

# Tamborine Mountain State High School



# Gender Identity Policy 2023

# GENDER IDENTITY POLICY

Tamborine Mountain State High School is committed to providing all students with access to quality schooling that is free from discrimination based on gender, language, sexual orientation, culture, ethnicity, religion, health, disability or socioeconomic background.

As a school community we value, celebrate and respond to diversity. It is underpinned by respectful and collaborative relationships with parents and communities through a transparent policy communication, learning partnerships, participation and consultative decisions making.

## Purpose

- To ensure the school supports students' gender identity, including those with intersex status, in line with both the Queensland Anti-discrimination Act 1991 and Sex Discrimination Act 1984 as well as the Queensland Department of Education's Safe Schools Policy.
- To respond constructively to the needs of educationally disadvantaged/marginalised students.
- To view difference as a resource to support learning.
- To ensure that all school community members feel safe and free from discrimination, bias and harassment.
- To promote locally negotiated responses to student, family and community needs through effective community engagement processes and cross-agency collaboration.
- To ensure all students are provided with equal opportunities to reach their potential, irrespective of sex, gender, gender variance or expectations about gender.

## Policy

- Children are entitled to respect and to flourish regardless of gender. It is unlawful to discriminate against a person on the basis of sex, gender or gender-identity.
- Tamborine Mountain State High School (TMSHS) 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.
- TMSHS staff will respect the privacy/confidentiality in relation to gender identity and intersex status.

## Implementation

- The young person and a family representative/carer will be invited to be part of the formulation of a school management plan.
- A letter from a gender identity specialist may be requested by TMSHS staff to support the development of a plan. This letter is not a conditional requirement for TMSHS to provide support to the student, but it may help to ensure that our duty to care is adequately discharged.
- TMSHS works to ensure all students receive respect and equal opportunities to succeed.
- Learning and teaching programs are inclusive and enhance the capacity of gender diverse students to participate in all aspects of schooling.
- Professional development provided for staff on topics including gender-equity and gender identity.

- Students are encouraged to express and celebrate their individuality, whether or not it conforms to gender stereotypes.
- Inclusive and non-sexist language is used within the school.
- Students will be supported in their choice of personal pronoun in school records and everyday usage.
- Respond to students or parents/caregivers who identify a need, such as counselling support.
- TMSHS supports the right of each child to dress in accordance with their gender identity. The student dress code provides all students with safe and comfortable uniforms with unisex options.
- TMSHS acts on any identified incidents of discrimination, harassment or bullying, including gender-based bullying.

## **Management Plan**

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

A mentor of the Administration, with the student and the parents/caregivers will create a management plan that ensures the school responds to the student's needs and addresses any facilities and privacy issues.

The plan will:-

- reflect this policy;
- cater to the student's gender identity;
- take a common sense approach;
- 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 implementing a Student Support Group to support, guide and monitor the student's progress;
- agree to arrangements in relation to toilet facilities/uniform/sports activity groups/bag searches;
- 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 Support Leader (SSL); Guidance Officer (GO); Clinical Social Worker, Mental Health Clinician, Chaplain or School Based Youth Health Nurse need to be advised to support the student;
- seek agreement as to which staff members will 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.

## Toilet Facilities

The arrangements for the use of these facilities will be discussed. Access to the disabled facilities are offered (only) which in turn, assures privacy for the school cohort and individual student.

## Community adjustment

In situations where a student changes gender identity, community members who knew the student previously may need:

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

Adjustments typically:

- occur as a matter of practice over time
- include use of:
  - a student's new name and pronoun use;
  - address appropriate to the preferred gender identity
  - relevant report card gender references

## Parental Consent

This 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 TMSHS to consider whether the student is a mature minor enabling the student to permissibly make decisions for themselves without parental consent.

The School Administration 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 Administration and a written record should be kept regarding the decision, including consideration of whether the student understands the consequences that might flow from the decision.

Should the Administration consider that the student is a mature minor, it may not be appropriate for the student's family representative/carer to be invited to participate in formulating the management plan.

## School Documentation

Stage	Description
1.	School documentation can not be formally changed until the birth certificate is changed and submitted.
2.	Update school records and documentation with the new name and sex, including enrolment documentation with a notification that birth certificate is not formally changed.
3.	Parents/caregivers or the student provide the new birth certificate when it

	becomes available.
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## **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'.

By this definition, the Sex Discrimination 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, transgender and gender diverse. The Sex Discrimination Act does not use these labels; however it is intended to cover these identities and more.

### **Intersex status**

Intersex Status is defined by the Sex Discrimination 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.

### **Departmental Resources**

Queensland Anti-discrimination Act 1991.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/A/AntiDiscrimA91.pdf>

Sex Discrimination Act 1984

<https://www.legislation.gov.au/Details/C2014C00002>

Safe Schools

<https://www.education.gov.au/safe-schools-coalition-australia>

National Safe Schools Framework

[https://www.education.gov.au/national-safe-schools-framework-0Safe Schools](https://www.education.gov.au/national-safe-schools-framework-0Safe%20Schools)