

Guidelines for supporting sexual and gender diversity in schools

Sexuality Discrimination & Homophobic Bullying



For more information, contact:

Equal Opportunity Commission

Street Address

Level 2,
141 St Georges Terrace
Westralia Square,
Perth WA 6000

Postal Address

PO Box 7370
Cloisters Square
Perth WA 6850

Electronic Address

email eoc@eoc.wa.gov.au

www.eoc.wa.gov.au

Telephone and facsimile numbers

Telephone: (08) 9216 3900

Toll Free: 1800 198 149

TTY: (08) 9216 3936

Facsimile: (08) 9216 3960

© 2013 Equal Opportunity Commission of
Western Australia

All rights reserved. This material may be
reproduced in whole or part provided the source
is acknowledged.

Disclaimer:

The material in this publication is intended as a general guide only and is not a substitute for independent legal advice. The Commissioner for Equal Opportunity expressly disclaims any liability for anything done or not done by, or to, any person in reliance upon any of the contents of this publication

Table of Contents

Equal Opportunity Commission	ii
Foreword from the Commissioner	2
About the Guidelines	3
What schools need to know	4
What the law tells us	4
What the research tells us	5
Social inclusion and human rights	7
Building on good practice	8
Approaches to develop safe and supportive school communities	9
Monitoring and measuring practice	12
Training and development	13
Resources	14
References	16
Appendix 1	17
<i>Glossary</i>	
Appendix 2	18
<i>Legislation</i>	



Foreword from the Commissioner

The Guidelines for Supporting Sexual and Gender Diversity in Schools were created to assist schools, in both public and private education sectors, to effectively address bullying specific to sexuality and gender diversity. The Guidelines have also been written to create greater awareness and to encourage a whole school and community approach to this issue.

Aligned with the principles of the National Safe Schools Framework, the Guidelines aim to draw on the strengths of school communities to create teaching and learning environments where all members feel, and are, safe from discrimination, bullying and harassment. Furthermore, Australia has both national and state legislation that underpins the respect, fairness and safety expected in school environments.

I commend our schools for their consistent demonstration of identifying and eliminating generalised bullying. However, these Guidelines were seen as an important and necessary step since research continues to identify sexuality and gender based bullying as a serious problem in schools.

I strongly recommend these Guidelines to schools and their communities as a resource to promote the diversity, interests and welfare of their young students.

I also thank the Steering Committee, the Working Group and all those who have contributed to the development and delivery of these Guidelines.



A handwritten signature in black ink, which appears to read 'Allanah Lucas'. The signature is stylized and written in a cursive-like font.

Allanah Lucas
Commissioner for Equal Opportunity

About the Guidelines

It is a fundamental right of every child and young person to feel safe in their school environment.

Western Australian schools pride themselves on being safe and effective learning environments that cater for the diverse needs of all students, including those who are (LGBTI) lesbian, gay, bisexual, transgender, intersex and other sexuality, sex and gender diverse people. Recognising LGBTI students and staff as an everyday part of the social mix of the school community is important in responding appropriately to their needs.

These Guidelines are intended to support Western Australian schools in their ongoing endeavours to maintain positive learning environments that are inclusive of diversity and safe from discrimination, bullying and harassment based on sexual orientation, intersex difference and gender identity.

These Guidelines encapsulate key information for schools to build on the good practice that is already occurring to enable all students to feel safe and included in their school communities.

These Guidelines have been developed by the Equal Opportunity Commission of Western Australia. The Commission has worked with a Steering Committee on Challenging Gender and Sexuality Based Bullying and Discrimination in Schools which has included members from government and non government sectors.

The following organisations represented on the Steering Group have assisted in the development of these Guidelines:

- Department of Education Western Australia
- Department of Health, Western Australia (Statewide Child and Adolescent Community Health Policy Unit)
- Freedom Centre
- Independent Education Union of Western Australia
- Living Proud Inc.
- Parents, Families and Friends of Lesbians and Gays Perth Inc.
- Relationships Australia (Western Australia) Inc.
- Social Justice Board, Uniting Church in Western Australia
- State School Teachers Union of Western Australia Inc.
- UnitingCare West (True Colours)
- University of Western Australia (Equity and Diversity)
- Western Australian AIDS Council Inc.
- Western Australian Council of State School Organisations Inc.
- Western Australian Gender Project
- Western Australian Primary Principals' Association
- Western Australian Secondary Schools Executives Association
- Youth Affairs Council of Western Australia

The Guidelines are based on the Tasmanian Department of Education's Guidelines for Supporting Sexual and Gender Diversity in Schools, which was based on guidelines developed by the Victorian Department of Education and Childhood Development.

Used with permission.



What schools need to know

It is unlawful for anyone in Australia to discriminate or harass on the basis of: sexual orientation, sex or gender history, gender identity, intersex status or same-sex relationships.

Schools can make a significant and positive difference to the lives of young people and, in turn, the broader community by being inclusive of sexuality, sex and gender diversity.

Safe and inclusive schools provide environments where LGBTI students feel safe and supported and have access to information about available support services.

What the law tells us

Western Australian schools are governed by a legal framework that mandates appropriate and fair treatment for all school staff and students. To be compliant with the law schools need to be aware of and respond to the following legislation:

- Under the [Equal Opportunity Act 1984 \(WA\)](#), when an employee, or agent, in connection with their employment, does something which is unlawful under the Act, their employer will be legally liable for that act. Schools should take all reasonable steps to provide an environment that is free of sexual harassment and discrimination on the grounds of sex, sexual orientation and gender history; and provide access to facilities, services or opportunities to meet special needs on the grounds of sex and sexual orientation.
- The [Equal Opportunity Act 1984 \(WA\)](#) also provides protection against educational authorities that refuse or fail to accept a person's application as a student on the grounds of their sexual orientation or gender history.
- The [Sex Discrimination Act 1984 \(Cth\)](#) includes new protections from discrimination on the grounds of sexual orientation, gender identity and intersex status. The Sex Discrimination Act 1984 also makes it unlawful for a student more than 16 years old to sexually harass a staff member of the same school. It is also unlawful for a student older than 16 to sexually harass another student from the same school or another school. In addition, section 7D allows for special measures to achieve substantive equality on the grounds of gender identity, intersex status and relationship status.
- The [School Education Act 1999 \(WA\)](#) recognises the right of every child in the State to receive a school education and ensure the safety and welfare of students on the school premises or on school activities.
- Relevant provisions of the [Occupational Safety and Health Act 1984 \(WA\)](#) require that employers, having control of a workplace, have an obligation to ensure that persons who are not employees are not exposed to hazards that may result in injury. Failure to ensure the safety and health of a person (not being an employee) is provided for under section 21 of the Act.

More detailed information on the contents and requirements of these Acts is in Appendix 2.

What the research tells us

The *Writing Themselves in National Report*, a longitudinal study conducted every six years since 1998, investigates the sexual health and well-being of same-sex attracted and gender questioning young people. The participants, aged between 14 and 21 years, came from all states and territories of Australia, remote, rural and urban areas, and from a range of culturally and linguistically diverse (CaLD) backgrounds.

The third national study, *Writing Themselves in 3: (WTi3)* involving 3134 same-sex attracted and gender questioning young people aged 14-21, revealed:

- 61% reported experiencing verbal abuse because of homophobia;
- 18% reported physical abuse because of homophobia;
- 80% of those who reported abuse named school as the most likely place where it occurred;
- 69% reported other forms of homophobia including exclusion, cyber-bullying and rumours.

What is the effect of this type of bullying, discrimination and harassment?

- self-hatred
- depression and anxiety
- self-harm
- suicide
- increased risk of drug and alcohol misuse
- homelessness
- conflict with their peers and parents

How does this affect student learning?

- early school leaving
- poor concentration
- irregular school attendance
- learning and academic achievement is compromised
- fear of being perceived to be gay limits the academic outcomes of boys, not just those who are same-sex attracted



There has been an increase in reported abuse in schools from 69% in 1998, 74% in 2004 to 80% in 2010. These trends are of concern and are reflected in research from around the world.¹

This could be attributed to an increase in participants in the 2010 study (double the number than in 2004 and more than four times in 1998). A factor for increased participation may be that young people are coming out at an increasingly early age, attributed in part to the increasing visibility of LGBTI issues and people in the media, the changing of laws in Australia and improved policies in education and health.²

Research indicates strong links between homophobic abuse and feeling unsafe, excessive drug use, self harm and suicide attempts. Research also shows that, linked to abuse and a lack of support at school, in the community and at home, LGBTI young people are four to six times more likely to seriously consider and attempt suicide and four times more likely to misuse drugs and alcohol. Also, the suicide risk for LGBTI young people is at its highest in the months before they disclose their sexual orientation.³

What is needed?

Encouragingly, the WTi3 research indicates that the schools addressing these issues are making a difference. In particular, students in schools which have policies prohibiting homophobic discrimination and bullying report feeling safer and are more likely to feel good about their sexuality, sex and gender than students in schools without such policies.⁴

Independent academic evaluations of classroom anti-homophobia programs in Tasmania and Victoria show that such programs significantly reduce prejudice among the students involved in the programs and also reduce levels of bullying across the entire school community.⁵



Student voices

“It’s good to know that there is someone at school I can talk to about my sexuality. Before it was like you can talk about anything – except being gay.”
(female student in WA)

1 – Hunt & Jensen (2009); Kosciw et al. (2010); UNESCO (2012)

2 – Hillier et al. (2010)

3 – Hillier et al. (2010)

4 – Hillier et al. (2010)

5 – Bridge (2007)

Social inclusion and human rights

Western Australian schools are governed by state and national strategies and frameworks for social inclusion and human rights.

The National Safe Schools Framework sets out the guiding principles for safe, supportive and respectful school communities⁶ and commits all schools to:

- affirm the rights of all members of the school community to feel safe and be safe at school;
- acknowledge that being safe and supported at school is essential for student wellbeing and effective learning;
- accept responsibility for developing and sustaining safe and supportive learning and teaching communities that also fulfil the school's child protection responsibilities;
- encourage the active participation of all school community members in developing and maintaining a safe school community where diversity is valued;
- actively support young people to develop understanding and skills to keep themselves and others safe; and
- commit to developing a safe school community through a whole-school and evidence-based approach.⁷

As a nation, Australia is a signatory to international human rights treaties including the *Convention on the Rights of the Child* (CRC), the *International Covenant on Economic Social and Cultural Rights* (ICESCR) and the *International Covenant on Civil and Political Rights* (ICCPR).⁸ The ICCPR prohibits discrimination and affirms equality on the grounds of sexual orientation. The ICESCR sets out the right to education, rights in relation to work, and the right to equality in education and employment.

Under the CRC, Australia is obliged to protect children and young people from all forms of physical or mental violence, injury or abuse. The CRC recognises that education of children and young people should be focused on enabling them to reach their full potential, and to develop respect for human rights and diversity. It requires children and young people to be protected against discrimination because of, for example, their gender or sexual orientation, or that of their parents or other family members.



Family voices

"I'd say that reading and learning more about sexual orientation is what helped me most... laying to rest some of the myths I had heard... so the more I learned, the angrier I got, and the more I wanted to change society instead of my son."

6 – The Family-School & Community Partnerships Bureau definition of school community includes students, families, school staff, other professionals, other support staff and volunteers. The school community may also include members of other organisations in the wider community who support the operation of the school. www.familyschool.org.au

7 – Ministerial Council for Education, Early Childhood Development and Youth Affairs (2011)

8 – These documents can be accessed via the Australian Human Rights Commission website: www.humanrights.gov.au

Building on good practice

There are many examples of school communities working to build understanding and affirm diversity in Western Australian schools. These Guidelines acknowledge the work of schools to build on the good practice that is already occurring and provides strategies for further development.

The following principles support diversity and inclusive practice in schools:

- understanding and accepting student diversity, including LGBTI students;
- committing to whole-school policies, plans and curriculum that promote safety and a positive school culture; and
- providing opportunities for students to access supports, networks and services.

School leadership is pivotal in creating and developing an inclusive school culture. Under the *Equal Opportunity Act 1984 (WA)* and the *Sex Discrimination Act 1984 (Cth)*, the employer has a legal obligation to take all reasonable steps to prevent unlawful discrimination and harassment.

Key strategies include:

- developing and communicating the school's commitment to a safe, respectful, supportive and inclusive school for all members of the school community, including sexual and gender diverse students, parents/carers and their siblings;
- implementing proactive steps for achieving safe and supportive schools prior to a complaint or incident occurring;
- providing regular communications to the broad school community on the school's stance on unlawful discrimination, harassment and bullying;
- modelling exemplary behaviour by the school leadership team and across the school community, such as the use of appropriate and inclusive language. For inclusive language see [Challenging Homophobic Language – 'Homework Is So Gay'](#);
- communicating to all staff that all instances of homophobic language should be challenged and students supported to understand why using it is wrong;
- fostering a culture of openness and a celebration of diversity, and a mutual understanding of expected behaviours in the whole school community. WA Equal Opportunity Commission [Fact sheets](#) and Safes Schools Victoria [posters](#) are available;
- providing professional development and/or information for staff in addressing sexuality, sex and gender based discrimination, harassment and bullying; and
- cooperating in the confidential development of support/transition plans for transgender and intersex students in which the student and a family member/carer/representative are involved, which focuses on the management of the school in accord with the students' needs.



Approaches to develop safe and supportive school communities

Capacity building in schools involves developing the skills, resources and understanding necessary to foster inclusive cultures and behaviour.

Proven approaches to combat discrimination, harassment and bullying based on sexual orientation and gender identity in schools include:

Supportive professional staff

- engage in professional learning and/or access information to increase understanding of the issues facing sex and gender diverse students, strategies to address those issues;
- model exemplary behaviour and use inclusive language; and
- consistently challenge stereotypes and the negative or derogatory use of terms such as “that’s so gay” or “don’t be such a girl” and students supported to understand why using it is wrong.

Student wellbeing staff

(for example, school nurses, school psychologists)

- have access to resources to develop an in-depth understanding of issues related to being sexually and/or gender diverse;
- provide easy access to relevant materials, resources and support services for students, parents/carers and siblings who may find accessing them difficult;
- advise all students of their availability to discuss any of these and related issues;
- provide students with reassurances of confidentiality and respect for their privacy; and
- provide referrals to appropriate support agencies outside the school.



Family voices

“My daughter was 'outed' in year 7. This was after she had been shoved into doors and others wouldn't sit next to her in case they 'caught it'. “She approached a teacher she trusted for advice however the teacher interrogated her on why she thought she was gay and asked her if she had been abused. My daughter later came out to me after she had left school and told me about the teacher's comments a few years later. “I was shocked by the teacher's behaviour, but fortunately my daughter talked to another teacher who was supportive and linked her to support groups for gay people, and she has never looked back.

School processes

- foster a culture of openness, diversity and a mutual understanding of expected behaviours;
- recognise and accept LGBTI students, parents/carers and staff as an everyday part of the social mix of the school;
- immediately address issues caused by peer pressure, social stigmatisation or sexuality, sex and/or gender based bullying;
- provide regular communications to the school community on the school's stance on unlawful discrimination, harassment and bullying;
- regularly include the diverse range of families, gender identities, bodies and sexual orientations in classroom discussions;
- safeguard the confidentiality of students' intersex status or gender transition from staff and students, outline agreed processes for informing others where relevant, and take name and gender term preferences/transitions into account;
- consider toilet options for transgender and intersex students;
- consider there are some gender-neutral uniform options available to all students;
- provide for safe gender-neutral sleeping quarters on school camp/excursions; and
- forms and invitations to school events should be gender-neutral.

Policies and practices

- are inclusive of all members of the school community, including LGBTI young people and their parents/carers;
- protect students from sexual, sex and gender based discrimination, harassment and bullying; and
- are effectively communicated and reinforced.

School based curriculum

- includes evidence based age appropriate programs and resources for addressing sexuality, sex and gender based discrimination to challenge homophobia and affirm sexual diversity in classrooms and other educational settings;
- relationship and sexuality education content is inclusive of same-sex attracted, intersex difference and gender diversity, and addresses discrimination, harassment and bullying based on sexual, sex and gender diversity; and
- provides opportunities for teaching and learning about LGBTI issues across the school curriculum.

Schools

- provide a safe, inclusive and welcoming space for individual students who benefit from an identified safe space and someone to talk to who is informed, knowledgeable and supportive;
- provide resources, e.g. books, posters and brochures about sexual and gender diversity and services available for young people;
- show respect for students who choose to remain unidentified or not to come out, by making information and contacts related to support services readily available in ways that allow confidentiality; and
- develop confidential support/transition plans for transgender and intersex students in consultation with the student and a family member/carer/representative.



Family voices

“As a parent of a lovely daughter who is also in a committed lesbian relationship I know just how special that relationship is to my daughter and myself. I would urge all parents to support their gay children.”

Monitoring and measuring practice

Measuring practice provides useful information for improving the provision of safe and supportive learning environments for LGBTI students and others who are subjected to homophobia or transphobia.

Schools can play a significant and highly effective role with knowledge gained from monitoring and measuring practice. Measurement also assists in the design of policies, procedures and interventions and also in identifying a range of ways in which students can communicate to teachers that they need support because they are being bullied.

Introducing measurement and monitoring of practice is invaluable and may include recording and monitoring incidents, identifying patterns and types of homophobic and transphobic behaviour and identifying whether interventions are having an effect.



Student voices

A 14 year old female lesbian attends a government school with an anti-homophobia policy in place. The school features posters, students who speak up against homophobia, friendliness towards diverse people, diverse sex education and equal treatment of same-sex partners at events. While she has not come out at home, she disclosed her sexuality to a teacher and was referred to support services. There were a few rumours about her initially, but teachers handled these well through education. She says homophobia at school hasn't impacted her and her 'very supportive' school is one of the few places in her world where she feels truly safe enough to do 'just normal student things, like learn'.

Training and development

Professional learning for staff can be crucial in developing inclusive and supportive school cultures. Professional learning and resources are available from the following external providers.

Ally Program, UWA | www.hr.uwa.edu.au/equity/sexualities/ally

The Ally Program promotes safer and more affirming environments through awareness and visibility around sexual and gender diversity and acts as a conduit for cultural change.

Equal Opportunity Commission WA | (08) 9216 3944 | www.eoc.wa.gov.au

Provides education on principles of equal opportunity in order to reduce prejudice and discrimination in the community and provides a means of redress to individuals who allege unlawful discrimination.

Freedom Centre (Perth) | (08) 9228 0354 | www.freedom.org.au | www.fcyeah.tumblr.com

Supports the health and diversity of young people's sexuality, sex and gender through a safe social drop-in centre for peer support, information and referrals for LGBTIQ (Lesbian, Gay, Bisexual, Trans*, Intersex, Queer and Questioning) young people under 26. Also provides online discussion forums, tumblr blog, workshops for young people, training for professionals, advocacy, and information resources for schools and services.

Living Proud: LGBTI Community Services of WA | (08) 9486 9855 | www.livingproud.org.au and **QLife** | 1800 184 527 | [www.qlife.org.au](http://www qlife.org.au)

GLCS provides a number of training options for the general community, ranging from one-hour personal perspectives to half and full-day workplace training in diverse sexuality, sex and gender. GLCS also works with the National LGBTI Health Alliance to provide QLife, a nation-wide service using communication technologies to enhance the health and wellbeing of LGBTI people.

People First Programme | (08) 9227 6414 | www.people1stprogramme.com.au

Supporting people with an intellectual disability in human relationships, protective education and sexuality. Services include: staff professional learning, parent consultation and support, primary and secondary school programs including protective educational programs. Also provides one-to-one support and education for students. Services metropolitan and non-metropolitan areas.

PFLAG | 0404 594 699 | www.pflagwa.org.au

PFLAG is an incorporated association run by volunteers which aims to provide support for the parents and friends of gay and lesbian family members. PFLAG holds regular monthly meetings where all are welcome. Offers a caring support system and a library of books and videos.

UnitingCare West - True Colours Safer Schools Program (Bunbury) | 1300 663 298 | www.unitingcarewest.org.au/services/diverse-sexuality-and-or-gender/true-colours

A service promoting safe and inclusive communities for young people with diverse sexuality and/or gender, aged 12-25. Has developed a Safer Schools program, complete with training, strategies, support and resources for students and staff to promote a safe and inclusive school environment and works with many schools in the region. In addition, the service offers a regular peer support group, advocacy, support and referrals to allied youth and community support services.

WA Gender Project | www.wagenderproject.org

Lobby, education and advocacy group based in Perth which can provide information and education regarding transgender, transsexual, and intersex issues.

Resources

Teachers and families may need support and strategies to address discrimination, harassment and bullying based on sexual orientation, intersex difference and gender diversity. Promoting and making available a range of written and electronic resources will assist in explaining the importance of challenging discrimination, harassment and bullying and supporting young LGBTI people.

Schools are encouraged to develop their own library of resources. Suggested materials:

Ally Program, UWA

Fosters inclusive cultures

www.hr.uwa.edu.au/equity/sexualities/ally

Australian Research Centre in Sex, Health and Society (ARCSHS)

www.latrobe.edu.au/arcsHS

beyondblue, depression, anxiety

LGBTI Communities

www.youthbeyondblue.com/understand-what%27s-going-on/lgbti-communities

Equal Opportunity Commission

Safe Schools Resources

www.eoc.wa.gov.au/CommunityEducationandtraining/Safe-schools-WA.aspx

Fact sheet for staff

www.eoc.wa.gov.au/Libraries/GBTI_project/2012-Teachers-Fact_Sheet.sflb.ashx

Fact sheet for students

www.eoc.wa.gov.au/Libraries/GBTI_project/2012-GBTI_Students_Fact_Sheet.sflb.ashx

Fact sheet for parents and care-givers

www.eoc.wa.gov.au/Libraries/GBTI_project/2012_-_GBTI_Parents_Fact_Sheet.sflb.ashx

Freedom Centre's Safe Schools Directory

www.freedom.org.au

Gay Lesbian and Straight Education Network (USA)

www.glsen.org

Growing and Developing Healthy Relationships

Curriculum materials for K-12 students www.qdhr.wa.gov.au

Human Rights Campaign (USA)

www.hrc.org/resources/entry/what-welcoming-schools-offer

Kids Matter

Mental health and wellbeing for primary school students

www.kidsmatter.edu.au

MindMatters

Mental health and wellbeing for secondary school students

www.mindmatters.edu.au

National Safe Schools Framework

www.safeschoolshub.edu.au

Pride and Prejudice Educational Package

Challenging Homophobia Program for Everyday Classrooms

www.thatssogay.com.au/pride-prejudice

Rainbow Network Victoria

www.rainbownetwork.com.au

RightsED

Human Rights education resources for teachers

www.humanrights.gov.au/human-rights-education-resources-teachers-rightsed

Safe Schools Coalition Australia

The Foundation for Young Australians

www.fya.org.au/inside-fya/initiatives/safe-schools-coalition-australia

Safe Schools Coalition Victoria

Reducing homophobia and transphobia

www.safeschoolscoalitionvictoria.org.au

Safe Schools Hub

www.safeschoolshub.edu.au

The New Norm

www.thenewnorm.org

UnitingCare West -True Colours Safer Schools Program

www.unitingcarewest.org.au/services/diverse-sexuality.../true-colours/

Victoria University, Melbourne

The Equal Play Study: Simmons et al. (2014)

Funded by beyondblue Victorian Centre for Excellence

www.beyondblue.org.au/docs/default-source/research-project-files/bw0255.pdf?sfvrsn=2

WA Gender Project

www.wagenderproject.org



References

APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation 2009, *Report of the Task Force on Appropriate Therapeutic Responses to Sexual Orientation*, American Psychological Association, Washington DC.

Bridge, DJ 2007, 'Breaking a spell of silence. The Tasmanian evaluation of the 2006 Pride and Prejudice Program', *Youth Studies Australia*, vol. 26, no. 1, pp. 32-40.

Hillier, L et al. 2010, *Writing Themselves In 3: The Third National Study on the Sexual Health and Wellbeing of Same-Sex Attracted and Gender Questioning Young People in Australia*, Australian Research Centre in Sex, Health and Society, La Trobe University, Melbourne.

Hillier, L et al. 2005, *Writing Themselves In Again: The Second National Report on the Sexuality, Health and Wellbeing of Same-Sex Attracted Young People in Australia*, Australian Research Centre in Sex, Health and Society, La Trobe University, Melbourne.

Hillier, L et al. 1998, *Writing Themselves In: A National Report on the Sexuality, Health and Wellbeing of Same-Sex Attracted Young People*, National Centre in HIV Social Research, Centre for the Study of Sexually Transmissible Diseases, La Trobe University, Melbourne.

Hillier, L et al. 1996, *The Rural Mural, Sexuality and Diversity in Rural Youth*, Centre for the Study of Sexually Transmissible Diseases, La Trobe University, Melbourne.

Hunt, R & Jensen, J 2009, *The School Report: The experiences of young gay people in Britain's schools*, Stonewall, London.

Jones, T 2012, *Discrimination and bullying on the grounds of sexual orientation and gender identity in Western Australian education*, Equal Opportunity Commission, Perth.

Kosciw, J, Greytak, EA, Diaz, EM, & Bartkiewicz, MJ 2010, *The 2009 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools*, Gay, Lesbian and Straight Education Network (GLSEN), New York.

Ministerial Council for Education, Early Childhood Development and Youth Affairs (MCEECDYA) 2007, *National Safe Schools Framework*, MCEECDYA, Victoria.

National LGBTI Health Alliance 2013, *Health Information Sheet on Inclusive Language: Respecting intersex people, trans people and gender diverse people*, National LGBTI Health Alliance, Sydney.

Plummer, D 1999, *One of the Boys: Masculinity, Homophobia and Modern Manhood*, Harrington Park Press, New York.

Sorenson, A & Brown, G, 2007, *Report on the Sexual Health Education of Young People in WA*, WA Health, Perth.

UNESCO 2012, *Review of Homophobic Bullying in Educational Institutions*, UNESCO, Paris.



Appendix 1

Glossary

The following are some commonly used terms in Australia⁹. Their meanings are continually being contested and there is no worldwide agreement on them. Many of these words have different meanings depending on context, politics, place or culture. The Equal Opportunity Commission acknowledges that some people may not agree with the definitions below and respects everyone's right to identify in any way they choose.

Bullying is when an individual or group misuses power to target another individual or group to intentionally threaten or harm them on more than one occasion. This may involve verbal, physical, relational and psychological forms of bullying. Teasing or fighting between peers is not necessarily bullying.

Discrimination is less favourable treatment of a person because of a personal characteristic such as race, sex, sexual orientation or disability or treating everyone the same way where to do so has a disadvantageous effect on a person or group of people because of a shared personal characteristic. Discrimination does not have to be intentional, nor does the effect have to be intended, for it to be unlawful.

Gender identity is how one sees oneself from a gender perspective. It includes being male, female, transgender or intersex.

Harassment refers to offensive, humiliating, threatening, abusive or intimidating behaviour that is directed at individuals or group/s for either perceived or real attributes.

Homophobia is an individual or society's misunderstanding, fear, ignorance of, or prejudice against gay, lesbian and/or bisexual people.

Intersex difference refers to a characteristic of a person who is born with reproductive organs, genitalia and/or sex chromosomes that are not exclusively male or female. There are many different intersex states which may or may not be visible or diagnosed.

LGBTI is a recognisable acronym to collectively refer to a group of identities that includes lesbian, gay, bisexual, trans/transgender and intersex people and other sexuality, sex and gender diverse people, regardless of their term of self-identification.

Sexual identity is how one sees oneself sexually and how one presents oneself to others. It includes being gay, lesbian, bisexual or heterosexual.

Sexual and gender diversity is an umbrella term that includes the full spectrum of gender identity and sexual identity.

Sexual orientation refers to the direction of one's sexual and romantic attractions and interests towards members of the same, opposite or both sexes, or all genders. Note that one's sexual orientation may be different from one's sexual identity.

Sistergirls and Brotherboys are terms used by some Aboriginal and Torres Strait Islander communities to describe a person assigned male or female at birth and living partly or fully as the other gender. Use or the spelling of the terms may vary across different groups and communities and other cultures will use other terms to describe gender diversity¹⁰.

Transgender is a general term applying to individuals whose gender identity and experience does not match dominant cultural expectations about what it means to be male or female. This includes a person whose gender identity does not 'match' (according to cultural beliefs) their physical/biological sex 'assigned' at birth, who may identify as 'transsexual'.

Transphobia is an individual's or society's misunderstanding, fear, ignorance of, or prejudice against people who experience transsexualism or identify as transgender.

⁹ See the Freedom Centre Glossary for more definitions: www.freedom.org.au/Glossary/Glossary/menu-id-63.html

¹⁰ See Safe Schools Coalition: www.safeschoolscoalition.org.au/safe-schools-do-better

Nomenclature

Transgender people should be identified with the pronoun that corresponds with the gender with which they identify. If you are unsure of someone's gender, it is appropriate to respectfully ask the person's name and which pronoun they prefer you to use. In general it is considered insensitive to refer to someone by the wrong pronouns once you have established which set of pronouns they prefer.

For more on inclusive language, see the National LGBTI Health Alliance's 2013 Health Information Sheet on Inclusive Language: Respecting intersex people, transgender people and gender diverse people.

Appendix 2

Legislation

[School Education Act 1999 \(WA\)](#)

The objects of this Act include:

- the right of every child in the State to receive a school education;
- to provide for government schools that meet the educational needs of all children; and
- to acknowledge the importance of the involvement and participation of a child's parents in the child's education.

[Equal Opportunity Act 1984 \(WA\)](#)

Discrimination

Under this Act it is unlawful to treat someone less favourably because of their sexual orientation, sex or gender history. This includes discrimination based on their perceived sexual orientation, sex or gender history.

It is also unlawful to treat someone less favourably based on the sexual orientation of their relatives or friends.

Students with intersex/trans identity may also be protected from discrimination under impairment provisions of the Act. However, the student must demonstrate that impairment is a result of their intersex/trans status, which many from this community may not wish to do.

Impairment discrimination in schools can be subject to exceptions.

Sexual harassment

Under the Act it is unlawful to sexually harass someone in educational institutions.

Sexual harassment can include unwelcome behaviour such as suggestive comments or jokes, insults or taunts based on sex, sexually explicit pictures, emails or text messages or intrusive questions about a person's private life or body.

This means an employee of a school cannot sexually harass a student or a potential student of that school.

[Sex Discrimination Act 1984 \(Cth\)](#)

From 1 August 2013, it is unlawful under the *Sex Discrimination Act 1984 (Cth)* to discriminate or harass a person on the grounds of their:

- sexual orientation
- gender identity
- intersex status.

Same-sex couples are now protected from discrimination under the new definition of 'marital or relationship status' (this was previously 'marital status').

Under the *Sex Discrimination Act 1984* it is unlawful in the area of education for a staff member to sexually harass a student, or for a student more than 16 years old to sexually harass a staff member of the same school. It is also unlawful for a student older than 16 to sexually harass another student from the same school or another school.

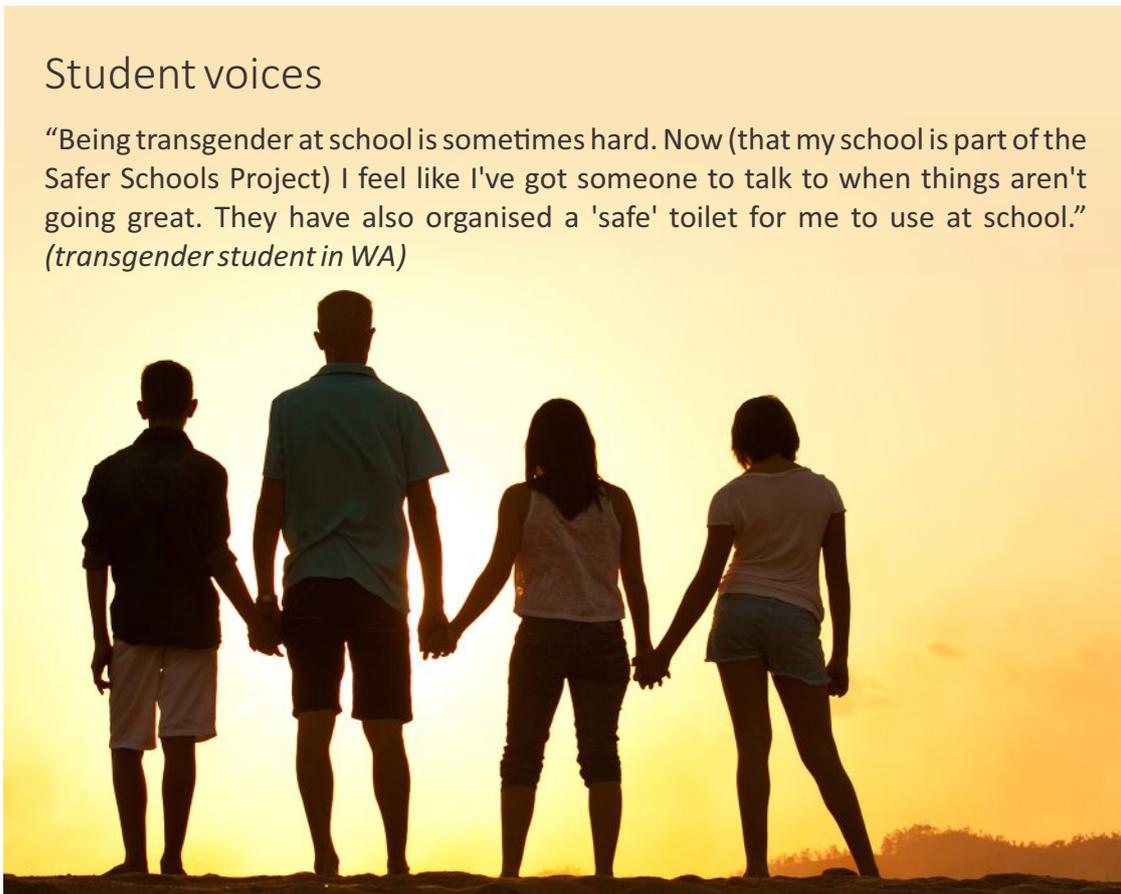
[Occupational Safety and Health Act 1984 \(WA\)](#)

The *Occupational Safety and Health Act 1984* establishes general health and safety duties that are expected of persons at Western Australian workplaces. The Act also places a duty of care on a number of parties in a workplace to ensure the safety of everyone including non-employees who have reason to be in that workplace.

This means that employees must not bully or treat co-workers or others at the workplace, including students, family members and other community members coming into the education environment, in ways that could damage their health and wellbeing.

Student voices

"Being transgender at school is sometimes hard. Now (that my school is part of the Safer Schools Project) I feel like I've got someone to talk to when things aren't going great. They have also organised a 'safe' toilet for me to use at school."
(transgender student in WA)





Authorised by: Allannah Lucas

Position of authorising person: Commissioner, Equal Opportunity
Commission of Western Australia

Date authorised: 29/08/2014

Developed by: Equal Opportunity Commission of Western Australia,
Training Unit

Training Unit Date of last review: 26/08/2014

Date for next review: 12 months

This document replaces: No previous document



Equal Opportunity Commission
Level 2, 141 St Georges Terrace
Westralia Square
Perth, Western Australia 6000
Tel. (08) 9216 3900 | Email: eoc@eoc.wa.gov.au
www.eoc.wa.gov.au