

HIGHVIEW COLLEGE
LGBTIQA+ SUPPORT POLICY
Responsible – Executive OPERATIONAL
(Ratified every four years)



Developed by	Principal	2021
Ratified	Board	2021
		2025

POLICY

The purpose of this policy is to ensure Highview College does not discriminate against Lesbian, Gay, Bisexual, Trans and gender diverse, Intersex, Queer, Asexual and questioning (LGBTIQA+) students.

SUMMARY

- It is unlawful under state and federal laws to discriminate against a person on the grounds of their sexual orientation, gender identity or intersex status.
- Highview College will take reasonable steps to eliminate discrimination on the basis of sex, gender and sexuality.
- Highview College will ensure that our policies, practices and activities are inclusive and take positive action to eliminate discrimination or harassment of students or staff on the basis of their sex, gender or sexuality.
- Highview College will work with students affirming their gender identity to prepare and implement a student support plan.

DETAILS

Schools must take reasonable steps to eliminate discrimination on the basis of sex, gender and sexuality. Highview College will support LGBTIQA+ students by:

- providing a positive, supportive and respectful environment
- respecting privacy and confidentiality in relation to all students and staff
- supporting students who want to affirm or transition gender identity at school
- challenging all forms of homophobia and transphobia to prevent discrimination and bullying
- giving proper consideration to the impact of any requirement to participate in school activities according to gender identity or an assumption of heterosexuality (for example, school formals, sports activities, camps)
- inviting the young person and a family representative/carer (where appropriate) to be part of the formulation of a school management plan

LEGAL CONSIDERATIONS

It is unlawful under state and federal laws to discriminate against a person on the grounds of their sexual orientation, gender identity or intersex status.

Anti-discrimination laws:

- require schools to take reasonable and proportionate measures to eliminate discrimination on the basis of sexual orientation, gender identity or intersex status, including by taking positive steps to promote an inclusive school environment for students and staff
- prohibit direct and indirect discrimination on the basis of sexual orientation, gender identity or intersex status.

Direct discrimination occurs when a person treats a person with a protected attribute (such as a gender identity, intersex status or sexual orientation) unfavourably because of that attribute. Direct discrimination may occur if the school denies or limits any access to any benefit provided by the school or subjects the student to any other detriment. For example, excluding a transgender student from using the toilet that matches their gender because of the sex they were assigned at birth, may limit or deny that student's access to the benefit.

Indirect discrimination occurs where a requirement, condition or practice is applied to all students equally but its application is likely to have the effect of disadvantaging students with a protected attribute (such as gender identity, intersex status or sexual orientation), and it is not reasonable. For example, it might be indirect discrimination for a school to apply a uniform policy with only 'male' and 'female' options to all students equally without regard to a student's gender identity. The result of that policy might be a student with a non-binary identity would be required to wear the uniform of their sex assigned at birth rather than their gender identity, and the requirement to do so is unreasonable.

DEFINITIONS

Lesbian

A woman who is romantically and/or sexually attracted to other women.

Gay

A person who is romantically and/or sexually attracted to people of the same sex and/or gender as themselves. This term is often used to describe men who are attracted to other men, but some women and gender diverse people may describe themselves as gay.

Bisexual

A person who is romantically and/or sexually attracted to people of their own gender and other genders.

Transgender

A person who's gender does not exclusively align with their sex assignment at birth.

Gender diversity

Gender diversity refers to a range of gender expressions and identities. This term includes those who may identify as transgender, gender diverse, gender-fluid, or who otherwise feel

that their gender identity does not align with the sex assigned to them at birth and/or society's expectations of gender.

Intersex

Intersex means the status of having physical, hormonal or genetic features that are:

- neither wholly female nor wholly male, or
- a combination of female and male, or
- neither female nor male

Being intersex is about biological variations, not about a person's gender identity. People with intersex variations share the same range of sexual orientation and gender identities as people with no intersex variations.

Queer

An umbrella term for diverse genders and sexualities.

Questioning

A person who is still exploring or questioning their gender identity or sexual orientation, or doesn't want to be locked into a label.

Gender identity

Gender identity is defined in legislation as meaning the gender-related identity, appearance, 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 assigned sex at birth.

Gender transition/affirmation

Gender transition/affirmation refers to the process whereby a transgender or gender diverse person socially and/or medically affirms their gender identity. There is no single moment of gender affirmation; it is an ongoing and individual process which may or may not involve medical support.

Sexual diversity

Sexual diversity refers to a diverse range of different sexualities, identities, and romantic or sexual attractions. This term includes those who may identify as same sex attracted, lesbian, gay, bisexual, queer and questioning or who may use other terms.

Sexual orientation

Sexual orientation is defined in legislation as meaning a person's sexual orientation towards:

- persons of the same sex or
- persons of a different sex or
- persons of the same sex and persons of a different sex

RELATED POLICIES

Harassment and Bullying Policy

Enrolment Policy

Code of Conduct

Grievance Resolution Policy

Privacy Policy

RELATED LEGISLATION

Victorian Equal Opportunity Act 2010 (Vic)

Sex Discrimination Act 1984 (Cth)

ADDITIONAL INFORMATION

Appendix A – Supporting Transgender and Transitioning Students

APPENDIX A - SUPPORTING TRANSGENDER AND TRANSITIONING STUDENTS

STUDENT SUPPORT PLANS

Highview College will work with students affirming their gender identity to prepare and implement a student support plan.

The plan will be developed in consultation with the student and their parents or carers (if appropriate), and will be reviewed periodically to ensure that it reflects the needs of the student at the different stages of their transition, and at the different stages of their education.

It is important that the student is at the centre of creating their own support plan, and consulted in all decision making. In preparing the plan, Highview College consider the following:

- catering to the students' affirmed gender identity
- that the support plan reflects this policy
- adopting a common sense approach
- developing the support plan over staggered sessions to allow time for trialling and opportunities for adjustments to occur
- the best timing to undertake a gender affirmation process, such as term break
- maintaining appropriate privacy and confidentiality — consider the privacy of the student, and only share information to those who have an appropriate reason to know. In consultation with the student and family (where appropriate), determine whether key staff members, such as the physical education teacher, need to be advised in order to effectively support or teach the student. Make a list of the names of staff members who know of the circumstances of the student being supported.
- using the student's preferred pronouns – if you do not know, just ask them. Using the wrong pronouns and names can be distressing to the student. The most commonly used gender-neutral pronoun is 'they/them/theirs'
- the use of toilets, showers and change rooms that meet the needs of the student. This should be based on the student's gender identity and whichever facilities they will feel most comfortable using.
- the appropriate uniform that reflects the gender identity of the student and meets the school's dress or uniform code.
- Including in the Support Plan a summary of what information staff members and other students need to know to best support the student.
- make plans to address potential community concerns, ensuring students' right to privacy is maintained.
- providing support to staff through professional learning
- providing staff briefings on the arrangements for the student (where appropriate)
- updating school policies to include support for transgender and gender diverse students and responses to transphobic bullying
- consider scheduling regular Student Support Groups to support, guide and monitor the student's progress

- Note: a letter from a gender identity specialist may be requested by the school to support them in developing the plan. This letter is not a conditional requirement for the school in providing support to the student, but it may help to ensure that schools can adequately discharge their duty of care to a student by planning appropriately. Gender identity specialists are available through Royal Children's Hospital and Monash Medical Centre.

SCHOOL SPORT

- Highview College will not exclude students from school sport based on gender identity
- However, for competitive sports it is lawful to 'restrict participation to either males or females if the restriction is reasonable having regard to the strength, stamina or physique requirements of the activity'

WHEN SHOULD FAMILY MEMBERS/GUARDIANS BE INVOLVED?

- When/if the parents reach out to the school, resources should be provided to them
- Care must be taken to only disclose information to the parents that has been consented to by the student

WHAT IF THE PARENTS ARE NOT SUPPORTIVE?

- The school should prioritise the child's wellbeing over the parents' wishes
- It might be appropriate for a psychologist to meet separately with the child and the parents
- Sometimes the parents and/or carers need more time to process the changes, and need the right support