

STUDENT GENDER IDENTITY POLICY

PURPOSE

Melbourne Montessori School aims to provide a welcoming, supportive, emotionally and physically secure learning and working environment for every member of the School community. It recognises and values the diversity of culture, beliefs, practices, customs, physical and intellectual abilities and life experience of the whole School community.

The purpose of this policy is to ensure that Melbourne Montessori School supports the gender identity of each student, including those with intersex status, in accordance with both the Equal Opportunity Act 2010 (Vic) and the Sex Discrimination Act 1984 (Cth).

OUR COMMITMENT

Melbourne Montessori School aims to create an inclusive school culture that fosters acceptance and respect for diversity. In doing so, we seek to deepen understanding and knowledge, promote student and Staff wellbeing and help everyone achieve their full potential. The School is enriched by and celebrates the diversity of our whole School community.

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.

The Principal 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 invited to be part of the formulation of a School Management Plan¹.

A letter from a 'gender identity specialist' may be requested by Melbourne Montessori School to support the School in developing the School Management Plan. This letter is not a conditional requirement for provision of support to the student, but it may help to ensure that the School can adequately discharge its duty of care to the student by planning 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 as 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, transgender and gender

¹Victorian Department of Education and Training, Gender Identity (5 July 2019)
<<https://www.education.vic.gov.au/school/OrinciDals/spaq/health/Pages/genderidentity.aspx>>. Accessed 16 July 2019.

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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 nor 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 (Student Support Plan)

In formulating a School Management Plan, Melbourne Montessori School will work with the student and their parents/guardians 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:

- a. it will cater to the student's gender identity
- b. reflect the terms of this policy
- c. be developed to allow time for trialling and opportunity for adjustments to occur
- d. consider the best timing to undertake any change of gender identity, such as term break
- e. agree to arrangements in relation to toilet facilities and uniform (if appropriate)
- f. 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
- g. determine whether other staff members, such as School Nurse, Physical Education teacher and relevant Pastoral Staff, need to be advised to support or teach the student
- h. identify processes to:
 - i support, guide and monitor the student's progress
 - ii review the Plan
 - iii address potential School community concerns
 - iv manage unforeseen circumstances

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TOILET FACILITIES AND CHANGE ROOMS

The arrangements for the use of toilet 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.

Where the student is involved in the School's Outdoor Education the School Management Plan will need to document any arrangements that may be relevant to the program.

COMMUNITY ADJUSTMENT

Where the student changing gender identity is an existing student at Melbourne Montessori School, community members who knew the student before may need:

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

Adjustments typically include:

- a. use of a student's new name
- b. using forms of address appropriate to the student's preferred gender identity

PARENT 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/guardians 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. 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 COLLEGE DOCUMENTS

Child Safety and Wellbeing Policy
Child Safe Code of Conduct
Equal Opportunity Policy
Student Bullying and Harassment Policy

RELATED LEGISLATION

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