. Established Timeframes**

- 4.1. Where possible and guided by the student, the School will establish a suitable date for various changes to occur. For example, the beginning of the school year or a new term may be an appropriate time for transition to occur.
- 4.2. It may be critical for the student's health and wellbeing for the transition to take place more urgently, in which case the student may need to take some time off site while going through any transition process.
- 4.3. If it is necessary for a student to be absent from School for a period of time to go through any transition process, the student's support team will assist the student in seeking coursework from teachers to ensure the student does not fall behind in lessons.

#### **5. Privacy and Confidentiality**

- 5.1. A transitioning student's privacy will be respected within the support team outlined in the School Management Plan.
- 5.2. All decisions about sharing information more widely must be made with the student and parent(s) / legal guardian's explicit consent. Information should only be shared with those who have an appropriate reason to know and be limited to what they need to know.

#### **6. Identity, Names and Pronouns**

- 6.1. Most transitions will involve the use of a new name and pronouns. It is crucial that the School adopts this change. Changes to the relevant school records should be made prior to the agreed date of transition, after which all school employees should be informed of the change.
- 6.2. This is a critical aspect of the gender affirmation process. It becomes the basis for the provision of facilities and the creation of a respectful and positive environment for the student.
- 6.3. Although the school supports and adopts the change/s some legal and academic documentation cannot be changed without legal change of name or sex documentation. The School will discuss with the student and their parent/carer the area/s which can be changed with and without documentation.

#### **7. Bathroom Facilities, Change Rooms and Boarding Houses**

- 7.1. The arrangements for the use of bathroom 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.
- 7.2. The most appropriate bathroom, facilities and change rooms will be decided in consultation with the student and parent(s) / legal guardian, and documented in the School Management Plan.

- 7.3. The School has gender-neutral bathrooms that are available to any student who wishes to use them. However, there is no requirement to use a unisex or accessible toilet or changing room unless a student makes an active choice to do so.
- 7.4. The most appropriate boarding facility will be determined in consultation with the student and parent(s) / legal guardian, based on the student's gender identity and where the student would feel most comfortable to live. If not already available, the School will endeavour to make reasonable adjustments necessary to accommodate the student.

**8. Uniforms**

- 8.1. Students may wear the appropriate uniform that matches the gender identity of the student.

**9. External School Sports and Physical Education Classes**

- 9.1. The School is a member of the Catholic All Schools (CAS) and the (Victorian Secondary Schools Sports Association (VSSSA) The VSSSA has a Sport Inclusion Strategy, which supports the rights of all students to access the same opportunities to school sport as their peers. The CAS and VSSSA works with the School and other school sports stakeholders to ensure, where possible, opportunities are provided for all students to participate in sports programs.
- 9.2. Health and Physical Education lessons at the School are conducted on a mixed gender basis.

**10. Community Adjustment**

- 10.1. Where the student changing gender identity is an existing student at the School, School community members who knew the student before may need:
  - 10.1.1. support from the School / parent(s) / legal guardians;
  - 10.1.2. further information on gender identity; or
  - 10.1.3. to discuss issues in general with a senior school employee (such as the Director - Students or Deputy Principal).
- 10.2. Adjustments typically include:
  - 10.2.1. use of the student's new name;
  - 10.2.2. adjusting to a change in use of facilities (for example, bathrooms, change rooms); and
  - 10.2.3. using forms of address appropriate to the student's preferred gender identity.

**11. Parental Consent**

- 11.1. Circumstances may arise in which a student wishes to change their gender identity without the consent of their parents.
- 11.2. If no agreement can be reached between the student and their parent(s) / legal guardian regarding the student's gender identity, 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 themselves without parental consent.
- 11.3. Consideration needs to be given to the student's ability to understand the consequences that might flow from the original decision.
- 11.4. In consultation with the student, the School may seek assistance from the School counsellor so that the School can be satisfied that the student has sufficient maturity and understanding to make the relevant decision.

**GOVERNANCE**

Supporting procedures	Nil
Supporting schedules	Nil

Associated policies	Equal Opportunity and Valuing Diversity Policy Child Safety and Wellbeing Policy Inclusion Policy
Related Legislation	Victorian Equal Opportunity Act 2010 (Vic) Sex Discrimination Act 1984 (Cth).
Category	Student Health, Safety, Wellbeing and Engagement
Approval	School Leadership Team 28.02.2024
Endorsement	Principal 27.02.2024
Policy Owner	Compliance and Risk Manager
Date Effective	05.03.2024
Review Date	(5 years from effective date) This policy is to be kept for five(5) years until review, unless there is a significant legislative or organisational change requiring earlier review. The master copy is kept in Knowledge Banks in read-only in PDF form. All printed copies are uncontrolled.
Version	1.1
Content Enquiries	eguthrie@monivae.vic.edu.au

#### VERSION CONTROL

Version #	Date	Changes Made
1.0	22.06.2022	Initial release
1.1	28.02.2024	Change of Policy title from Inclusivity Policy to Gender Diversity Policy Updates to language and terminology Addition of requirements for legal change of name or sex.