

INCLUDING TRANS, GENDER VARIANT AND INTERSEX STUDENTS

POLICY PROVISIONS



AIMS

- **To foster a school environment that is safe for all students irrespective of sexual orientation, gender identity, gender expression or sex characteristics;**
- **To promote respect, awareness and acceptance of human diversity;**
- **To facilitate compliance with laws and policies;**
- **To enable a learning environment where trans, gender variant and intersex students can thrive;**

VALUE BASE

Equity

Social
Justice

Diversity

Inclusivity

BASIS FOR POLICY

- **The right to education is guaranteed in:**
 - Article 13 of the International Covenant on Economic, Social and Cultural Rights;
 - Article 2 of the European Convention on Human Rights' First Protocol;
 - Article 14 in conjunction with Article 21 of the EU Charter of Fundamental Rights;
- **Recommendation of the Committee of Ministers of the Council of Europe:**
 - safe environment, free from violence, bullying, social exclusion or other forms of discriminatory and degrading treatment related to sexual orientation or gender identity
 - objective information with respect to sexual orientation and gender identity, for instance in school curricula and educational materials, and providing pupils and students with the necessary information, protection and support to enable them to live in accordance with their sexual orientation and gender identity.

BASIS FOR POLICY

- **FRA survey found that trans respondents indicated the highest levels of discrimination, harassment and violence;**
- **The ‘Being Trans in the European Union’ survey shows 29% of trans students felt discriminated against by school staff;**
- **More than a quarter of trans respondents – 28% - say that they often or always experienced negative comments or conduct at school because of being trans;**
- **93% of trans respondents said that their “life would improve if measures to respect trans persons were implemented at schools.” (2014: 95)**

ACCESS TO GENDER-SPECIFIC ACTIVITIES AND AREAS

- **Students should allow students to use toilets and changing facilities that correspond to their gender identity;**
- **Anyone uncomfortable using a shared facility should be provided with a non-stigmatising alternative;**
- **No trans, gender variant or intersex students should be forced to use a separate facility or a facility that does not correspond to their gender identity;**
- **Where available single user facilities should be gender neutral;**
- **All students should be permitted to participate in sports activities in a manner consistent with their gender identity;**

GENERAL PRINCIPLE

As a general principle, schools and other relevant authorities should evaluate all gender-based facilities, activities, rules, policies, and practices — including classroom activities, school ceremonies, school photos as well as extra-curricular activities and out of school hours' care — and maintain only those that have a clear and sound pedagogical purpose.

SCHOOL DOCUMENTATION

- **To the extent that the school is not legally required to use a student's legal name and gender on school records or documents, the school shall use the name and gender preferred by the student;**
- **School staff should adopt practices that avoid the inadvertent disclosure of confidential information related to a student's gender identity or intersex status;**
- **A student who has changed their legal gender should be able to request the school to re-issue or exchange any official document or certificate relative to them according to their new name and gender;**

NAMES AND PRONOUNS

- **Every student should have the right to be addressed by a name and pronoun that corresponds to their gender identity irrespective of their legal gender;**
- **Care should be taken where official correspondence with parents is concerned;**

UNIFORM

Students should have the right to dress in accordance with their gender identity, within the constraints of the dress codes adopted by the institution;

STUDENT TRANSITIONS

- **Schools should offer support to transitioning students and their parents if requested/needed;**
- **Timing should be discussed and a transition plan drawn up;**
- **Parents should be involved in any decision effecting primary school age children;**
- **Schools should work with older students to assess risk where parents are likely to be unsupportive;**
- **Transfer to a different school should be a final resort;**

BULLYING

- **It is the responsibility of the school to ensure the safety of the student;**
- **Complaints alleging discrimination or harassment based on a person's actual or perceived sex, sexual orientation, gender identity, gender expression or sex characteristics should be handled in the same manner as other discrimination or harassment complaints as outlined in the policy and procedures relating to *Addressing Bullying Behaviour in Schools* (MEDE, 2014).**

TRAINING

- **Terms, concepts, and current developmental understandings;**
- **Developmentally appropriate strategies for communication with students and parents;**
- **Strategies for preventing and intervening in bullying incidents;**
- **Policy provisions and responsibilities of staff;**

SCHOOL – COMMUNITY PARTNERSHIPS

- **Schools should seek to increase cooperation and collaboration between LGBTI community organisations, inclusive and specialised services, home, school, and the community-at-large;**
- **Schools should ensure students, parents, and staff access to supportive services and resources provided by the LGBTI community organisations and specialised services;**

INTERSEX-SPECIFIC NEEDS

- **Clear messages that a service welcomes intersex people, and an awareness that intersex / sex characteristics is about variations of biology, not gender identity or sexual orientation;**
- **To know that confidentiality will be respected;**
- **Services that understand intersex health and well-being concerns;**

INTERSEX ISSUES

- **Intersex people typically discover their intersex variation when told by their parents or doctor;**
- **Avoid pathologising language such as ‘disorders of sex development’ or hermaphrodite;**
- **Many intersex people are heterosexual, so intersex people should not be presumed to be lesbian, gay or bisexual;**
- **Most intersex people are not transgender or gender variant either;**

THANK YOU

The Social Work
Drop-in Service
is open
Tuesdays
between
18:00 - 20:00

at
Youth Hub,
Aġenzija Żgħażaġh,
St. Joseph High Road,
St. Venera
or by appointment
79430006

RAINBOW SUPPORT SERVICE

The LGBTI Youth
Drop-in
is open Tuesdays
between 17:00 - 20:00

at
Youth Hub,
Aġenzija Żgħażaġh,
St. Joseph High Road,
St. Venera

MGRM

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