

## 6.11.1 INCLUSION (SEXUAL ORIENTATION & GENDER IDENTITY) POLICY

### PREAMBLE

Humans are made in God's image.

It is our overarching biblical truth that a person's identity is found in much more than just their biological sex, gender, or sexual orientation.

Our School teaches, leads and governs from a Biblically informed worldview and seeks a path of humility and grace in everything that we think and do.

Our School welcomes people of different walks and faith understandings and we offer them the love God has for us all. We recognise that parents and students may hold different views on lifestyle or faith.

Our students are God's creative handiwork; unique, precious and loved. Since they are made in God's image they are diverse and gifted in many ways.

When our students understand themselves, their world, and have a healthy view of the calling God has for them, they are well equipped and positioned to engage as active participants in society and, if they have faith, as disciples of the Jesus Christ.

The School's staff work collaboratively in teams in relation to this policy.

### RATIONALE

Our School aims to provide a safe, positive, supportive and respectful environment for all students to flourish. We are committed to loving and nurturing all students in our care.

We are privileged to walk alongside our students as they grow and flourish into adulthood. We aim to support our students as they develop individual pathways in preparation for navigating life's journey to ultimately find God in all things.

God has given to parents the responsibility of nurturing their children. We aim to partner with parents to nurture their children and we respect the rights of their children to develop their individual pathways. Our partnership with parents and students is grounded in care, compassion and respect.

### POLICY SUMMARY

This policy outlines how we support and respect children as they discover their unique God-given identity. It also sets out the way we work with students and families to navigate issues related to sexual identity and gender orientation, taking into account the legal framework that we work within.

## IMPLEMENTATION

The School does not tolerate:

- (a) unlawful discrimination on the basis of attributes protected by law, including on the basis of a student's race, disability, sex, sexual orientation, gender, gender identity or gender expression; or
- (b) bullying or harassment, in any form.

The School recognises that it is unlawful to change or suppress a person's sexual orientation and gender identity. We do not adopt, encourage or tolerate any practice which aims to change or suppress a person's sexual orientation or gender identity, or induce a person to change or suppress their sexual orientation or gender identity.

We aim to work with parents and students truthfully, charitably, with good will, and with absolute respect for the human dignity of all parties to meet the needs of our students.

We acknowledge that there may be circumstances in which we must support students as [mature minors](#) to develop their individual pathways.

We will develop student support plans to support our students as required on their journey to navigating their sexual orientation, gender identity or gender expression, consistent with God's love, mercy and grace.

We are open to working with medical and health practitioners to develop support plans to meet our students' needs.

## LEGAL CONSIDERATIONS

### *Discrimination*

- 1.2 It is unlawful under state and federal laws to engage in direct or indirect discrimination against a person on the grounds of a protected attribute, including sexual orientation, gender identity or intersex status.
- 1.3 '*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.

- 1.4 *'Indirect discrimination'* occurs where a person imposes (or proposes to impose) a requirement, condition or practice that:
- (a) has, or is likely to have, has the effect of disadvantaging persons with a protected attribute (such as gender identity, intersex status or sexual orientation); and
  - (b) is not reasonable.

A policy that is not intended to be unfair to persons with a protected attribute may constitute indirect discrimination if the practical application of that policy places them in a position of disadvantage.

#### *Change and suppression practices*

- 1.5 It is unlawful to engage in change or suppression practices on the basis of a person's sexual orientation or gender identity for the purpose of changing or suppressing a person's sexual orientation or gender identity, or inducing a person to change or suppress their sexual orientation or gender identity, with or without that person's consent.<sup>1</sup> This includes religious practices such as a prayer based practice, or giving a person a referral for the purpose of a change or suppression practice being directed towards a person.

## **2. Relevant legislation:**

- 2.1 *Sex Discrimination Act 1984* (Cth);
- 2.2 *Equal Opportunity Act 2010* (Vic); and
- 2.3 *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic).

## **3. Key terms and definitions**

- 3.1 The definitions relevant to this Policy are as follows:
- (a) *'change or suppression practice'* is a practice or conduct directed towards a person, whether with or without the person's consent:
    - (i) on the basis of the person's sexual orientation or gender identity; and

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<sup>1</sup> *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic)

- (ii) for the purpose of–
  - (A) changing or suppressing the sexual orientation or gender identity of the person; or
  - (B) inducing the person to change or suppress their sexual orientation or gender identity.
- (b) *‘gender affirmation’* refers to action in support of a person’s gender identity. This includes individual efforts to affirm gender (e.g., medical interventions, changes in appearance, and changes to legal documentation) as well as social recognition and support (e.g. use of a person’s nominated pronouns and name).
- (c) *‘gender diversity’* refers to a diverse range of different gender expressions and identities. This term includes those who may identify as transgender, gender diverse, genderfluid, 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.
- (d) *‘gender expression’* refers to a person’s outward expression of their gender identity. This may include hair, makeup, clothing or style, mannerisms and behaviour.
- (e) *‘gender identity’* refers to the self-nominated gender of an individual which may or may not be aligned with or evident from a person’s birth-assigned sex or physical characteristics.
- (f) *‘intersex’* refers to people born with physical sex characteristics that do not fit medical norms for female or male bodies.
- (g) *‘[mature minor](#)’* refers to a person under the age of 18 who is assessed as being of sufficient maturity, understanding and intelligence to understand the nature or effect of a decision about a particular issue that affects them, including decisions about their education, healthcare and wellbeing.
- (h) *‘sex’* refers to the objectively measureable physical characteristics or biological traits that society associates with being male, female or intersex.
- (i) *‘sexual orientation’* is defined in legislation as meaning a person’s sexual orientation towards persons of the same sex; persons of a different sex; or persons of the same sex and persons of a different sex.

- 3.2 A person's gender identity, gender expression, biological sex, and sexual orientation are inter-related but not necessarily in a determinative manner.

#### **RELATED DOCUMENTS**

6.5.1 Student Welfare Policy

6.5.4 Bullying and Harassment Policy

6.5.5 Child Safety Policy

#### **Policy Approved**

By: Principal

On: May 2023

#### **Policy to be reviewed**

By: Principal

On: 2025