



# Guideline/Procedure

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## Inclusion of students who identify as gender diverse and/or intersex

### Purpose

Catholic Education Services Cairns is committed to providing all students with access to high-quality schooling that is free from discrimination based on gender and sex. We support the rights of all students and are devoted to ensuring their safety and wellbeing. We are committed to enabling all students to have the freedom to be themselves in a safe and supportive environment.

This document is intended to provide context and guidance to school communities who are supporting students who are taking steps to affirm their gender identity at school. These guidelines aim to help schools to develop processes that positively and appropriately support students and their families in a manner that is both legally compliant and consistent with the inclusive values of the Catholic faith.

The purpose of this guideline is:

- to promote an educational environment that is welcoming, safe and free from discrimination and stigma for all students, regardless of sex, gender identity and gender expression;
- to ensure that all students have the opportunity to express themselves and live authentically;
- to enable compliance with legislation concerning discrimination, bullying, harassment and privacy.

For purpose of this guideline, the following definitions will apply:

**Gender** is part of how a person understands themselves. A person's gender does not necessarily mean that they have particular sex characteristics.

**Sex** refers to a person's biological and hormonal sex characteristics. Sex is different from gender.

**Intersex** refers to a person who is born with variations in their biology that are different from traditional medical ideas of male and female sex characteristics. While some intersex people identify as the gender they were raised as, others may identify as transgender or gender diverse.

**Gender identity** means a person's understanding of themselves as male or female, both, or neither. It affects how they perceive themselves, and what they call themselves. Gender identity can be a fixed and unchanging characteristic for some, however it can also be fluid or evolving for others.

Note: For the purpose of unlawful discrimination, gender identity under the Anti-Discrimination Act 1991 (Qld) is defined in relation to a person who;

- *identifies, or has identified, as a member of the opposite sex by living or seeking to live as a member of that sex;*
- *or is of indeterminate sex and seeks to live as a member of a particular sex.*

Just to be clear, the definition is based on self-identification rather than legal paperwork including identification documents.

**Gender expression** is the way in which a person communicates their gender identity to others through behaviour, clothing, appearance, voice, and other forms of presentation.

**Gender diverse** refers to people who do not prescribe to binary roles or normative standards of expressing gender. Other identifications that may be used are gender fluid, gender questioning, or genderqueer.

**Gender fluid** means that a person's gender identity is not fixed. Some gender fluid people feel very masculine on some days, and feminine on others, while some live free from definition entirely.

**Non-binary** is used to describe genders that do not fall into binary definitions of male or female.

Affirming gender means affirming the gender that matches a person's gender identity. For example, if a person was assigned male at birth and identifies as female, the person affirms their gender as female.

**Cisgender** is a term used to describe people whose gender is the same as that assigned to them at birth. 'Cis' is a Latin term meaning 'on the same side as'.

**Gender dysphoria** is a recognised medical condition in which a person's sex assigned at birth does not match their gender identity or expression, resulting in impaired functioning in daily life. One treatment for gender dysphoria is for the person to undergo a transition. Not all trans and gender diverse people have gender dysphoria and of those who have dysphoria, for many it ceases with access to gender affirming health care.

**Transgender (or trans)** means that a person does not identify with the sex assigned at birth.

**Transitioning** is the process by which a person changes aspects of themselves to better match their gender identity. A **medical transition** is the process by which a person changes their physical sex characteristics via hormonal intervention and/or surgery to more closely align with their gender identity.

A **social transition** is the process of making others aware of one's gender identity, changing name and pronoun in social settings, and changing gender expression.

## Application

This guideline will be used by CES and all schools in the Diocese of Cairns.

In supporting students who identify as gender diverse and/or intersex in our schools, Catholic Education will be aware of both our legal obligations under anti-discrimination legislation as well as the established principles, protocols and practices that are authentic to the Catholic faith and their expression in our schools.

Students who identify as intersex or diverse in gender are thus to be supported in appropriate ways as determined in consultation between the school, the child, parents/carers, and other stakeholders where appropriate. This approach follows the usual processes and protocols regarding support for students with additional needs. In engaging with the needs of gender diverse students, our schools will seek opportunities for the school community to grow in knowledge, understanding and acceptance.

### Legal obligations

According to relevant legislation, it is a requirement for schools to ensure that no discrimination occurs on the basis of sexual orientation, gender identity and intersex status. It is also a requirement for schools to ensure that students rights to privacy are maintained. According to privacy laws, a person's gender identity is private and consent must be given by the student to disclose or share information. Information about a student's gender status, legal name or gender assigned at birth constitutes confidential medical information. Legal advice must be obtained through CES before sharing without consent.

- *Anti-Discrimination Act (QLD) 1991*
- *Sex Discrimination Act (Cth) 1984*
- *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act (Cth).*
- *Information Privacy Act (QLD) 2009*

## Faith perspectives

As Catholics we believe that each individual person is made in the image and likeness of God and because of this has inherent dignity (CCC par 1700). All lives hold this inherent dignity regardless of sex, gender, race, political ideals, or economic status (Universal Declaration of Human Rights, 1948). As Catholics we seek to not only uphold this dignity for members of our school communities, and to help each student to discover their own inherent worth and value. This guides our approach to gender diverse and intersex students. It is core to our value in upholding their inherent dignity that a safe and understanding environment, free from discrimination, is maintained in our school communities.

We also seek to live our lives in the way of Jesus. Jesus made all welcome in his community and it is our job to do the same.

With these foundational Christian principles in mind, we work towards achieving schools that are inclusive of all and which cater for diversity in all its forms. "In its ecclesial dimension another characteristic of the Catholic school has at its root: it is a school for all..." (Congregation for Catholic Education, 1997, para 15).

## What the research says

Available research highlights that schools have an important part to play in ensuring the safety and wellbeing of gender diverse and intersex students. Trans Pathways (2017), the largest Australian national study into the experiences of transgender students, identified that mental health issues are common in the gender diverse population. Of the 859 transgender students who participated in the study, at some point in their life:

- 74.6% had been diagnosed with depression
- 72.2% had been diagnosed with anxiety
- 25.1% had been diagnosed with post-traumatic stress disorder
- 22.7% had been diagnosed with an eating disorder
- 79.7% had self-harmed
- 48.1% had attempted suicide

The Trans Pathways study also found that factors associated with schooling were major drivers of mental health problems in gender diverse students. Specifically, the transgender students who participated in the study reported that the following were drivers of their mental health problems:

- 89% reported peer rejection
- 78.9% reported issues with school, university, or TAFE
- 74% reported bullying
- 68.9% reported discrimination

## Guideline or Procedure

Students who wish to transition or affirm their gender while at school will work with the principal, parents/carers where possible, and other relevant staff to customise their own individual transition plan. This will include timeframes of the transition, their name and pronouns, uniforms, outdoor education and sport arrangements, and considerations on toilet and change room use (see below for further details). There is no medical or mental health diagnosis or treatment threshold that students must meet to have their gender identity respected and recognised.

### Key stakeholders

The principal will consult with the director student wellbeing and diversity to identify key stakeholders and establish a communication strategy to ensure ongoing dialogue and consultation. The goal of consultation with key stakeholders is to achieve a successful and supportive result for the student concerned.

Essential stakeholders would include:

- The principal
- The student
- Parents/carers of the student

Other key stakeholders could include the following:

- School counsellor

- Other appropriate school staff
- CES Professional Staff, Student Wellbeing and Diversity
- External allied or medical health staff
- Parish Priest and/or Bishop

Dialogue and consultation with key stakeholders should be guided by the following:

- Supporting student wellbeing is the priority
- Ensure respectful arrangements are made that consider the needs of all students
- Establishing clear timeframes
- Implement strategies to ensure the student is not discriminated against, either directly or indirectly
- Maintain privacy and confidentiality of student information, including information about education adjustments (consider who and what information needs to be known about the student)
- Ensure consent is obtained, as required, if student information needs to be shared
- Discuss with students/carers any considerations regarding the sharing of information (including self-disclosure)
- School community is aware of the legislative and organisational obligations required to maintain a safe and inclusive school environment

(QLD Department of Education, Training and Employment)

## **Key considerations**

### **Student name**

Respecting a young person's request to change their name and pronoun is an essential part of validating and supporting their identity. Students may refer to themselves by a name of their choosing. School staff are required to use the name, personal pronouns and preferred gender when requested by the student.

### **Toilet and change room use**

The use of toilets and changing rooms by students will be assessed on a case-by-case basis in discussion with the individual student. This will be discussed with the principal and ideally school counselling staff, with the goal being to maximise social integration, minimise stigmatisation and ensure safety and comfort. The options available to the student are; they may use the unisex toilets available around the school, or the student will use the toilet of the gender that they identify with. Considerations will be made that best suit the student in supporting them to feel safe and comfortable when at school.

### **School uniform**

All students have the right to dress in a manner consistent with their gender identity and expression. Students are therefore permitted to wear the uniform of their choosing. The same uniform standards and guidelines apply to all students and it is an expectation that they will adhere to all uniform dress codes.

### **Curriculum**

All curriculum is facilitated in a manner that promotes inclusivity. When developing and delivering curriculum around gender, relationships and sexuality, teachers should avoid making generalisations and assumptions about sexuality or gender identity. Teachers will promote inclusivity, acceptance and care for all.

### **Outdoor education program**

When determining school camp arrangements, students will consult with relevant staff to talk over their choices about the sleeping arrangements, toilets and change areas. Whenever possible, students should be able to sleep in accommodation appropriate to their gender identity. Some students who identify as gender diverse or intersex may not feel comfortable doing this and in such cases alternative sleeping arrangements will be made. When participating in physical activities on outdoor education days and camps, the student will negotiate with the staff about what degree of participation is appropriate. Activities that cause a great degree of discomfort will be discussed and alternative arrangements will be made if it is appropriate. Risk assessments can be carried out prior to outdoor education days in order to make any reasonable adjustments which will enable participation for the individual student.

### **Physical education and sport**

All students have a right to participate in sporting activities. Physical education teachers are used to differentiating their lessons and taking into account the range of size, build and ability in the class to keep all students safe and so the same principles can be applied. These considerations should be discussed with individual students themselves and if appropriate, with their parents or carers. The type of sport, level of ability and physical contact rules will be considered when deciding what is appropriate. Wherever possible, when teams are segregated by gender, students should be enabled to participate in the activity which corresponds to their gender identity if this is what they request. However, for children over 12 years of age, restrictions on participations in sport may be imposed if the restriction is reasonable, having regard to the stamina, strength or physical requirements of the sport. If a student is taking medication to suppress pubertal development that impacts on differences in strength and stamina (e.g. blockade of testosterone) this should be taken into consideration when considering if a restriction is required. Swimming can be problematic for students identifying as a gender different from the physical development of their body. Flexibility may be required in either the swimming costume or participation in swimming. Refer to the Anti-Discrimination Act Section 111 Sport.

### **Counselling support**

Transitioning at school, or even developing a stronger understanding of one's gender identity, can be a very challenging time for students. All school counsellors working for Catholic Education Services Cairns are committed to providing support for all students in line with evidence based best practices. School counsellors are available to provide assistance to help make it a less difficult time for students who identify as gender diverse or intersex if needed. They can create support plans for the individual students during their time of transition. They can also provide referrals to outside agencies if required. Support can also be given to other members of the Catholic Education Services Cairns school communities who are directly or indirectly associated with the individual student. This includes parents, siblings, and, with consent to disclose identity, other students and staff members.

### **Parental collaboration**

The parents and carers of students who identify as gender diverse or intersex play a crucial role in establishing a safe and supportive school environment. Whenever possible, parents and carers will be key contributors to the formulation of a plan for helping their child be supported to learn free from discrimination at school. According to the Anti-Discrimination Act 1991 concerns regarding the views of the person's parents or carers or other members of the school community do not provide exemptions from the legal requirement to either directly or indirectly discriminate (treat differently) a person due to their gender identity.

### **Bullying, harassment and discrimination**

Catholic Education Services Cairns takes bullying, harassment and discrimination very seriously. We are committed to ensuring that all students have a safe school environment. Therefore, any complaint alleging discrimination, harassment and bullying based on a student's actual or perceived gender identity, and expression, will be taken very seriously. The incident of discrimination will be given immediate attention and appropriate action will be taken following the Bullying and Harassment policy.

### **Documentation and risk management**

When working with individual students, communications with parents, staff and external agencies will be documented and put with the confidential student notes. A risk management plan can also be completed to ensure that before, during and after transitioning, students will be supported in the best way possible.

### **Support for siblings**

Schools should make attempts to find out if this student has siblings or other family members at the school. Siblings of students who identify as gender diverse or intersex may require assistance in understanding their sibling's gender identity or factors associated with this. This could include, needing support in sharing this information with their own friends or dealing with peer rejection, bullying or social exclusion.

### **Provision of staff education**

Schools should take proactive steps to educate their staff by providing general training on discrimination and human rights, including gender equity, gender identity and supporting gender diverse students in the broad sense. Schools

should engage appropriate expert presenters to deliver training relating to gender identity and supporting gender diverse or intersex students. Such general professional development can be provided without the involvement or consent of gender diverse or intersex students. When a student has indicated that they will commence the transition process, schools must obtain explicit consent from the student to share with staff any content that refers to their personal experiences or specific arrangements. When a student who identifies as gender diverse or intersex has provided explicit consent, schools should attempt to provide information to staff prior to the start of the student's transition process, so that staff have a clear understanding of what their responsibilities are.

## Enquiries

Director Student Wellbeing & Diversity  
Manager Counselling & Psychology

## References

Congregation for Catholic Education (1997). *The Catholic School on the Threshold of the Third Millennium*. Sydney (2002): St Paul's Publications.

QLD Department of Education, Training and Employment – '*Diversity in Queensland Schools*'.

Queensland Human Rights Commission (2020). *Trans @School: a guide for schools, educators and families of trans and gender diverse children and students*.

Smith, E., Jones, T., Ward, R., Dixon, J., Mitchell, A. & Hillier, L. (2014). *From Blues to Rainbows: the mental health and well-being of gender diverse and transgender students in Australia*. Melbourne: La Trobe University Press.

Strauss, P., Cook, A., Winter, S., Watson, V., Wright Toussaint, D., Lin, A. (2017). *Trans Pathways: the mental health experiences and care pathways of trans students. Summary of results*. Telethon Kids Institute, Perth, Australia.

## See also (Related Policies and Guidelines)

- Inclusive Practices Policy
- Student Anti Bullying Policy