

Gender Policy for the Care of Students

June 2023



Rationale

Student wellbeing at Our Lady of Mercy College (OLMC) is situated within the College's long-established commitment to the pastoral care of students. Authentic and effective pastoral care is intentionally directed to nurturing students' physical, emotional, intellectual, interpersonal and spiritual growth so that students 'may have life, and have it to the full' (John 10:10).

OLMC's Mission, Vision and Values emphasise the importance of demonstrating respect for the dignity of each person and of creating a hospitable environment where a sense of belonging for all is experienced. Other aspirations place emphasis on nurturing generosity of heart and a spirit of kindness; understanding others and responding to them in times of need; embracing life, recognising our strengths, limitations and possibilities; and living authentically, guided by the teachings of Jesus and the College values of justice, courage, compassion and joy.

OLMC is a Mercy faith community where the wellbeing of each student is paramount, regardless of their colour, appearance, sexuality, ability or disability, religious or cultural background.

At the heart of Catholic faith is the conviction that God is love and those who live in love live in God and God lives in them (Benedict XVI 2005, p. 1).

Catholics believe that every person is made in the image of God, and this belief expands our way of seeing the human person; we are all more than just one aspect of our identity and therefore no one can be reduced to a single label.

Drawing from Scripture and from the inaugural homily of his predecessor, Pope Francis offers the following beautiful reflection on the human person:

The Creator says to each one of us: 'Before I formed you in the womb, I knew you' (Jer1: 5). We were conceived in the heart of God, and for this reason 'each of us is the result of a thought of God. Each of us is willed, each of us is loved, each of us is necessary' (Francis 2016, p.65).

Within Catholic school communities, including OLMC, all children and young people are welcomed and supported to grow and flourish into the fullness of life. In valuing the innate dignity and sacredness of the human person, all interactions in Catholic schools are grounded in the principles of care, compassion and respect.

Catholic Education Melbourne Identity and Growth Catholic Foundation Statement

Principles

Responding to student needs- Individual case management

The way a school responds to students who are experiencing gender variance must be informed and guided by the mission of Jesus, who came 'that they may have life, and have it to the full'. Therefore, the school has a serious duty of care for each of its students, which it interprets in light of Jesus' own ministry. In all circumstances the school will endeavour to ensure that all parties act truthfully, charitably, with good will, and with absolute respect for the human dignity of all parties (Parkinson, 201, p.23).

In responding to the unique learning and support needs of who are experiencing gender variance and young people at OLMC, all decision making between the principal, Head of Student Wellbeing, parent/carers, child, gender medical experts, treating specialist/s and relevant governing authorities should be guided by the principles of:

- a. inclusion, respect and dignity for the human person
- b. collaboration and open, constructive and non-judgmental dialogue
- c. active listening and cooperation
- d. discernment, objectivity and fairness.

Catholic Education Melbourne Policy 2.31 Pastoral care for students experiencing who are experiencing gender variance

Procedural Considerations

Developing a school management plan: key considerations

Under state and federal laws, it is unlawful to discriminate against a person on the grounds of their gender, intersex status or sexual orientation. School communities are required to take reasonable and proportionate measures to eliminate bullying, harassment and discrimination. In actively promoting an inclusive school environment, the College must work with the child and their parents/carers, gender medical experts, other treating specialist/s and relevant governing authorities to develop a school management plan to support the pastoral and learning needs of the student.

The school management plan will be developed on a case-by-case basis by the Head of Student Wellbeing in collaboration with parents/carers and the child and will distinguish between the physical, social, emotional, cognitive and spiritual development of students and include the provision of or support for specialist counselling.

Documented management plans will identify and establish clear expectations, strategies and actions. They assist OLMC to discharge our duty of care to all students and members of the community. Management plans contribute to building respectful relationships and resilience. This enables students to feel safe, valued and connected to their school community so that they may effectively engage with their learning.

Provisions within the management plan will be reviewed periodically to ensure that they continue to meet and reflect the wellbeing and educational needs of the student who is experiencing gender variance, their family and the school community.

In developing and enacting a school management plan for a student diagnosed with who is experiencing gender variance, OLMC will:

- a. Within the concept of 'community of care', engage in ongoing dialogue with the child and their parents/carers, gender medical experts, other specialist/s and relevant governing authorities to identify strategies to assist the school to provide agreed pastoral and learning supports in accordance with their age, capability and maturity. This may include consulting on:
 - the biological sex of all students at time of enrolment should be documented and kept on school records
 - the referencing of and recording of student's preferred name, gender identity, and preferred use of pronouns
 - the use of toilets, showers and change rooms that meet the needs of the student
 - the appropriate uniform that reflects the gender identity of the student and

meets the school's dress or uniform code.

- b. Request relevant medical reports and supporting documentation from gender medical experts and other treating specialist/s.
- c. Maintain privacy and confidentiality in accordance with relevant legislation. The sharing of information should only be communicated with those who have an appropriate reason to know in order to support the wellbeing and learning outcomes of the student.
- d. Commit to working with all in the school community so that the student is not subject to bullying, harassment and/or discrimination either directly or indirectly.
- e. Include the provision of relevant professional learning and information for staff, students and families within the school community to raise understanding of gender variance within the context of Catholic teachings about human sexuality.
- f. Consider the pastoral and academic needs of all members of the school community with the individual needs of the child and their family.
- g. Update school policies, where appropriate, to reflect arrangements for students who are experiencing gender variance.

The student may be a 'mature minor'

OLMC recognises that parents and carers are significant and essential partners with schools in actively supporting and nurturing the educational and wellbeing outcomes of children and young people from early years through to adolescence. For this reason, schools continue to engage parents in schooling matters even after the student has turned 18 and are legally recognised as adults. Notwithstanding this, for a variety of reasons students under the age of 18 sometimes ask to make decisions on their own behalf as a 'mature minor', without involvement of their parents. In such scenarios the principal should, in the first instance, seek advice from MACS Legal and Professional Standards Unit prior to determining whether a student is a 'mature minor'.

For further support please refer to the Created and Loved: Section C: Practical Protocols (ACBC 2022).

In such scenarios Our Lady of Mercy College, may seek advice from Mercy Education Limited (MEL), Melbourne Archdiocese Catholic Schools (MACS), Student Wellbeing Unit and/or Legal Unit prior to determining whether a student is a 'mature minor'.

Definitions

Bullying

Bullying is repeated unreasonable behaviour directed towards a person that creates a risk to health and safety. It occurs when an individual or group deliberately upsets or hurts another person, their property, reputation or social acceptance on more than one occasion. Forms of bullying include physical, verbal, gesture, extortion, exclusion, visual, and sexual bullying and can be direct or indirect.

Discrimination

Occurs when a person is treated unfavourably compared to another person/s. It can be either direct (i.e. a person is treated unfavourably because they have an attribute protected by law such as age, race or religion) or indirect (i.e. when a condition, requirement or practice has the effect of disadvantaging people with a particular attribute protected by law and that condition, practice or requirement is not reasonable).

Gender

A person's identity as male or female, harmonious with one's biological sex upon birth (Catechism of the Catholic Church, 2333). 'Biological sex' is also sometimes called a person's 'legal gender'.

Gender dysphoria

A concept defined in the DSM-5 as clinically significant distress or impairment related to a strong desire to be of another gender, which may include desire to change primary and/or secondary sex characteristics. Not all gender diverse people experience dysphoria. (APA 2013)

Gender incongruence

A marked and persistent discord between the natal (birth) gender and the experienced/expressed gender of the person (APA 2013) (WHO 2019)

Gender identity

In common use it is understood as the way in which individuals perceive and describe themselves psychologically. It is defined in the legislation as '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' (*Sex Discrimination Act 1984 (Cth)*).

Gender transitioning

The process where a transgender person commences living as a member of another sex. This may occur through medical intervention, style of dressing, or anything else that indicates an intention to commence living permanently as a member of another sex.

Intersex

Is the status of having physical, hormonal genetic or chromosomal features that are:

- a. neither wholly female nor wholly male; (or)
- b. a combination of female and male; (or)
- c. neither female nor male' (*Sex Discrimination Act 1984 (Cth)*).

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

Mature minor

A mature minor is an individual who is assessed by the principal of that school to be a mature minor.

Melbourne Catholic Archdiocese Schools Ltd (MACS)

MACS is a reference to Melbourne Archdiocese Catholic Schools Ltd, and / or its subsidiary, MACSS.

Policy

A high-level, principles-based directive that must be complied with across MACS and MACSS.

Principal

Individual appointed by MEL as principal of OLMC.

The College

Refers to Our Lady of Mercy College (OLMC)

Sex

A biological term dividing a species into male and female, usually based on physical, hormonal, chromosomal and genetic characteristics. A person's 'sex' is usually the basis for their 'legal gender'.

Student

Student means a person who is enrolled at or attends a OLMC.

Transgender

A person whose gender identity is different to their biological sex.

Supports

Melbourne Archdiocese Catholic Schools: Student Wellbeing Unit –
03 9267 0228

Melbourne Archdiocese Catholic Schools: Legal Unit –
03 9267 0228

Royal Children’s Hospital Melbourne Gender Service–
provides children and adolescents up to 17 years with a multidisciplinary approach to the assessment, care and treatment of who are experiencing gender variance.

Monash Who are experiencing gender variance Clinic –
adolescents over the age of 17.

Victorian Equal Opportunity & Human Rights Commission –
Educates people about the rights and responsibilities contained in the Charter and reports annually to the government about the operation of the Charter.

Kids Helpline 1800 55 1800

Lifeline 13 11 14

Resources

Excel <https://cevn.cecv.catholic.edu.au/Melb/Student-Support/Student-Wellbeing>

Identity and Growth Resource Package <https://cevn.cecv.catholic.edu.au/Melb/CI/Identity-Growth>

Victorian Equal Opportunity & Human Rights Commission – educates people about the rights and responsibilities contained in the Charter and reports annually to the government about the operation of the Charter.

Bully Stoppers – supports students, parents, teachers and principals in working together to make sure schools are safe and supportive places, where everyone is empowered to help reduce the incidence of bullying.

National Safe Schools Framework – provides Australian schools with a vision and a set of guiding principles that assist school communities to develop positive and practical student safety and wellbeing policies.

Catholic Education Commission of Victoria Ltd (CECV) 2022, *CECV Commitment Statement to Child Safety*, CECV, East Melbourne www.cecv.catholic.edu.au/getmedia/b5d43278-51b9-4704-b45a-f14e50546a70/Commitment-Statement-A4.aspx

Melbourne Archdiocese Catholic Schools (MACS), *Horizons of Hope*, CEM, East Melbourne www.cem.edu.au/Our-Schools/Curriculum-Learning-Programs/Horizons-of-Hope.aspx

Legislation and standards

Change or Suppression (Conversion) Practices Prohibition Act 2021 (Vic)
Ministerial Order 1359 (Vic) – Implementing the child safe standards – managing the risk of child abuse in schools and school boarding premises
Equal Opportunity Act 2010 (Vic.)
Privacy Act 1988 (Cth)
Sex Discrimination Act 1984 (Cth)

References

American Psychiatric Association (APA). 2013, *Diagnostic and statistical manual of mental disorders (DSM)* (5th ed.), American Psychiatric Association Publishing, Arlington, VA.

American Psychiatric Association (APA). 2020, *What is Gender Dysphoria?* Patient and Families Expert Q and A webpage, <https://www.psychiatry.org/patients-families/gender-dysphoria/what-is-gender-dysphoria>

Australian Catholic Bishops' Conference (ACBC) 2022 *Created and Loved: A guide for Catholic schools on identity and gender*. <https://bit.ly/CreatedandLoved>

Australian Government 2014, *Sex Discrimination Act 1984* (Cth), Federal Register of Legislation, ACT, www.legislation.gov.au/Details/C2014C00002.

Catechism of the Catholic Church (CCC) 1994, St Paul's Publications, Strathfield, NSW
www.vatican.va/archive/ENG0015/_INDEX.HTM.

Catholic Education Melbourne. 2017, *Horizons of Hope: Wellbeing*,
<https://www.macs.vic.edu.au/Our-Schools/Curriculum-Learning-Programs/Student-Wellbeing.aspx>

Catholic Education Melbourne. 2018, Catholic Foundation Statement,
<https://cevn.cecv.catholic.edu.au/Melb/CI/Identity-Growth>

Claahsen-van der Grinten, Heidi, et al. 2021. 'Gender incongruence and gender dysphoria in childhood and adolescence – current insights in diagnostics, management and follow-up'. *European Journal of Paediatrics* (EJP) 2021 180:1349-1357.

Francis (Pope) 2019. *Christus Vivit*, Libreria Editrice Vaticana, Rome. n. 223 in MACS Statement of Mission

Hewitt, Jacqueline K et al. 2012. 'Hormone treatment of gender identity disorder in a cohort of children and adolescents'. *Medical Journal of Australia* 196(9) (MJA) 21 May 2012. p578-581.

<https://www.macs.vic.edu.au/Our-Schools/Curriculum-Learning-Programs/Student-Wellbeing.aspx>

Melbourne Catholic Archdiocese Catholic Schools (MACS) 2021, Policy 2.26: Pastoral Care of Students, MACS, East Melbourne <https://cevn.cecv.catholic.edu.au/Melb/Compliance/Policies-Procedures/MACS-Policies>

Parkinson, J. 2017. unpublished, *Preparing Catholic schools to care for gender dysphoric students*. (monograph)

Parkinson, J. 2021. unpublished, *Gender Incongruence in Children and Adolescents* (May 2021) (Update to monograph)

World Health Organisation. *International Classification of Diseases, Eleventh Revision (ICD-11)*, World Health Organization (WHO) 2019/2021 <https://icd.who.int/browse11> Licensed under Creative Commons Attribution-No Derivatives 3.0 IGO licence (CC BY-ND 3.0 IGO).

Related Policies

OLMC Student Wellbeing Policy
OLMC Privacy Policy
OLMC Child Safety Student Rights and Responsibilities Policy
OLMC Child Protection Reporting Obligations
OLMC Respectful Relationships Anti-Bullying Policy
OLMC Safeguarding Children and Young People Code of Conduct
OLMC Student Behaviour Management Policy
OLMC Uniform Policy

Policy approved by College Leadership Team – June 2023

Policy endorsed by College Advisory Council – June 2023

Next Policy Review – June 2025

Person Responsible – Principal