

## Gender Identity Policy

### Purpose

To ensure Kerrimuir Primary 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 (Commonwealth)*. Kerrimuir Primary School will provide an inclusive and safe environment for their school community, including Lesbian, Bisexual, Gay, Transgender and Intersex (LGBTI) students, families and teachers. This commitment recognises that creating a safe and inclusive environment is key to tackling bullying, discrimination and harassment at schools.

### At Kerrimuir Primary School:

- We will support and respect a student's choice to identify as their desired gender when this does not align with their designated sex at birth
- The principal will 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
- May request a letter from a gender identity specialist to support them in developing the plan. This letter is not a conditional requirement for our school in providing support to the student, but it may help to ensure that we can adequately discharge our duty of care to a student by planning appropriately. (*Gender identity specialists are available through Royal Children's Hospital and Monash Medical Centre.*)

For more information see: Information Privacy

<http://www.education.vic.gov.au/school/principals/spag/governance/Pages/privacy.aspx>

### 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:

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, non-binary, transgender and gender diverse. The SD Act does not use these labels; however it is intended to cover these identities and more.



## **Intersex status:**

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*

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:**

### **Principals 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

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

The principal, with the student and parents/guardians (and if appropriate, with the student's health and wellbeing professionals), creates 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 should:

- 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 <http://www.education.vic.gov.au/school/principals/spag/health/Pages/genderidentity.aspx#de ptresources>
- 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 principal. Do not assume 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 should be made locally and documented in the school management plan. Careful consideration should be given to the use of facilities that are appropriate to the student's preferred or chosen gender. **Note:** Regular use of disabled toilets by a student without disabilities can draw attention to the student and are not appropriate for these purposes.

## 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 (where appropriate).
2	Update school records and documentation with the new name and sex or identification as outlined by students and their families, including enrolment documentation. See: Enrolment at <a href="http://www.education.vic.gov.au/school/principals/spag/participation/Pages/enrolment.aspx">http://www.education.vic.gov.au/school/principals/spag/participation/Pages/enrolment.aspx</a>
3	Parents/guardians or the student provide the new birth certificate when it becomes available (where appropriate).

## RELATED POLICIES AND RESOURCES

### Related policies:

- Enrolment
- Privacy
- Anti harassment
- Bullying prevention
- Inclusion and diversity

**Related legislation:**

- *Victorian Equal Opportunity Act 2010 (Vic)*
- *Sex Discrimination Act 1984 (Cth)*

**Department resources:**

- Sexuality education for parents
- Safe Schools
- For teachers: a copy of SSAFE Gender Identity Issues (2007), see: Prevention and support
- For principals: links to government and school-based support documents for principals and leaders when engaging in sexuality education, see: For principals
- For contact details for regional student wellbeing managers, see: Regions

**Other resources:**

For more information see:

- GQ: Gender Questioning (2006)
- The legal recognition of sex in documents and government records – Concluding paper of the sex and gender diversity project (2009) Transgender Victoria
- *Last Update: 08 May 2017*  
<http://www.education.vic.gov.au/school/principals/spaq/health/Pages/genderidentity.aspx>

**REVIEW PERIOD**

This policy was created in May 2020 and is scheduled for review in May 2022