

Gender Identity and Gender Expression Policy



This Gender Identity and Policy and Gender Expression Policy is to be reviewed by the Board of Management yearly.

This Gender Identity and Policy and Gender Expression Policy was agreed on:

Signature:

Principal:

Date for Review:

School Ethos

Clonturk Community College promotes a happy and caring school environment where students are encouraged and supported to reach their full potential. The learning environment in Clonturk Community College will be a positive one with a strong emphasis on the promotion and reward of positive behaviours. Our school will establish an environment based on our four pillars: kindness, respect, pride and ambition. These four pillars emphasise the values of respect, fairness, kindness, self-discipline and hard work will be expected from all of us. As an Educate Together secondary school, democracy and equality, along with our four pillars, permeate every interaction and provide the foundation of everyday life in our school.

Relationship of Policy to the Ethos of Clonturk Community College

Clonturk Community College aims to provide an inclusive environment which promotes equality and values diversity. The concept of equality is central to Clonturk's ethos. Gender identity and expression is a positive core part of being human. It is integral to our experience of wellbeing and fulfilment. At Clonturk Community College we aim to create a supportive and inclusive environment in which all gender identities are welcome and transphobic behaviour and bullying is never tolerated. We recognize that gender identity, gender expression, and any transition journeys, are unique to individuals. We are committed to supporting students at all stages of their transition journey.

Note : A student may request that the school use a pronoun/preferred name when referring to them in school and Clonturk Community College believes that this request should be honoured. This is consistent with Equal Status Acts 2000-2012 which protects against discrimination based on gender identity and expression , and is currently best practice for supporting transgender and gender non-conforming members of our school community. The student is the person who is going to be most negatively impacted by not having their preference honoured. We believe that not honouring the request may have ramifications for a student's ability to participate meaningfully in school.

Assuming that the student feels safe, an effort will be made – with the student's consent – to inform the parents/Guardians of the student's request. If the student's consent is not obtained to inform the Parents/Guardians the student will be informed that the school can only use their legal name on Vsware (with the option to add preferred names/pronouns) and that all communication with Parents/Guardians will be with their legal name/pronouns. However, their preferred pronouns will be used in confidential settings and when talking to members of staff one to one.

Introduction

Clonturk Community College aims to provide an inclusive environment which promotes equality, values diversity and is committed to maintaining an environment of dignity and respect where all students can develop to their full potential.

This policy outlines the school's formal commitment to recognise and support an individual's gender identity and gender expression so that all members of the school community experience a positive tolerant environment where every member is treated with dignity and respect.

This document constitutes the current Gender Expression and Gender Identity Policy of Clonturk Community College in conformity with the requirements of the: Employment Equality Act, 1998 to 2011; the Equal Status Acts, 2000 to 2012, and the Gender Recognition Act, 2015 which provides legal recognition through self-determination for those over 18 and for individuals aged 16/17 with parental consent.

Please note: This policy is based on education and encourages inclusion around gender identity. In some cases, mistakes may be made around a student's chosen name and/or pronoun without the intention of hurting a Trans* student. With these cases, Clonturk Community College will work with students using the Restorative Practice Approach.

Definitions

Trans*: An umbrella term which can be used without offence for people whose gender identity and/or gender expression differs from that which is usually associated with the sex assigned to them at birth. This term can include diverse identifications such as: transgender, androgynous, agender, gender neutral, intersex, non-binary, genderqueer, gender variant or differently gendered.

Intersex: An umbrella term used for a variety of conditions in which a person is born with reproductive or sexual anatomy that does not fit the typical definitions of female or male.

Sex: The designation of a person at birth as male or female based on their anatomy (genitalia and reproductive organs) or biology (chromosomes and hormones).

Gender Identity: A person's deeply felt identification as male, female, or some other gender. This may or may not correspond to the sex they were assigned at birth.

Gender Expression: The external manifestations of a person's gender identity. Gender can be expressed through mannerisms, grooming, physical characteristics, social interactions and speech patterns, etc.

Context and Legislation

This policy is developed in the context of the Employment Equality Acts 1998-2011, Equal Status Acts 2000-2012 and Gender Recognition Act 2015-2018 which prohibit direct and indirect discrimination, sexual harassment, harassment and victimisation in relation to nine equality grounds including gender. The gender ground protects Trans* persons from sex discrimination, that is, discrimination arising from gender identity and gender expression.

The Employment Equality Acts prohibit discrimination in employment – including recruitment, promotion, pay and other terms and conditions of employment. The Equal Status Acts prohibit discrimination in access to and provision of services, accommodation and educational establishments. The Gender Recognition Act 2015 which legally recognises & protects the rights and supports the wellbeing of Trans* people.

Scope

This policy applies to:

- All student applicants and students.
- All service users, visitors, customers and clients of Clonturk Community College .

Note: hereafter ‘service user’ will be used to denote customers, members of the public, visitors and clients.

All members of the school community share the right to protection under this policy and carry a responsibility for ensuring the policy is adhered to.

In particular, this policy includes conduct that takes place on site, at functions and activities where one is representing the school. This policy also pertains to usage of electronic technology and electronic communication that occurs in the above locations and situations.

This works in conjunction with Clonturk Community College’s Anti Bullying Policy and Restorative Practice Policy.

Statement of Commitment

Clonturk Community College will treat all Trans* students and service users with dignity and respect and seek to provide a work and learning environment free from discrimination, harassment or victimisation. Clonturk Community College:

- Is committed to non-discrimination (direct or indirect) on the grounds of gender identity and gender expression.
- Supports an inclusive environment of dignity and respect where everyone can develop their full potential. Clonturk Community College does not tolerate harassment or bullying of students or other members of the school community on the basis of gender identity and expression.
- Respects the privacy of all trans* individuals and will not reveal information related to their trans* status without their prior agreement.
- Seeks to provide a supportive environment for students.

- Supports an environment in which trans* individuals who choose to be open about their gender identity feel respected and safe.
- Supports and is committed to providing reasonable accommodations for students trans* needs.
- Encourages and facilitates staff training and awareness to ensure a supportive environment.

Roles, Rights and Responsibilities

As a Trans* individual you have a right to:

- Openly be who you are. This means expressing your gender identity without fear of consequences
- Be treated with fairness, dignity and respect.
- Privacy and appropriate confidentiality of records. Disclosure of information will only happen with your and/or your parent/s, guardian/s consent.
- Equal access to education, services, activities and facilities in school.

If you wish to disclose or avail of school supports as a Trans* individual, you have a responsibility to:

- Inform the school of any support needed as soon as possible to allow appropriate arrangements in a timely fashion.

Clonturk Community College has a right to:

- Request you to provide information to establish the nature of reasonable arrangements to be put in place.

Clonturk Community College has a responsibility to;

- Oversee the implementation of the school policy in relation to gender identity and gender expression in a fair and transparent manner.
- Take all reasonable steps to provide appropriate support and arrangements for trans* individuals.
- To develop best practice and policy in line with legislation.
- To raise awareness and to provide advice and training on gender identity and expression to staff and students within the school.

Non-Discrimination

Under the Employment Equality Acts 1998-2011 and Equal Status Acts 2000-2012 discrimination, harassment, and victimisation, on the basis of gender, which encompasses gender expression and gender identity, is unlawful. Discrimination is defined as the treatment of a person in a less favourable way than another person is, has been, or would be treated in a comparable situation on

any of the nine grounds which exists, existed, may exist in the future, or is imputed to the person concerned.

Some indicative examples of unlawful discrimination include:

- Refusing education, services or support on the basis of gender expression or gender identity.
- Verbal or physical threats, harassment, or malicious gossip.
- Refusing to address a person by their preferred gender pronoun or new name, unless previously discussed with student and/or student's parent(s)/guardian(s).
- Revealing the trans* status of a person to others without their explicit consent, excluding exceptional circumstances detailed in the Confidentiality section.

Dignity and Respect

- Clonturk Community College promotes and is committed to supporting an environment which is free from bullying, sexual harassment and other forms of harassment.
- Clonturk Community College will not tolerate harassment or bullying of students or other members of the school community.

Confidentiality and Privacy

- All persons have a right to privacy, and this includes the right to keep one's trans* status private. Each individual has the right to privacy. All information disclosed relating to a person's gender identity and expression will be treated as confidential. Confidential information will only be disclosed with the person's prior consent.
- The principle that no confidential information will be passed on to the third parties without the express permission of the individual concerned applies unless there is a serious concern that there may be a threat to the safety or life of the individual or is otherwise required by operation of law.
- Information held by the school complies with the requirements of the Data Protection Act and the Freedom of Information Act relevant to school policies. In order to comply with the above principles, staff must take all necessary precautions to ensure the safe-keeping and accuracy of all records containing personal information.
- Where information is recorded or shared, the terminology used must be respectful. This guide may be used as a guide for what is acceptable language.

Transitioning

Clonturk Community College is aware that a transition may not be applicable, necessary or desirable for all trans* individuals for a variety of reasons.

A social transition is a period of time in which a student may change aspects of their gender expression to align with their gender identity such as a name and pronoun change, change of clothes, change in use of facilities.

If a student wishes to begin a social transition they should contact the Gender Positivity Team members to arrange a meeting to discuss in confidence how they wish to deal with their transition and to agree a process with which they are comfortable.

- **(Gender Positivity Team (GPT))**

At Clonturk Community College we provide support via a Gender positivity team member. Students will be referred to a GPT member, who are fully trained and resourced to assist the individual in developing a Confidential Implementation Plan (CIP) specific to their situation. The CIP development will be led by the individual and there is time built in to allow the individual to go away and think about it before signing off on it. A meeting will take place between the student and GPT member, a very important element of this meeting will be to determine who should be told what and when and how this should occur.

The implementation of the CIP should be reviewed regularly and reassessed at each significant part of the process. The plan should include the following issues, where applicable:

- The expected point of change of name, personal details and/or gender
- Who will need to be informed initially, and the level of information to be provided, in order to offer support and arrangement where and when necessary
- Whether the individual wishes to inform fellow students themselves, or would prefer this to be done for them
- What amendments will be required to records and systems
- Whether training or briefing of members of staff, fellow students or service users will be necessary, at what point and by whom this will be carried out

Appendix 1 provides a useful flow chart and checklist that covers most of the issues that need to be considered when an individual is going through the transitioning process. It is important to understand that one of the most significant moments will be when the individual wishes to start presenting in their chosen gender publicly. It is crucial that this is managed and communicated well to those who have a working or study relationship with the individual. It is also important to note that different individuals will have different needs, and that there is no set, standard model of transition.

Practical Considerations

Some practical considerations will arise when a person is transitioning, for example, changing and bathroom facilities, and accommodations for overnight trips. See Appendix 3 for guidance on practical considerations and how to promote trans* equality within school.

Please note that when a person transitions to live in the gender in which they identify, they will normally use the facilities appropriate for their identified gender or may require a gender neutral / universal access option.

Training and Awareness Raising in school

Clonturk Community College will provide education for staff and students in order to ensure the implementation of this policy. Awareness will be incorporated in relevant training programmes for staff and students including equality and diversity training, and staff and student support training.

Forms and Records

Please note that everyone has the right to be addressed by their preferred name and pronoun with consultation with the student and/or the students parent(s)/guardian(s). A legal name or gender change is not required, and the individual need not change their official records.

Complaints Procedures

Bullying or harassment and complaints alleging discrimination based on a person's actual or perceived gender identity or expression will be taken seriously and will be dealt with under the school Dignity and Respect Policy and the schools anti-bullying policy.

To identify an individual as trans* to a third party without the individual's permission (i.e. to 'out' someone) is a form of harassment. The aim of the aforementioned policy is to promote a working and learning environment in which harassment and bullying are known to be unacceptable and where individuals have the confidence to deal with harassment and bullying without fear of victimization.

For complaints of discrimination under the Equal Status Acts there is a requirement for a written notification to the person against whom the complaint is being made within 2 months of the most recent occurrence of the incident; a six month time-limit for raising a complaint with the Equality Tribunal applies.

Normal staff and student complaint procedures apply.

Please Note: This policy is based on education and encourages inclusion around gender identity. In some cases, mistakes may be made around a students chosen name and pronoun without the intention of hurting a Trans* student. With these cases, Clonturk Community College will work with students using the Restorative Practice Approach.

Policy Review Procedures

This policy shall complement existing policies adopted by the school. It shall be subject to continuous assessment and evaluation and shall be reviewed yearly.

The implementation of this policy entails taking into account the impact of other policies on trans* students and services users.

10 Appendices

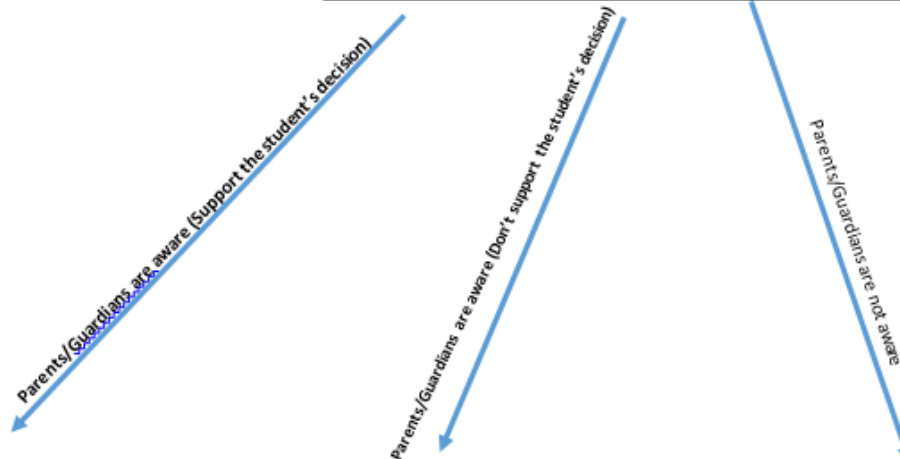
Appendix 1 - Flowcharts and checklists for transition

It is important to note that each individual will have a different approach to their transition. Some may want to change their entire record, yet others may not wish to do so and Clonturk Community College will respect and support individual's choices and wishes. If someone does not wish to change their record, some of the actions below may not apply. This flowchart is only a guideline and all cases will be treated individually.

NOTE: Caveats and exceptions:

- The process is designed purely with the intention of making students feel comfortable in school and that school is a safe place to be.
- It is not the intention of the school to make suggestions to a student or imply that they should take any action. Our role is to provide students with the space, scope, security and information they need to make their own decision independently
- It is absolutely not within the purview of this process or the gender policy as a whole to suggest a student undergo **any** medical process, either through surgery, prescribed medication or other method. This is a conversation that takes place between the child, their parent or guardian and a medical practitioner. We do not have the expertise to advise children on this matter and will inform them of this from the start.

Student approaches the Gender Positivity Team



1. **Appointment 1:** Student meets the GPT and is supported in confidence in making a decision on any further steps

2. GPT member goes through the Transition check list (See Appendix XY)

3. The student is asked who they would like to be made aware that they are using this name/pronoun

4. A time scale is set for another meeting where the student can discuss how they feel about their development with the GPT, (Within two weeks), to give the student time to explore how these changes make them feel. (At this stage no formal changes on VShare etc. will be made)

5. **Appointment two:** Student is asked how they feel the process has come along so far. At this stage student records will be updated. Teachers/peers will be informed in agreement with the student

6. **Appointment three:** A member of the GPT team will check in with the student. (8 weeks after appointment two)

1. **Appointment 1:** Student meets the GPT and is supported in confidence in making a decision on any further steps. *Advise the student that unfortunately we cannot speak on their behalf, however, we can advise that in the interest of their wellbeing we will be using their preferred name and pronoun in the school*

2. GPT member goes through the Transition check list (See Appendix XY)

3. The student is asked who they would like to be made aware that they are using this name/pronoun

4. A time scale is set for another meeting where the student can discuss how they feel about their development with the GPT, (Within two weeks), to give the student time to explore how these changes make them feel. (At this stage no formal changes on VShare etc. will be made)

5. **Appointment two:** Student is asked how they feel the process has come along so far. Student is asked have they had any progress mediating the situation with their guardian. The student may be offered assistance with mediation skills in order to help them with this discussion

At this stage changes to VShare will take place and the GPT member will support students on how best to inform peers/teachers.

6. **Appointment three:** A member of the GPT team will check in with the student. (8 weeks after appointment two)

1. **Appointment 1:** Student meets the GPT and is supported in confidence in making a decision on any further steps

If the student advises the GPT member that they do not want their parents/Guardian to be made aware they will be referred to the **guidance department for support.

Guidance Department

If the student wishes to inform their parents/guardians the Guidance department will support the student to do this and once the parents are informed will be referred back to the GPT team. The steps taken by the GPT will depend on the outcome (Supportive/Not supportive) **During this process the guidance counsellor will refer to the student by their preferred name and pronouns**

If the student does not wish to inform their parents. The Guidance department will support students and make the student aware that their preferred name and pronoun can only be used in confidential settings.

The Guidance department will check in 3 weeks later with the student.

Appendix 2 :Checklist to consider when discussing a students' transition

Time scale

What will be the timeline of transition?	
What will be the date for <ul style="list-style-type: none"> - Name/pronoun changes, - Use of facilities (toilets, changing rooms), - Change of records? 	
Which identifications/ records need to be changed?	

Supports during Transition and after:

Who will need to be informed, and what level of information should be provided, in order to offer support and arrangements during the transition process? (Informing staff first, then possibly students if deemed necessary)	
If the individual experiences effects from any medication what accommodations may be needed?	
Continual support. Who will be the go to person for checking in with individuals in order to make sure their needs are being met and they are not experiencing any bullying or harassment? Let the student choose who their go to person is. How often will the check in happen? Initially perhaps once a week, then once every two weeks, after that possibly once in a while etc. To be decided with the student.	

Training and Awareness

Will there be a need to arrange training?	
Who will deliver this training?	
What will the training cover?	

Appendix 3 – Promoting trans* equality within schools: Overnight Accommodation and other Practical Considerations

Accommodation for overnight trips

In providing accommodation for students, any special issues which may be raised in relation to trans* students will be treated sympathetically by the school, which will be dealt with individually on a case by case basis.

Due to the age of students and in line with Child Protection policies, schools do not provide mixed gender accommodation.

The principal will liaise with the individual and their parents/guardians ensuring the best possible arrangement for the individual. This will most likely involve a number of factors such as:

- Has the individual friends who wish to share accommodation?
- Which accommodation is most appropriate for each given situation? (Ensuites, numbers in the accommodation, age profile etc)
- Who needs to be informed, if any (with the permission of the individual)
- A teacher/adult should be placed in a room close by for safeguarding of the individual

Facilities

When a person transitions they will normally use the facilities (e.g. bathroom and changing rooms) appropriate for their identified gender.

Toilets:

When a person who is transitioning begins to live in the gender in which they identify, they will normally start to use the toilets appropriate for their identified gender. This is usually a process and may not happen immediately. It is important to consult the individual to decide how best to approach this.

- The individual may prefer to use a universal access toilet until they feel comfortable enough to use the toilet of their identified gender.
- The safeguarding of the individual is paramount and must be taken into account when thinking about which toilet is most appropriate.

*Requiring a person to use disabled toilet facilities is not acceptable unless the person requires these facilities due to a disability.

Changing rooms:

The use of changing rooms should be considered carefully and in consultation with the individual and their parents/guardians. It may be necessary to explain the situation to other students but only after consultation with the person who is transitioning.

It is important to plan for:

- the provision of private cubicles within existing changing facilities, the provision of non-gender specific facilities (e.g. non-gendered toilet facilities)

where possible.

Appendix 4 – Guidance to Staff and Students on Supporting trans* Individuals

1

- Think of the person as being the gender that they want you to think of them as.
- Use the name and pronoun that the person asks you to. If you aren't sure what the right pronoun is, ask. If you make a mistake with the pronouns, correct yourself and move on.
- Respect people's privacy. Do not ask what their 'real' or 'birth' name is. Trans people are often sensitive about revealing information about their past, especially if they think it might affect how they are perceived in the present.
- Similarly, respect their privacy. Do not tell others about a person's trans* status. If documents have to be kept that have the person's old name and gender on them, keep them confidential.
- Respect people's boundaries. If you feel it is appropriate to ask a personal question, first ask if it is ok to do so. Personal questions include anything to do with one's sex life, anatomy (not just genitalia) and relationship status – past, present or future. Questions such as 'Are you on hormones?' can be considered personal.

2

- Listen to the person, and ask how they want to be treated and referred to.

(Extract from the Equality Challenge Unit: Trans Staff and Students in Higher Education: 2010).