

Alice Miller School

Student Identity and Gender Policy

- Alice Miller, which includes Candlebark, supports and respects a student's right to express their gender identity whether or not this aligns with their designated sex at birth, if indeed a gender identity was assigned at birth.
- The Principal and Head of Campus will endeavour to protect a student's privacy and confidentiality in relation to gender identity and intersex status but there may be circumstances where this is not possible.
- The student and a family representative/guardian will be included where possible in the formulation of a school management plan. Students may however limit the amount of involvement by other members of the family or by guardians (see below)
- A letter from a gender identity specialist may be requested by the school to support the development of a school management plan. This letter is not a conditional requirement, but it may help to ensure that we can plan appropriately.

Gender Identity and Intersex Status: Definitions

Gender identity has the potential for discriminatory and unfair treatment. Below are the definitions of 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 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

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. 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

In formulating a school management plan, Alice Miller will work with the student and, where possible, their parents/guardian to identify the ways in which the school may be able to provide support. The purpose of the school management plan is to ensure that the school responds to the student's needs, and addresses any facilities and privacy issues.

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

The school management plan may include or address the following:

- it will cater to the student's gender identity
- reflect the terms of this policy
- be developed 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
- 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
- determine whether other staff members need to be advised to support or teach the student (the school's normal position is that staff members should be advised, so that they can treat the student with appropriate sensitivity)
- identify processes to:
 - support, guide and monitor the student's progress
 - review the plan
 - address potential school community concerns
 - manage unforeseen circumstances

The management plan should not be seen as "set in stone", but should be regarded as a respected guide.

Toilet Facilities and Change Rooms

Careful consideration is given to the use of facilities that are appropriate to the student's preferred or chosen gender. There is a wide range of "unisex" facilities spread across both campuses.

Community Adjustment

Where the student changing gender identity is an existing student at Alice Miller or Candlebark, community members who knew the student before may need:

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

Adjustments typically include:

- use of a student's new name
- using forms of address appropriate to the student's preferred gender identity, including appropriate changes to pronouns used.

Parental Consent

Circumstances may arise in which a student wishes to change their gender identity without the consent of their parents.

If no agreement can be reached between the student and their parents/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 without parental consent. Consideration needs to be given to the student's ability to understand the consequences that might flow from the relevant decision. The school may require such external evidence or approvals it considers necessary to be satisfied that the student has sufficient maturity and understanding to make the relevant decision.

Related Legislation

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

Implemented March 2018
Revised January 2019
Next Revision: March 2020