



Associated
Catholic
Colleges

*"Excellence,
Honour and
Fairness in
Student Activities"*

INCLUSION POLICY

Implementation Date: November 2020

THE RATIONALE

The Associated Catholic Colleges (ACC) supports the right of all students to access the same opportunities to participate in school sport and interschool activities as their peers, and is committed to providing the same access, where appropriate, to participation for all students regardless of gender, race, culture or disability.

THE POLICY

CULTURAL DIVERSITY AND STUDENTS WITH DISABILITIES

The ACC will work with State Sporting Organisations (**SSOs**) and the existing school sport structures to provide opportunities for all students, regardless of gender, race, culture or disability, to participate in school sport in a supportive and respectful environment.

In the case of students with disabilities, this will include providing opportunities to play sport in settings where they compete with able-bodied students and in settings where they compete with other students with a disability.

The ACC believes that the first level of entry to school sport is critical and should be inclusive. This level provides valuable integrated opportunities for all students to play sport with their peers. Where practical, schools should ensure that minor modifications are made to the rules at the first level of entry to better include all students. This is best done at a local level, and between schools, using a common-sense approach to competition.

The ACC will also work with its member schools and SSOs to facilitate the existence of competition opportunities for students with a disability, and for the pathways between school and community sport to be mirrored.

Where the need arises, the ACC Executive and Directors of Sport will decide what competition opportunities should be set up for students with a disability.

With regards to all non-sporting activities and events undertaken by the Association, every student from our member schools will be provided the opportunity for inclusion based on the specific requirements of the activity.

GENDER IDENTITY (INCLUDING TRANSGENDER STUDENTS) AND INTERSEX STATUS

The ACC will work with its member schools, SSOs and other school sport structures to endeavour to provide opportunities for all students to play sport competitively regardless of their gender identity or intersex status, and to build the confidence and capacity of schools to support gender diversity.

For all non-sporting events and activities undertaken by the Association, the gender identity of a student will not play a role in determining their participation or inclusion.

The ACC has an inclusive approach to transgender and intersex students playing sport competitively and schools should encourage participation in sport by all students.

It is unlawful to discriminate on the basis of a person's gender identity or intersex status. Refusing or failing to select a student in a sporting team, or excluding a student from participating in a sporting activity, on the basis of that student's gender identity or intersex status may constitute unlawful discrimination.

There may be circumstances where the exclusion of a student aged 12 years or over from a competitive sporting activity on the basis of their gender identity or intersex status may not constitute unlawful discrimination. The law provides that in limited circumstances where the strength, stamina or physique of players is relevant in a single-sex competitive sporting activity, it may be lawful to exclude a student on the basis of their gender identity or intersex status.

The purpose of this exception is to ensure students do not have an unfair competitive advantage in single-sex competitions. The skill and competition level of the activity should be carefully considered when deciding whether it is appropriate to rely on this exception. The relevance of the strength, stamina and/or physique of players may also depend on the sport in question.

In deciding whether this exception applies, consideration should be given to:

- whether the student would have an unfair advantage over other students in relation to strength, stamina and/or physique; and
- in sporting competitions involving player-to-player contact, whether the disparity in strength or physique of a transgender or intersex student differs so significantly that it may give rise to concerns for the safety of that student or other students.

Even if the exception applies, it remains lawful to decide to allow a transgender or intersex student to participate (subject to complying with applicable obligations in relation to ensuring the safety of students).

Before making a decision to exclude a student on the basis of their gender identity or intersex status from participating in a competitive school sporting activity, or modifying participation in such an activity, the relevant school should:

1. consult with the student and their parents / carers and provide them with the opportunity to have input into any decision to exclude the student from a competitive sporting activity;
2. consider how best to respect the dignity of the student;
3. consider and act compatibly with the human rights of the student, including their right to enjoy their human rights without discrimination; and
4. consider the student's privacy and the impact that any decision may have on such privacy.

Information about a student's gender identity or intersex status is personal information of a sensitive nature and should not be disclosed to the wider school community without the consent of the student.

Guidelines for the implementation of this policy (gender identity and intersex status)

Students 11 years and younger

- Students 11 years or younger will be permitted to compete in ACC competitions as the gender to which they identify.

Students 12 years and older

- Students 12 years and older will be permitted to compete in ACC competitions as the gender to which they identify, subject to the following qualifications.
 - Students may be excluded from participation in competitive school sporting activities on the basis of their gender identity or intersex status only in the circumstances contemplated by this policy (or as otherwise permitted by legislation).
 - Any decision to exclude a student on the basis of their gender identity or intersex status will only be made after considering the particular circumstances of the student and the factors outlined in this policy.
- If schools require assistance in making a decision whether to exclude a student from participating in a competitive sporting activity in the circumstances contemplated by this policy, they can contact the Executive Officers at ACC, who will refer the matter to the ACC Executive for guidance. The ACC Executive may seek advice from the Victorian Equal Opportunity and Human Rights Commission, Australian Sports Commission, The Royal Children's Hospital Gender Dysphoria Service and/or similar organisation(s).
- Primary decision-making authority in relation to the inclusion or exclusion of a student in accordance with this policy rests with the relevant school. If the decision of a school is challenged in this regard, then the matter may be referred to the ACC Executive (and, if necessary, the ACC Principals' Committee) for a review of the initial decision.

IMPLEMENTATION

1. All schools will be notified of this policy and it will be placed on the ACC website.
2. All Directors of Sport will be informed of this policy via email.

ENDORSEMENT

This policy was endorsed by the ACC Principals' Committee on 23/11/20.

REVIEW

This policy is to be reviewed every two (2) years.

Next review date: November 2022

ACKNOWLEDGEMENTS

This policy was adapted in part from the School Sports Victoria (**SSV**) Inclusion Policy and drafted with reference to the Victorian Equal Opportunity and Human Rights Commission's *Guideline: Trans and gender diverse inclusion in sport*:

<https://www.humanrightscommission.vic.gov.au/home/our-resources-and-publications/ea-practice-guidelines/item/1560-guideline-trans-and-gender-diverse-inclusion-in-sport-complying-with-the-equal-opportunity-act-2010>