

Supporting Sexuality, Sex, and Gender Diversity in Schools Policy

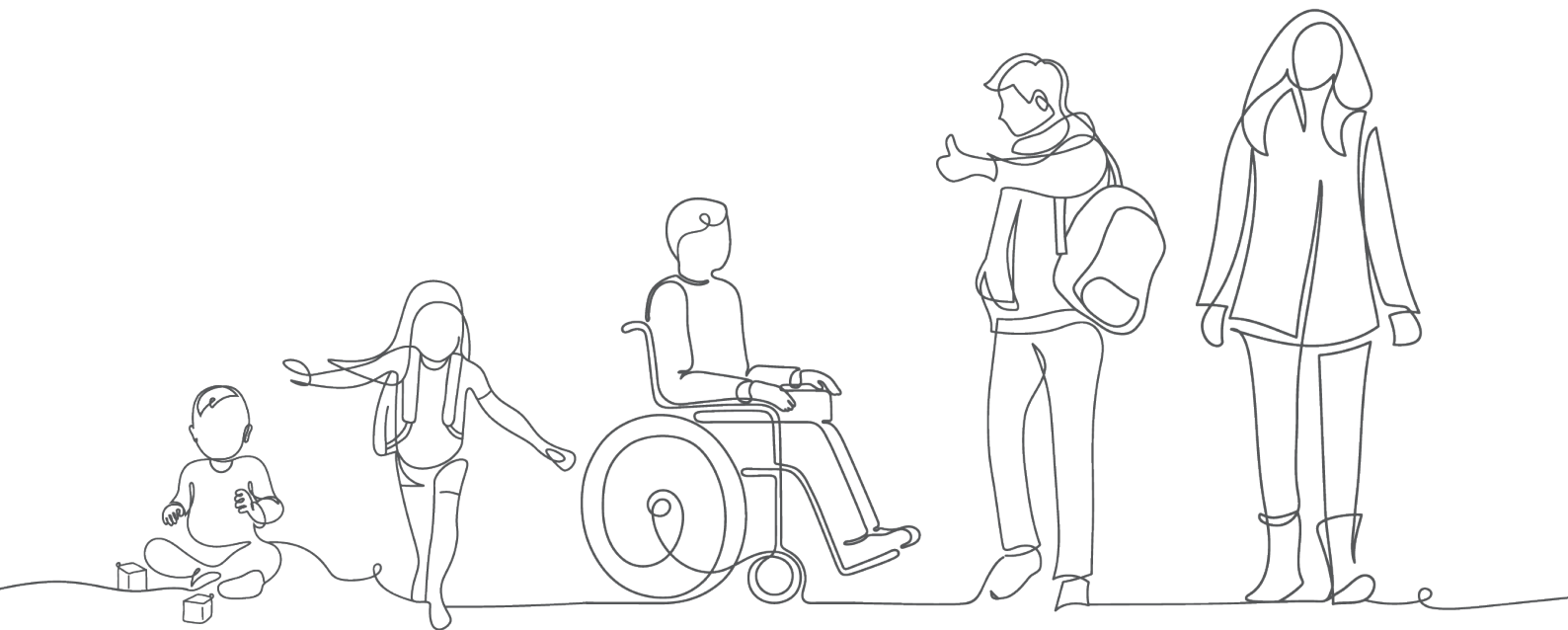


TABLE OF CONTENTS

Version 1 – 15/12/2022

1	Purpose.....	3
2	Policy Statement.....	3
3	Related policies.....	4
4	Related procedures.....	5
5	Supporting information/tools	5
6	Definitions.....	5
7	Legislation.....	8

1 Purpose

The Supporting Sexuality, Sex and Gender Diversity in Schools Policy (the Policy) outlines the Department for Education, Children and Young People (the Department) commitment to providing high quality inclusive education and supporting all children and young people to have equal opportunities for learning and wellbeing outcomes, regardless of sexual orientation, gender diversity or intersex status in accordance with their legislative requirements.

This Policy applies to all the Department's schools and is to be read together with the Supporting Sexuality, Sex and Gender Diversity in Schools Procedure (the Procedure).

2 Policy Statement

Schools must ensure that they create safe, inclusive, and relevant educational experiences for all students, including for Lesbian, Gay, Bisexual, Transgender and Gender Non-Binary and Gender Diverse, Intersex, Queer and Questioning (LGBTIQ+) students and children of LGBTIQ+ families.

Tasmanian government schools can engage the services of an external organisation for the purposes of providing sexuality, sex, and gender diversity education and support to school staff and students, and must follow the Department's **Working with External Providers Procedure**.

A range of **supporting information/tools** are available to schools to help ensure an inclusive environment for LGBTIQ+ students and families.

This Policy aims to ensure that:

- all students receive a quality education in a safe, supportive and inclusive environment, free from discrimination, bullying and harassment regardless of sexual orientation, intersex status, gender identity or gender expression
- all staff understand and meet their obligations to protect the above entitlement
- the Department complies with legislative requirements pursuant to the national and state laws that require schools to take reasonable and proportionate measures to promote an LGBTIQ+ inclusive environment, including:
 - » the **[Anti-Discrimination Act 1998 \(Tas\)](#)** which prohibits discrimination, incitement to hatred and offensive conduct on the basis of sexual orientation, gender identity, intersex status and relationship status
 - » the amendments to the **[Births, Deaths and Marriages Registration Act 1999 \(Tas\)](#)** gender reforms and **[Justice and Related Legislation \(Marriage and Gender Amendments\) Act 2019 \(Tas\)](#)** that legally recognise the gender identities of trans and gender diverse Tasmanians
 - » the **[Relationships Act 2003 \(Tas\)](#)** which recognises a wide range of significant personal relationships including same-sex relationships
 - » the **[Same-Sex Relationships \(Equal Treatment in Commonwealth Laws – Superannuation\) Act 2008 \(Cth\)](#)** under which the existing definition of "de facto relationship" was expanded to include de facto same-sex relationships. This applies in all areas of federal law including superannuation, immigration, health care, public sector entitlements and family law
 - » the **[Sex Discrimination Act 1984 \(Cth\)](#)** which prohibits discrimination against someone because of their sex, sexual orientation, gender identity or intersex status, including when accessing bathrooms
 - » the **[State Service Act 2000 \(Tas\)](#)** establishes standards for personal behaviour and for the conduct of relationships with the Government and Parliament, within State Service workplaces, and with the Tasmanian community (section 7, *State Service Act 2000*)

- » the [Work Health and Safety Act 2012 \(Tas\)](#) establishes general health and safety duties that are expected of persons at Tasmanian workplaces.
- organisations where children and young people spend time comply with the [National Principles for Child Safe Organisations](#). These principles include:
 - » Standard 4: Equity is upheld and diverse needs respected in policy and practice.

[Writing Themselves In 4 \(2021\)](#) and [Free2Be...Yet \(2021\)](#) show that stigma (negative and usually unfair beliefs), and discrimination (unfairly treating a person or group of people) against LGBTIQ+ people still exist in Australian schools and can negatively affect the health and wellbeing of LGBTIQ+ students. Challenging prejudice, stigma and discrimination against LGBTIQ+ students not only improves their mental health and wellbeing, but it also has a direct relationship to their educational outcomes. ¹

LGBTIQ+ students are more likely to face stigma, be bullied, experience verbal or physical harassment or be humiliated at school than non-LGBTIQ+ students. ² The effects of discrimination, harassment and bullying negatively impact on student's health and wellbeing, including being unable to concentrate in class, having their marks drop, leaving school altogether, moving schools, missing classes, hiding at recess or lunch, not using the change rooms, and dropping out of extra-curricular activities. ³ Abuse and discrimination have also been shown to increase the risk of suicidal thoughts, suicide attempts and forms of self-harm. ⁴

The Department has a long and proud history of fostering LGBTIQ+ inclusion in Tasmanian schools. This work began in 1997 with the formation of an LGBTIQ+ working group, the recognition of same-sex relationships in the teacher transfer policy and the publication of the first edition of the *Sexuality and Gender Guidelines* to help schools be more inclusive. This work has continued ever since, making Tasmania and the Department a leader in LGBTIQ+ school inclusion.

Schools must support sexuality, sex and gender diversity by:

- providing a supportive and respectful environment
- respecting privacy and confidentiality in relation to all members of the school community
- recognising the gender identities of all members of the school community
- supporting students and families to access information and resources on gender diversity, intersex and sexual diversity
- ensuring that curriculum, activities, policies and practices include the needs of all students
- challenging all forms of homophobia, transphobia and intersexism to prevent discrimination and bullying
- using [Inclusive Language](#).

3 Related policies

- [Student Behaviour Management Policy](#)
- [Template – Respectful Student Behaviour Policy](#) (Department staff only)

¹ Hill et al. (2021) *Writing Themselves In 4*, La Trobe University, Melbourne

² Hill et al. (2021) *Writing Themselves In 4*, La Trobe University, Melbourne

³ Smith et al. (2014) *From blues to rainbows*, La Trobe University, Melbourne

⁴ Hillier et al. (2010) *Writing Themselves In 3*, La Trobe University Melbourne

4 Related procedures

- [Supporting Sexuality, Sex and Gender Diversity in Schools Procedure](#)
- [Working with External Providers Procedure](#)
- [Student Behaviour Management Procedure](#) (Department staff only)

5 Supporting information/tools

- Frequently Asked Questions for Schools – Supporting Sexuality, Sex and Gender Diversity in Schools.
- The [Combating Bullying Initiative](#) is a broad anti-bullying initiative addressing the full range of causes and consequences of bullying and cyber bullying; and includes targeted resources and supports for particular groups of students, including LGBTIQ+ young people and young people from diverse backgrounds, so they feel safe and supported in their school communities. Under this Initiative, the Department partners with community organisation [Working It Out](#).
- The [Respectful Relationships Education](#) package support families and communities to ensure students understand how to interact with others and to develop positive respectful relationships as they grow and become adults themselves.
- [Respectful Schools, Respectful Behaviour](#) provides practical guidance and tools for schools and teachers to support positive interactions and inclusive school communities. This resource includes specific guidance on supporting LGBTIQ+ children and young people and their families.
- [Working It Out](#) is funded by the Department to deliver the [Valuing Diversity Framework](#) (VDF) to support schools to be LGBTIQ+ inclusive. These services are offered from early childhood to college level, state-wide.
- [A Fairer World](#) is funded by the Department to deliver the ‘Let’s Get Together’ program, a diversity education program developed specifically for Tasmanian schools wanting to partner with their students and the wider community to create a more respectful school environment.
- The [National Principles for Child Safe Organisations](#) is now a requirement of all Commonwealth entities and sets an expectation for all organisations where children and young people spend time.

6 Definitions

A note on definitions

The following are some commonly used terms in Australia. Their meanings are continually evolving. Many of these words have different meanings depending on context, politics, place or culture. The most important thing is to respect the terms that people choose to use about themselves. The Department acknowledges that some people may not agree with the definitions below and respects everyone’s right to identify in any way they choose.

A note on personal pronouns

Personal pronouns (**she/her, they/them, he/him** etc.) are how we refer to someone instead of using their name. All people should be identified with the pronoun that corresponds with the gender with which they identify. Learn a person's pronouns. A personal pronoun is the pronoun that a person uses for themselves. If you're unsure what someone's pronouns are, you can ask them respectfully, and preferably privately. If you can't ask them, choose gender neutral pronouns. A person's pronouns and identity are not a preference – therefore, do not say, 'preferred pronoun'. Use a question like 'can I ask what pronouns you use?' More can be found in the Department's [Inclusive Language Guidelines](#).

Bullying

An ongoing misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm.

Discrimination

Discrimination is less favourable treatment of a person because of a personal characteristic, such as race, gender, 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.

Discriminating against a person or group of people means treating people less favourably than others or doing something that has a less favourable effect on someone because of their personal characteristics.

Discrimination does not have to be intentional, nor does the effect have to be intended, for it to be unlawful.

Discrimination includes, for example:

- » calling a person a name that relates to a personal characteristic (e.g. calling a person a 'bitch' relates to gender)
- » specifically excluding a person from an activity because of a personal characteristic (e.g. excluding a boy from a cooking class)
- » having steps onto the podium/stage in the school assembly hall, as this excludes a person in a wheelchair from independently getting onto the stage/podium
- » using heterosexual examples only when talking about families, as this has the effect of excluding students with same-sex parents from being seen as an ordinary part of the school community.

Gender diverse

Refers to a range of genders expressed in different ways and is used to describe people who do not identify with the gender they were assigned at birth. For example, someone who was assigned female at birth may feel as though they identify more with a male gender. This is also known as transgender.

Gender diversity also includes people who identify as agender (having no gender), as bigender (having two genders) or as non-binary (not strictly woman or man). Some people identify as genderqueer or as having many or changing genders. There are many terms used by gender diverse people to describe themselves. Language in this space is dynamic, particularly among young people, who are more likely to describe themselves as non-binary.

Gender identity

Part of how you understand who you are and how you interact with other people. Many people understand their gender as being female or male. Some people understand their gender as a combination of these or neither. Gender can be expressed in different ways, such as through behaviour or physical appearance.

Gender identity has nothing to do with sexual orientation. This is important to understand. Gender identity is an inner sense of oneself as man, woman, masculine, feminine, neither, both, or moving around freely between or outside of the gender binary.

Homophobia

Any action, attitude, or behaviour that has the potential to limit same-sex attracted people because of their sexuality. Used to describe a whole range of negative feelings or behaviours towards anyone who is same-sex attracted. Homophobia can also affect people who others think are same-sex attracted, as well as those who have family members or friends who are same-sex attracted.

Homophobic behaviour can also include abusive threats or actual physical violence, sexual harassment and deliberately excluding someone because of their sexuality.

Intersex

Intersex is an umbrella term to describe people who are born with innate variations of sex characteristics. Refers to people with innate genetic, hormonal or physical sex characteristics that do not conform to medical norms for female or male bodies. Such variations are many, and natural.

'Intersex' describes people who have natural variations that differ from conventional ideas about 'female' or 'male' bodies, including their genitals and other physical characteristics.

Although people with variations of sex characteristics are often confused with transgender and gender diverse people, being intersex is not about gender identity and most intersex people identify as women or men. Like other young people however, intersex young people might be heterosexual or same-sex attracted or gender diverse.

LGBTIQ+ communities

The 'LGBTIQ+' acronym is widely used and has been adopted by all Tasmanian Government Departments because it is recognisable by many and is inclusive of diverse expressions of body, relationship, gender and biological sex. However, there are other terminologies and expressions that people use, and all language evolves and changes.

Lesbian

A woman who is emotionally, romantically or sexually attracted to other women.

Gay

A person who is emotionally, romantically or sexually attracted to members of the same gender, the term can be used specifically in relation to men, or more broadly.

Bisexual

A person who is emotionally, romantically or sexually attracted to more than one sex, gender or gender identity though not necessarily simultaneously, in the same way or to the same degree.

Transgender/Trans

An umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.

Queer

Is a term people often use to express fluid identities and orientations. Some people use queer to describe their own gender and/or sexuality if other terms do not fit. For some people, especially older people, 'queer' has negative connotations, because in the past it was used as a derogatory term.

Questioning

Is a term used to describe people who are in the process of exploring their sexual orientation or gender identity. Occasionally the 'Q' in LGBTIQ+. Rather than be locked into a certainty, some people are still exploring or questioning their gender or sexual orientation. People may not wish to have one of the other labels applied to them yet, for a variety of reasons, but may still wish to be clear, for example, that they are non-binary or non-heterosexual. It is important these individuals feel welcome and included in the acronym.

Sex

The legal status that was initially determined by sex characteristics observed at birth. Sex characteristics are a person's physical sex features, such as their chromosomes, hormones and reproductive organs.

Sexual orientation

Describes a person's enduring physical, romantic, and/or emotional attraction to another person. Gender identity and sexual orientation are not the same.

Relationship status

Relationship status means being or having been in a personal relationship as defined in the *Relationships Act 2003 (Tas)*. This means

- (a) being an adult in a couple relationship with another adult, whether of the same-sex or different-sex, but not being married or related by family, or
- (b) being in a relationship that involves providing care to the other person in the relationship whether or not related by family.

Such relationships may be registered under the *Relationships Act 2003*, but do not have to be registered in order to be protected under the *Anti-Discrimination Act 1998*. Same-sex and different-sex couples have equal spousal entitlements as "significant partners" in Tasmanian law and "de facto partners" in federal law. Discrimination because a person is in a same-sex or heterosexual de facto relationship is unlawful under the Tasmanian *Anti-Discrimination Act*.

Transgender

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.

Transphobia

Any action, attitude, or behaviour that has the potential to limit people because of their gender identity. Used to describe a whole range of negative feelings or behaviours towards anyone who is transgender or gender diverse. Transphobia, and fixed ideas about gender, can affect a lot of people, including those that have transgender friends or family members.

7 Legislation

- [*Anti-Discrimination Act 1998 \(Tas\)*](#)
- [*Births, Deaths and Marriages Registration Act 1999 \(Tas\)*](#)

- [Justice and Related Legislation \(Marriage and Gender Amendments\) Act 2019 \(Tas\)](#)
- [Relationships Act 2003 \(Tas\)](#)
- [Same-Sex Relationships \(Equal Treatment in Commonwealth Laws – Superannuation\) Act 2008 \(Cth\)](#)
- [Sex Discrimination Act 1984 \(Cth\)](#)
- [State Service Act 2000 \(Tas\)](#)
- [Work Health and Safety Act 2012 \(Tas\)](#)

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This document replaces: *Supporting Sexual and Gender Diversity in Schools and Colleges Guidelines*