

# BALLARAT HIGH SCHOOL

## GENDER IDENTITY POLICY



### PURPOSE OF THIS POLICY

To ensure schools 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).

### POLICY

- Ballarat High School 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
- Ballarat High School will 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
- 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 Ballarat Community Health.

### 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 transgender, gender diverse or as the individual identifies. 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.

## **STUDENT SUPPORT PLAN**

A Student Support Group (SSG) will be coordinated which may include the student, a parent / guardian, Team Leader or other key support staff, a member of the welfare team.

The SSG will meet and create a Student support plan.

Those involved in creating a school management plan 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, creates a student support plan that ensures the school responds to the student's needs and addresses any facilities and privacy issues.

The student support plan should:

- cater to the student's gender identity including names and pronouns (all name requests will be recorded under 'preferred name')
- reflect this policy
- take a common sense approach
- be continually developed over time to allow opportunity for trialling 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
- agree to arrangements in relation to toilet facilities

- agree to arrangement in relation to uniform
- 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.

### **COMMUNITY ADJUSTMENT**

Ballarat High School community members who knew the student changing identity before may need:

- support
- further information on gender identity
- to discuss issues in general with a staff member.

### **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 Support 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.

The decision making responsibilities policy for students addresses situations in which students, though under the age of 18 years, may be sufficiently mature to make their own decisions. For more information, see: [Decision Making Responsibilities for Students](#)

## **SCHOOL DOCUMENTATION**

For advice on changing school records and documentation, contact Legal Division on [legal.services@edumail.vic.gov.au](mailto:legal.services@edumail.vic.gov.au) or 03 9637 3146.

## **RELATED POLICIES**

- [Decision Making Responsibilities for Students](#)
- [Enrolment](#)
- [Information Privacy](#)

## **RELATED LEGISLATION**

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

## **DEPARTMENT RESOURCES**

- [Safe Schools](#)

## **POLICY REVIEW AND APPROVAL**

Policy last reviewed	June 2022
Approved by	Principal
Next scheduled review date	June 2026