

Supporting gender diversity at JCU

Information for staff and students

Gender is a complex construct that exists along a continuum. It is important to note the gender expression, gender identity, and sexual orientation are all discrete and diverse concepts.

What is gender identity?

The definition of gender identity as described within the Anti-Discrimination Act:

“Gender Identity; in relation to a person means that the person:

- Identifies, or has identified as a member of the opposite sex by living or seeking to live as a member of that sex; or
- Is of indeterminate sex and seeks to live as a member of a particular sex.”

The term *Trans* will be used throughout this guide as an umbrella term which is inclusive of the diversity within the gender identity spectrum; including transgender, gender fluid, gender queer, brother boy, sister girl.

Transgender person is a generic descriptor generally used to refer to a person whose gender identity or gender expression does not match with the sex assigned to them at birth. It encompasses anyone whose innate experience of gender does not fit with the sense of being either male or female, or anyone whose core sense of gender is different from their birth gender. Some transgender people will make the decision to live completely and permanently as their preferred gender. They may, or may not, also take steps to bring their body into alignment with their gender identity.

Because they challenge commonly held beliefs and expectations about gender, transgender people are often subjected to significant discrimination and harassment, including physical violence. **State and Federal anti-discrimination legislation make it unlawful to discriminate against or harass a person in employment, education, and other areas of social life because of their transgender status.** The Australian Government has also made it easier for people who transition gender to change their sex or gender in personal records held by

Australian Government departments and agencies, and as such, evidence of sex reassignment surgery and/or hormone therapy is no longer required.

For a person who is transitioning, having their gender identity fully recognised at their place of work or study is a crucial part of living in their affirmed gender. However, making the transition from one gender to another can be an extended process that is often challenging, both for the person and their work colleagues or fellow students. The following points are intended to assist staff and students to engage with transgender colleagues and peers in an open and respectful manner and to avoid giving offense.

How you can support gender identity

- Refer to the person as their affirmed gender and treat them accordingly.
- Use the name and pronoun that the person requests. If you are not sure, ask. If you make a mistake correct yourself, apologise and move on – there is no need to make a big deal about it.
- When writing about a transgender person, do not belittle their identity by putting their preferred name or pronoun in quotes or italics, or state their previous name, unless otherwise requested.
- Treat the person with respect and dignity as you would accord any other staff member or student and that you would expect for yourself.
- Respect boundaries. Do not ask intrusive or intimate personal questions that you would not ask of you (for example, don't ask questions about someone's body, relationships, sex life, or any medical intervention). If a Trans person raises the topic and is comfortable to do so in an appropriate and safe environment, then discussing these issues is OK. Understand the intent of why you are seeking information.
- Don't assume the person should be willing to discuss transgender related issues with you, or

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expect them to be an authority on such topics.
Do your own research if you want to know more.

- Respect privacy. Don't tell others about a person's Trans status. Generally, when a person transitions they describe themselves in terms of their preferred gender (e.g. as a man or as a woman), not as a transgender person.
- Understand that the person is entitled to use the facilities appropriate to their preferred gender (such as bathrooms and change rooms), both during and after transition.
- The JCU student complaints process can be utilised if there are repeated and intentional incidents of misgendering:
 - <https://www.jcu.edu.au/students/feedback-and-complaints/complaints>

JCU privacy and confidentiality policies and guidelines apply:

- <https://www.jcu.edu.au/counselling/faqs/about-confidentiality>
- <https://www.jcu.edu.au/policy/corporate-governance/information-privacy-policy>
- Do not condone or participate in gossip, jokes, flippant remarks, or sexual innuendos about the person or their Trans status. Be active in confronting or naming comments or behaviours that are transphobic. JCU expects staff and students to treat each other with dignity and respect, and will not tolerate discrimination or harassment because of gender identity.
- Do not make assumptions about the person's sexual orientation or personal relationships. Gender identity and expression is about a person's core sense of their gender, not their sexual identity. The sexuality of transgender people can cover the spectrum of sexual diversity
- When a person has transitioned, appreciate that, while their gender may be different, their basic character and personality has not changed. In most other respects they are still the same person as before.

Like most people, you may not know much about transgender issues and may experience some initial awkwardness and apprehension when a person you know transitions. What matters most is your acceptance of that person's choice, your willingness to act congruently, and your openness to becoming informed about gender diversity issues.

If staff have concerns about or require support in relation to gender transition at JCU they can contact the Employee Assistance Program. Contact JCU Human Resources for further information. Students can contact JCU Student Equity and Wellbeing: <https://www.jcu.edu.au/student-equity-and-wellbeing>

References and resources

ECU (2010) Trans staff and students in higher education (Revised 2010) Equality Challenge Unit, London <http://www.ecu.ac.uk/publications/trans-staff-and-students-in-he-revised>

Moreton, J (2008) Gender identity: An introductory guide for trade union reps supporting trans members. Scottish Transgender Alliance, Edinburgh / UNISON, London <https://www.unison.org.uk/content/uploads/2013/11/On-line-Catalogue219163.pdf>

Stonewall Scotland and Scottish Transgender Alliance (2012) Changing for the Better: How to include transgender people in your workplace a guide for employers, second edition. Stonewall Scotland/Scottish Transgender Alliance, Edinburgh http://www.scottishtrans.org/wp-content/uploads/2013/03/changing_for_the_better.pdf

Legislation

For information on Sex Discrimination Act (Commonwealth) protections against discrimination and/or harassment on the basis of sexual orientation, gender identity and intersex status, visit <http://www.humanrights.gov.au/our-work/sexual-orientation-sex-gender-identity/projects/new-protection>

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Excellent coverage of issues, rights and responsibilities (Victorian Equal Opportunity and Human Rights Commission)

<http://www.humanrightscommission.vic.gov.au/>

Australian Government Guidelines on the Recognition of Sex and Gender

<https://www.ag.gov.au/Publications/Pages/AustralianGovernmentGuidelinesontheRecognitionofSexandGender.aspx>

We would like to acknowledge Curtin University for their compilation of this guide, which has been adapted for use by James Cook University.

Student Equity and Wellbeing

James Cook University

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