

# Gender Identity Policy and Guidelines

## July 2022

### Summary

This policy applies to Community Language Schools SA and all member schools.

**Table 1: Document Details**

<b>Policy Number</b>	<b>ES41</b>
<b>Related Policies</b>	ES01: Child Safe Environments Policy and Procedures ES02: Risk Management Policy ES03: Teaching Staff Recruitment Policy and Procedures ES05: School Personnel Code of Conduct Policy ES06: Student Code of Conduct Policy ES07: Enrolment Procedures and Policy ES07A: Student Online Enrolment Form ES07B: General Student Health Support Form ES07C Trial Lesson Enrolment Form ES11: Communication Policy and Guidelines ES15: Sexual Misconduct Policy and Guidelines ES16: Adult Students attending Community Language Schools Policy ES20: Data and Information Policy and Guidelines ES35: Behaviour Support Policy and Procedures ES38: Bullying and Harassment Policy and Procedures ES39: Cyber-Safety Policy and Guidelines ES42: Student Personal Care Policy and Procedures
<b>Version</b>	1.2
<b>Created by</b>	CLSSA Policy Officer
<b>Reviewed by</b>	CLSSA Executive Officer
<b>Applies to</b>	All Community Language Schools
<b>Key Words</b>	Transgender/transsexual; Intersex; Queer/questioning; Gender identity; Gender transition; Gender affirmation; Sexual orientation; LGBTIQ; <i>Privacy Act 1988</i>
<b>Status</b>	Approved
<b>Approved By</b>	CLSSA Board <i>(Administrative updates approved by Executive Officer)</i>
<b>Approval Date</b>	July 2022
<b>Review Date</b>	December 2023
<b>Notes</b>	Version 1.2- Administrative and specific content updates

**Table 2: Revision Record**

Date	Version	Revision Description
30 <sup>th</sup> June 2019	1.0	New policy developed
18 <sup>th</sup> January 2021	1.0	<ul style="list-style-type: none"> <li>Added Policies to Related Policies (Table 1)</li> </ul>
December 2021	1.1	<ul style="list-style-type: none"> <li>Changed name from Gender Identity Policy to Gender Identity Policy and Guidelines</li> <li>Added Policies to Related Policies (Table 1)</li> <li>Added content in 'Confidentially and Privacy'</li> </ul>
July 2022	1.2	<ul style="list-style-type: none"> <li>Added <b>ES15</b> to 'Related Policies'</li> <li>Added references to <b>ES01</b> in 'Policy'</li> <li>Changed content in 'Enrolment Records and Student Records'</li> </ul>

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## Gender Identity Policy and Guidelines

### Introduction

Students who identify as Lesbian, Gay, Bi-sexual, Transgender/Transsexual, Intersex and Queer/Questioning (LGBTIQ) face a range of significant challenges. Community Language Schools acknowledges that students attending the school come from diverse backgrounds sharing the same language and culture. One thing that connects and builds communities is the use of inclusive language. Language is inclusive when people use words in ways that demonstrate respect for how people describe their own genders, bodies and relationships. It is important to show this respect even when we are describing people who are not present. Disrespectful language can make it difficult for people to participate fully or exclude people in Community Language Schools' activities and events.

This policy is based on information from The Department of Education and Child Development: Transgender and Intersex Student Support; and The National LGBTIQ Health Alliance: Health Information Sheet. Definitions used in this policy are sourced from The Australian Human Rights Commission.

### Definitions:

**Gender:** refers to the way in which a person identifies or expresses their masculine or feminine characteristics. A person's gender identity or gender expression is not always exclusively male or female and may or may not correspond to their sex.

**Gender expression:** refers to the way in which a person externally expresses their gender or how they are perceived by others.

**Gender identity:** refers to a person's deeply held internal and individual sense of gender.

**Intersex:** refers to people who are born with genetic, hormonal or physical sex characteristics that are not typically 'male' or 'female'. Intersex people have a diversity of bodies and identities.

**LGBTIQ:** is an acronym which is used to describe lesbian, gay, bisexual, transgender/transsexual, intersex and queer/questioning people collectively. Many subgroups form part of the broader LGBTIQ community.

**Sexual orientation:** refers to a person's emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.

**Transgender/ Transsexual (Trans):** is a general term for a person whose gender identity is different to their sex at birth. A trans person may take steps to live permanently in their nominated sex with or without medical treatment.

**Queer/Questioning:** Queer is used as an open label for a person who is considered to have a very fluid sexuality. Questioning is someone who hasn't yet figured themselves out.

## Policy

Any students attending a Community Language Schools who undergoes gender transition or express their intention to affirm a gender at school will be provided with the necessary assistance and support. If a transgender student requests to transition or affirm gender identity at school, the principal will initiate a meeting with the student and their parent/carer/family, to identify their wellbeing needs, concerns and school support processes. In instances where one or both parents/guardian do not support or oppose the young person's decision to affirm their identity the school must assess the best interests of the child to ensure their physical and psychological safety and wellbeing.

LGBTIQ refers to six distinct and sometimes overlapping communities. Community Language Schools acknowledges that there are a disproportionate number of students from the LGBTIQ communities that experience mental health, wellbeing and social issues. Community Language Schools have adopted the following procedures to ensure students are supported at time of enrolment, transitioning gender, accessing school facilities and will ensure the privacy and confidentiality of all students. The following sections of this policy outline the procedures that Community Language Schools will adopt.

Community Language Schools are to implement this policy with reference to **ES01**: Child Safe Environments Policy and Procedures.

### Use of Pronouns

A transgender student should be asked their preferred first name and pronoun. Pronouns may include, but are not limited to, she/her, he/him, they/their. The preferred name should be recorded as part of the school management procedure and be used by school personnel and students regardless of enrolment information.

The **ES38**: Bullying and Harassment Policy and Procedures, **ES39**: Cyber-Bullying Policy and Guidelines and **ES35**: Behaviour Management Policy and Procedures will be implemented where members of the Community Language Schools' community deliberately or repeatedly use names or pronouns for students that are not appropriate or applicable.

### Enrolment Records and Student Records

Currently, for students under the age of 18 a request to change their enrolment name and gender identifier requires a signed consent of a parent/guardian (unless the student has been declared an independent student by Centrelink) with documentation that the change of name has been registered with Births Deaths and Marriages.

Informed decisions will be made regarding the student's capability and maturity and will consider advice from relevant health professionals supporting the student. Community Language Schools recognises that failure to agree to a request to change a child's first name to align with the child's gender identity or intersex status may breach the *Sex Discrimination Act* and *Equal Opportunity Act*

### **Confidentiality and Privacy**

Transgender and gender diverse students are entitled to the same confidentiality and privacy as any other student. The decision to disclose gender identity is an individual matter and will be treated respectfully by all members of Community Language Schools, and in accordance with confidentiality and privacy requirements. Disclosure to other students, school personnel, families or other third parties without informed consent may violate Privacy Act 1988 (refer to **ES20**: Data and Information Policy). As for all students, school personnel must adhere to their mandatory reporting obligations if they suspect on reasonable grounds that a child has been abused or neglected. Refer to **ES01**: Child Safe Environments Policy and Procedures for more details.

### **School Facilities**

Community Language Schools will consult with all transgender and gender diverse students to discuss options available and to ensure the safety and wellbeing of all students. Access to toilets/change room facilities; pray rooms, and other school facilities will be made prior to the student commencing studies. Alternative, short-term solutions may be required and could include using school personnel or disability facilities. It is not appropriate to insist that any student, including a transgender student, use this toilet if they are not comfortable doing so. The agreed decisions about the use of facilities must be documented on the student file, followed and reviewed at least annually and at major transition points. Community Language Schools acknowledge that failure to provide transgender or gender diverse students will access to appropriate toilet and change facilities may breach anti-discrimination legislation and will do its utmost to ensure appropriate access to facilities.

### **Responsibilities**

*It is the responsibility of the School Administrator and/or Principal to:*

- Provide appropriate support is provided for transgender and intersex students to affirm their gender identity as outlined in this procedure
- Incidents of homophobic, transphobic and biphobic bullying, harassment and discrimination are recorded
- Ensure all volunteers act in accordance with the procedures and obligations outlined in this policy

- Ensure Community Language Schools are an inclusive environment for intersex and gender diverse children, young people and families
- Adhere to the responsibilities outlined for school personnel.

*It is the responsibility of school personnel in:*

- Complying with this policy and always modelling appropriate and professional conduct
- Using the student's preferred name and pronoun
- Ensuring privacy and confidentiality of a student's disclosed gender identity
- Responding to and challenging all forms of homophobic, transphobic and bi-phobic behaviour and language
- Promoting the use of inclusive language.

## **References and Other Documentation**

- Australian Government: Department of Health and Aging. National LGBTI Health Alliance(July, 2013) Health Information Sheet - [Inclusive Language Guide: Respecting People of Intersex, Trans and Gender Diverse Experience - LGBTIQ+ Health Australia](#)
- Australian Human Rights Commission (2015); National Consultation Report – Resilient Individuals: Sexual Orientation, Gender Identity and Intersex Rights - [SOGII Rights Report 2015 Web Version.pdf \(humanrights.gov.au\)](#)
- Department for Education: Guidelines for Supporting Sexual and Gender Diversity in Schools and Colleges - [Supporting Sexual and Gender Diversity in Schools and Colleges Guidelines \(education.tas.gov.au\)](#)