



**Affirming diversity  
of sexualities  
and gender identities  
in the school community**

**Guidelines  
for boards of trustees and  
principals**

**Prepared by  
New Zealand Post Primary Teachers' Association/  
Te Wehengarua  
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# Endorsements

The aims of these Guidelines are supported by the following organisations:

- ⇒ Ministry of Youth Affairs/Te Tari Taiohi
- ⇒ Human Rights Commission
- ⇒ NZ School Trustees Association
- ⇒ Family Planning Association of NZ Inc
- ⇒ NZ Mental Health Foundation
- ⇒ Office of Commissioner for Children
- ⇒ NZ Secondary Principals' Council

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# 1. Rationale

Schools are institutions where diversity is the norm, among the staff, the students and the community served by the school. Every Board and staff must ensure that their school not only recognises this diversity but affirms it so that everyone involved with the school feels welcome and valued. Diversity in schools includes:

- Diversity of cultures
- Diversity of ethnicity
- Diversity of beliefs and values
- Diversity of learning needs
- Diversity of sexualities
- Diversity of gender identities

The first four of these forms of diversity are generally well-recognised and acted upon.

However the areas of diverse sexualities and gender identities have been less well addressed.

These Guidelines, which were endorsed by STA, are to assist Boards of Trustees and PPTA branches to consider how well their school deals with diversity of sexualities and gender identities. Within any school community, among the staff, the students, and the families/whanau of the students, it is certain that there will be some people who are not of the dominant heterosexual orientation. They may identify as lesbian or gay or bisexual in sexual orientation. They may also be transgender people or intersex (of indeterminate gender) people. These are forms of sexual or gender identity. There are a number of legal and ethical reasons why these forms of diversity must be affirmed and not ignored by Boards of Trustees.

Research shows that the leadership role of senior management in a school is critical in establishing and maintaining the right school climate. If senior management, especially the principal, is seen to take a clear position affirming diversity and challenging prejudice in all forms, including homophobia and transphobia, outcomes for staff and students will be far more positive. Boards of Trustees are in a position to require this of the school's principal by building it into their performance agreement. PPTA provides a professional development kit for principals and teachers about how to affirm diversity of sexualities and gender identities in the school community. This can be downloaded from our website.<sup>1</sup>

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<sup>1</sup> <http://www.ppta.org.nz/index.php/resources/publication-list/2113-affirming-diversity>

## 2. Schools' Obligations

The following conventions, statutes, regulations and standards set out a Board of Trustees' obligations to staff and to students:

### 2.1 International Human Rights

Because school Boards of Trustees are Crown Entities, they are subject to the state's international human rights obligations. Several provisions are relevant. Many of these are paralleled in domestic law, providing a guide to their interpretation. Others address areas that are not explicitly covered in domestic law. Articles 2, 13, 17 and 29 of the United Nations Convention on the Rights of the Child are highly relevant to the task of schools, and commit New Zealand as follows:

#### *Article 2*

1. *States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.*
2. *States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.*

#### *Article 13*

*The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.*

#### *Article 17*

*States Parties recognise the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.*

#### *Article 29*

1. *States Parties agree that the education of the child shall be directed to:*
  - a) *The development of the child's personality, talents and mental and physical abilities to their fullest potential;*

- b) *The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;*
- c) *The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilisations different from his or her own;*
- d) *The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;*
- e) *The development of respect for the natural environment.*

## **2.2 The New Zealand Bill of Rights Act 1990**

This Bill reinforces everyone's right to freedom from discrimination on the grounds that are prohibited in the Human Rights Act (see below).

## **2.3 Human Rights Act 1993**

The Human Rights Act 1993 set out thirteen grounds on which discrimination is prohibited. These are sex, marital status, religious and ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status and sexual orientation. The Human Rights Act also outlaws sexual and racial harassment. The Crown Law Office produced an opinion in 2006 that discrimination on the ground of gender identity would come within the category of sex discrimination.<sup>2</sup>

Many schools have good approaches to gender, ethnic origins, religious beliefs, and disability. But the diversity of sexualities within the school community is less likely to have been addressed proactively. It is a partial solution to have excellent sexual harassment policies and procedures in place which clearly recognise the existence of harassment based on actual or presumed sexual orientation, sexual identity or gender identity. However, sanctions against such sexual harassment are not enough to ensure that staff or students or family/whanau members who are not heterosexual or who are transgender or intersex feel valued.

## **2.4 Common Law**

Where a school directly discriminates against staff or students because of sexual orientation or gender identity, then the Human Rights Act will have been breached.

But a school may also breach the Human Rights Act by allowing an environment to develop within a school which is hostile to gay, lesbian,

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<sup>2</sup> <http://www.beehive.govt.nz/release/crown-law-opinion-transgender-discrimination>

bisexual or transgender persons. It is likely also to be deemed a breach of a school's legal duty of care for a Board of Trustees to fail to take reasonable steps to **prevent** the harassment, by pupils, of other pupils who are perceived to be gay, lesbian, bisexual or transgender. In Australia and England school managers have been sued for a breach of a common law duty of care in failing to prevent harassment of pupils who were perceived to be gay, and damages have been awarded against schools.

Once harassment has been brought to a school's attention, the school is particularly vulnerable to such claims if it then fails to take appropriate action.

Boards of Trustees should be aware that in some circumstances the overseas litigation could be replicated here. Only in cases involving physical injury will the school authorities be shielded by the Accident Compensation legislation. In other cases of sexual orientation harassment, it is possible that a plaintiff would seek damages for emotional trauma and costs of disrupted schooling.

## **2.5 State Sector Act 1988**

This Act requires Boards of Trustees to be 'good employers', ensuring fair treatment in all aspects of employment. There is a requirement to operate an Equal Employment Opportunity policy which targets the needs of specific groups. Since lesbian, gay, bisexual, transgender and intersex (LGBTI) people now come under the protection of the Human Rights Act, it would make sense to identify them as a target group in the equal employment opportunity policy.

The Act also requires that employers in educational institutions ensure "that all employees maintain proper standards of integrity, conduct, and concern for (a) the public interest, and (b) the well-being of students attending the institution".

## **2.6 Health and Safety in Employment Act 1992**

This Act requires every employer to take steps to ensure the safety of employees while at work, and of students while at school, and in particular to:

- Provide and maintain a safe working environment;
- Ensure that hazards are identified and assessed; and
- Ensure that employees and others in the workplace are not exposed to hazards.

A hazard is any factor which may cause physical, emotional or psychological harm to an employee. Stress, for example as a result of homophobia or transphobia in the work environment, could be an example of a hazard. This means, for example, that if a Board of Trustees fails to protect a teacher or other staff member or student from harassment by homophobic or transphobic students or staff which causes stress, they

may be liable under this Act. Having actively maintained and promoted policies and procedures would protect the school from such a claim. A school is a safe environment when teachers promote personal respect and physical and emotional safety in all their relationships, and require students to do the same.

## **2.7 National Education Goals**

The government has set as the first two National Education Goals the following:

1. *The highest standards of achievement, through programmes which enable all students to realise their full potential as individuals, and to develop the values needed to become full members of New Zealand's society.*
2. *Equality of educational opportunity for all New Zealanders, by identifying and removing barriers to achievement.*

In return for receiving state funding for education, the school undertakes to work towards these goals, at the Board of Trustees level, at management level, and inside and outside the classroom.

If the school fails to provide an environment which respects the dignity of all students, whatever their sexual orientation or gender identity, it could be argued that it is not working towards the National Education Goals effectively. Some students will not be realising their full potential through the emotional trauma of recognising that they have a sexuality or gender identity which is not affirmed by their school community.

## **2.8 National Administration Guidelines**

The school also has an obligation to follow the National Administration Guidelines, included among which is a requirement to:

*Identify students and groups of students:*

- a) *who are not achieving;*
- b) *who are at risk of not achieving;*
- c) *who have special needs; (NAG 1 (c))*

Students will not achieve their full potential if they don't feel emotionally and physically safe. Students for whom sexual orientation or gender identity is an issue (and this may be quite a large proportion of teenagers at some stage) need to feel valued for whoever they are if they are to learn successfully.

The school is also required to:

i. *Develop and implement personnel and industrial policies ... which promote high levels of staff performance, use educational resources effectively and recognise the needs of students;*

ii. *Be a good employer as defined in the State Sector Act 1988 ...*

(NAG 3)

i. *Provide a safe physical and emotional environment for students.*

(NAG 5)

This last is a particularly significant requirement on schools, and requires them to be proactive to prevent physical and emotional dangers to students, not just to react to incidents that may happen.

All of these imply that a Board of Trustees must ensure that the school is safe for students and staff of diverse sexualities and gender identities, just as for any other diversities.

## **2.9 NZ Curriculum**

The NZ Curriculum 2007, which came into full effect in 2010, places considerable emphasis on schools catering for diversity of all kinds:

- The Principles require a school's curriculum to be inclusive, which is defined as "non-sexist, non-racist and non-discriminatory" and to ensure that "students' identities ... are recognised and affirmed and that their learning needs are addressed" (p.9)
- The Values require that students learn to "respect themselves, others, and human rights" (p.10).
- The Key Competency 'Relating to Others' "is about interacting effectively with a diverse range of people in a variety of contexts" (p.12).
- Effective Pedagogy requires teachers to create "a supportive learning environment" because "students learn best when they feel accepted, when they enjoy positive relationships with their fellow students and teachers", and "Effective teachers foster positive relationships within environments that are caring, inclusive, non-discriminatory and cohesive" (p.34).
- The health education part of the Health and Physical Education curriculum requires that students "develop competencies for mental wellness, reproductive health and positive sexuality", "build resilience through strengthening their personal identity and sense of self-worth", and "learn to demonstrate empathy and ... develop skills that enhance relationships" (p.23).

## **2.10 Professional Standards for Teachers**

The Professional Standards for Teachers (Supplement 1 of the Secondary Teachers' Collective Agreement) require teachers to "demonstrate expertise and refined strategies in the development and maintenance of environments which enhance learning by recognising and catering for the

learning needs of a diversity of students” and to “demonstrate particular skill and success in communicating effectively with students”. Acting with respect towards all students, including those who are not of the dominant sexual orientation/identity, is part of meeting these requirements. The same requirements apply to teachers in area schools.

### **2.11 Professional Standards for Principals**

The Professional Standards for Principals (attached to the Secondary Principals’ Collective Agreement 2011-2013) require principals to “develop and then implement a school vision with shared goals and values focused on enhanced engagement and achievement (academically, socially and culturally) for all students”, to “Model respect for others in interactions with adults and students”, to “Maintain a safe, learning-focused environment”, to “Promote an inclusive environment in which the diversity, multicultural nature and prior experiences of students are acknowledged and respected”, and to Focus in particular on success in learning for ... students at risk of not succeeding at school”. (Area school principals are expected to meet these standards too.)

### **3. Ethical Issues**

#### **3.1 Prejudice and Bullying**

Teachers generally go out of their way to avoid prejudging students on the basis of their gender, race, economic status, religious beliefs, or ability/disability, whether intellectual or physical. Teachers have learnt over recent generations not to run down minority groups by speaking scornfully of or to them, by calling them names or by telling jokes at their expense. In Social Studies, History, English and other subjects, students learn about the terrible consequences of prejudice in human relations.

But two of the last prejudices to disappear are homophobia, the irrational fear of and antipathy towards people whose sexuality is not the dominant one, and transphobia, the fear of people who do not fit gender norms. A common consequence of such prejudice is bullying behaviour (verbal, emotional, physical) which has serious consequences for its victims.

#### **3.2 Evidence of Harmful Effects of Homophobia and Transphobia**

There is increasing evidence that young people whose sexual orientation is not heterosexual, or whose gender identity does not fit gender norms, experience low levels of self-esteem. The consequence of this is a pattern of high rates of suicide and other self-destructive or risk-taking behaviours. New Zealand has one of the world's highest suicide rates for young men, and research links this to our culture's narrow limits on acceptable male behaviour.

An Otago University study (Nairn and Smith, 2001) revealed that only 5% of students and 8% of staff "perceived that lesbian/gay/bisexual students would feel safe at their school." The Australian *Writing Themselves In* studies (Hillier et al, 1998, 2004, and 2010) all found that school was the most common site of homophobic abuse for same sex attracted and gender questioning youth,. The Human Rights Commission's Transgender Inquiry *To Be Who I Am* (HRC, 2007) identified "major barriers within schools, at work, playing sport, accessing health services and actively participating in their community" for transgender young people. The Youth 2007 study's sample of non-heterosexual students demonstrated much higher risks of depression, suicide, substance abuse, and lack of a sense of safety at school.

#### **3.3 Affirming Diversity**

Affirmation of diversity is a fundamental value that must underpin the culture of a school, because without it, conflict is inevitable and a school is no longer a safe and affirming place for all members of its community. Teachers need to explicitly model respect for diversity as a fundamental part of their work.

The school needs to reflect this value in its mission statement and strategic plan. The Board and staff need to be proactive to ensure that there is a school climate which values diversity. The school will be a richer

place and its students will move into the adult world as well-rounded and adaptable individuals.

### **3.4 Role Modelling**

There is considerable evidence that a school which is a safe and welcoming place for non-heterosexual staff will also be a positive learning environment for students whose sexual orientation/identity is non-heterosexual. Education International, the international body of teacher unions, passed a resolution on 'Protection of the Rights of Lesbian and Gay Education Personnel' at its Second World Congress in Washington in 1998. One of the clauses of that resolution was to "Support the right of teachers not to hide their sexual orientation in the workplace."

Knowing that there are LGBTI people visible in responsible roles such as teaching in schools can help students come to terms with their own sexuality or gender identity. It also helps other students to improve their attitudes to people of diverse sexualities and gender identities. Such positive role models are not available to students if the school environment makes LGBTI staff feel unsafe to be themselves. No teacher should make a big issue of their sexuality or gender identity any more than any other teacher should, but it is important that LGBTI teachers are not seen to actively deny an important aspect of themselves, and thereby convey to students a message that it is something of which to be ashamed.

The Montreal Declaration, first proclaimed at the Outgames at Montreal in 2006, and endorsed since in many countries including by organisations such as NZCTU and PPTA in New Zealand, demanded that governments ensure that schools include education on the human rights of LGBTI people in their curriculum, and take action to combat intimidation and violence against LGBTI students and teachers.

## 4. Examples of Best Practice from NZ Schools

Commitment to valuing diversity should be demonstrated in the Board's Policies and other documentation. Examples for inclusion in a Mission Statement, a Strategic and an Annual Plan and an EEO Policy follow. However schools should remember that documentation, however good, is no substitute for action. (Refer back to Schools' Obligations section.)

### 4.1 Mission Statement

***This should be publicised widely, including in the school prospectus. It should refer to ensuring that the school is emotionally and physically safe for all students, staff and families/whanau. An example of a mission state could be:***

The mission of Welcome High School is to provide an education for students in a co-operative climate where individuals are encouraged to develop their full potential.

#### **General Goals**

- To acknowledge and respect difference
- To foster an enthusiasm for knowledge and a desire to learn so that students are enabled to continue their learning throughout their lives
- To provide a supportive environment for the whole person
- To provide opportunities to empower students
- To encourage students to think, question and evaluate
- To encourage students to accept responsibility for their own behaviour
- To provide educational resources of a high standard

### 4.2 Strategic and Annual Plan

The school's Strategic Plan looks ahead a number of years, and each year's Annual Plan should aim to make progress towards these longer-term goals, e.g.:

#### **Strategic Plan**

A goal in the Strategic Plan could be:

Diversity is recognised and celebrated within our school, including diversity of ability, ethnicity, culture, gender and sexuality.

#### **Annual Plan**

It may be appropriate for a school to establish a staged process over a number of years to address such a goal, with Year One's objectives aiming to identify gaps and inform, Year Two's to ensure protection and support, and Year Three's to recognise and affirm. Other schools may feel that

they are well down the track already and therefore set more ambitious objectives from the first year.

Examples of a sequence of objectives and Action Plans which could be in an Annual Plan are:

### **Year One**

#### **Objective:**

Ensure that information resources are available and professional development provided in the area of supporting students and staff so that the full diversity of student needs including gender, sexuality, ability, ethnicity and culture can be met.

#### **Action Plan:**

- Develop, through consultation within the school community, a 'benchmark' of where the school is at in terms of meeting the full diversity of student needs, including gender, sexuality, ability, ethnicity and culture.
- Work with guidance counsellors, pastoral and peer support structures and Health teachers to ensure information is readily available for students dealing with issues of sexual orientation and gender identity, e.g. support networks, counsellors, written information, etc.
- Ensure school communication with and about families uses inclusive language e.g. family/whanau or caregivers.

### **Year Two**

#### **Objective:**

Ensure that effective harassment prevention procedures and other forms of pastoral support exist for all students and staff in order that our school environment is a safe and welcoming environment for all regardless of gender, sexuality, ability, ethnicity and culture.

#### **Action Plan:**

- Review school harassment prevention procedures to ensure that the procedures are effective and clearly indicate their applicability to a wide range of harassment including that based on sexual orientation or gender identity, ethnicity, or disability.
- Ensure that students working in peer support areas reflect the diversity of the school community including students of different sexualities.
- Ensure that curriculum resources are available which reflect diversity, in particular diversity of gender, sexuality, ability, ethnicity and culture.

### **Year Three**

#### **Objective:**

Ensure that our school affirms and celebrates diversity including diversity of gender, sexuality, ability, ethnicity and culture.

#### **Action Plan:**

- Run a co-curricular programme that celebrates diversity with different groups being reflected over a period of weeks, with visiting assembly speakers, library displays, discussions etc, with particular focus on gender, sexuality, ability, ethnicity and culture.
- Encourage networks of students who choose to be proactive in the area of diversity.
- Establish a School Code about respect for diversity, including that of sexuality, and display it throughout the school.
- Provide Professional Development for teachers and education for students in behaviour and language that will promote the Code.

### **4.3 EEO Policy**

The Equal Employment Opportunity programme is a cycle involving:

- Identification of inequalities
- Implementation of a planned programme including affirmative action
- Evaluation of progress

An example of an EEO policy could be:

#### **Rationale**

Welcome High School is committed to the principle of non-discrimination. Consistent with this principle, the school has a policy which promotes equality of opportunity for staff regardless of age, disability, sexuality, gender identity, marital status, ethnicity, beliefs, or social class.

#### **Purposes**

1. To eliminate discrimination throughout all aspects of the school.
2. To provide diverse role models in top administrative positions and in non-traditional roles.
3. To encourage people from the target groups (women, people with disabilities, Maori and ethnic minorities, non-heterosexual people) to apply for posts in the school.

**Guidelines**

1. This policy and programmes based on this policy will reflect both the content and the spirit of the school's charter and its obligations under the Treaty of Waitangi.
2. In order to be a good employer, the Board of Trustees will comply with the principles of the Education Service, outlined in the State Sector Act 1988 and any amendments to the Act.
3. In order to be a good employer, the Board of Trustees will comply with all current industrial agreements which apply to the teaching and non-teaching staff of the school.
4. Every year the Board of Trustees will produce and implement an Equal Employment Opportunities Programme, as required by the State Sector Act 1988 and any amendments.

## 5. Case Studies

***Board members and staff may find it useful to discuss the following case studies and use them to work through the school's current policies, procedures and practice and identify possible gaps which need addressing.***

### 5.1 Case Study 1

A Year 12 boy in your school suddenly has nowhere to live because his stepfather will not allow him in the house since the boy has disclosed that he is gay. At the moment he is sleeping at a friend's house, and has no money. The boy has gone to the school Guidance Counsellor and his Dean and asked for help.

*How would your school assist this student so that he can continue his education?*

### 5.2 Case Study 2

A girl in your school is beginning to identify as a lesbian. She has learned that one of the staff lives in a lesbian relationship. She approaches this teacher, who tries to be supportive, while strictly adhering to PPTA's guidance for teachers in their relationships with students. However the teacher begins to feel unsafe because the student, under stress, is beginning to behave in a manipulative fashion, and the teacher has reported this concern to Senior Management, who have unfortunately taken no action. The student keeps trying to catch the teacher alone at school, and she is hanging around the teacher's home. She is making up stories for her friends about the teacher and herself. These come to the notice of her family. This results in a letter of complaint to the BOT from the girl's family alleging inappropriate behaviour on the part of the teacher.

*How would the BOT and staff ensure that this situation was resolved in the best interests of:*

1. *The student?*
2. *The teacher?*
3. *The family/whanau?*
4. *The school?*

### 5.3 Case Study 3

A senior gay male student in your school is 'out' to a few friends but not to his family. He has been harassed at school because of his presumed sexual orientation. The harassers are Year 10 students, and they have been harassing him over some months, but he has not made a complaint because he is embarrassed. Eventually he retaliates violently, and the whole story comes out. He is suspended because of the violence, and the

matter is brought before the Board of Trustees. He attends with his parents present.

*How would your school deal with this situation, both at Board level and at management level?*

#### **5.4 Case Study 4**

A Year 11 student in a girls' school is quite open about her lesbian sexuality and is frequently seen around the school holding hands with other girls or cuddling them.

Some Year 12 girls complain that they are being sexually harassed through this girl's acting out in public. They say they have seen her kissing and touching other girls in public, which they perceive as overtly sexual behaviour. The girl is interviewed, and asserts that the allegations of overt sexual behaviour are untrue. In a girls' school it is normal for girls to hug and walk around arm in arm; this behaviour in itself is no indicator of sexuality. However, it does appear that Susan has a need to be noticed, and she is often at the outer limits of acceptable behaviour at school.

*How would your school deal with this student's behaviour?*

#### **5.5 Case Study 5**

A transgender student, who had been enrolled at a co-ed school since Year 9, wished to transfer to a girls' school for Year 13. She was born male, but had identified as female since the age of three or even earlier, dressed and acted as a girl and was accepted as such. As a pre-teen she commenced hormone treatment to prevent male development at puberty, and had been receiving counselling as a pre-requisite for being allowed access to full gender reassignment upon reaching the minimum legal age.

During her enrolment interview at the girls' school, the adult accompanying her accidentally disclosed that she was a pre-operative transgender female. The deputy principal, instead of accepting her enrolment, stated that she could not be accepted "because it would create issues in the changing rooms and parents would object that a boy was undressing in company with their daughters and might be a threat to them". She was refused enrolment.

*How should the school have dealt with this enrolment application?*

#### **5.6 Case Study 6**

A gay teacher is being subjected at school to homophobic behaviour by another teacher. This behaviour includes sexually derogatory comments in the gay teacher's hearing, refusal to communicate directly with the gay teacher, and attacks to third parties on the gay teacher's character and professionalism.

This behaviour has come to the attention of the Principal through a concerned third party, but the affected teacher has not made a complaint.

*How well do your current school policies and procedures provide guidance as to how to deal with this situation?*

*Is there a need for professional development here?*

### **5.7 Case Study 7**

There is a lesbian teacher in your school who is 'out' to staff and students. This teacher has a record of being highly professional, however due to the attitude and behaviour of a vocally homophobic group in the community, this teacher is finding it increasingly hard to do her job. The Board of Trustees receives letters from some members of this group, asserting that this teacher is not an appropriate role model for their children.

*What are the Board's responsibilities in this situation? What can other teachers do to support this colleague?*

### **5.8 Case Study 8**

There is a male student in your school whose mother is well-known in the community as an 'out' lesbian. The boy himself is not that comfortable about his mother's sexual orientation, and this discomfort is being exploited by other students at his school. He is being bullied physically and psychologically.

*How would your school deal with this situation? Consider the boy himself, his relationship with his mother, and the bullying students.*

### **5.9 Case Study 9**

A Year 9 student who previously attended a co-ed area school has been enrolled at a single-sex girls' school. This student has identified as male from an early age, but has a body which is physically female. With the onset of puberty, the student has become increasingly miserable and now finds such things as using the female toilets and changing rooms intolerable. The student begins to act out, assaulting fellow students and ultimately a teacher in the hope of being indefinitely suspended and then being able to stay at home and study through the Correspondence School. The mother wants the child to settle down and accept a female identity in the new girls' school.

*How would your school deal with this situation?*

**5.10 Case Study 10**

The Board of Trustees is made aware that an applicant for the principal's position is gay and lives with a long-term partner. The interview reveals him to be a highly competent candidate. Some members of the appointments committee express reservations about his suitability which appear to be influenced by their knowledge of his sexual orientation.

*What is the Board of Trustees appointments committee's responsibility in this situation?*

**5.11 Case Study 11**

A longstanding teacher at your school informs the principal that he intends to begin the process of transitioning from male to female gender. At this stage his intention is to begin hormone treatment and to gradually adopt female clothing, and at some later stage he will seek surgical treatment to complete the transition.

*How would your school deal with this situation?*

## 5. Checklist

*What follows is a checklist the Board and staff may wish to use to consider how well they are meeting the needs of students, staff and family members.*

	Yes	No	Don't Know	Action Needed
1. Does your school meet the NAG requirements to ensure that the school is a safe physical and emotional environment for all staff and students and their families/whanau?				
2. Does your Annual Plan include objectives and actions that address issues around diversity, including diversity of sexualities and gender identities, and does it provide for the funding of relevant professional development?				
3. Do you have a current EEO policy that includes reference to diversity of sexualities and gender identities, and is a report submitted annually to the Education Review Office?				
4. Do you have a proactive Sexual Harassment policy and procedures in the school that include reference to diverse sexualities and gender identities, and are all members of the school community aware of how these can work for them?				
5. Do you have clear procedures to support a staff member who is experiencing harassment about their actual or presumed sexual orientation/gender identity?				
6. Do you have policy and procedures in your school for guidance and support of any staff who are approached by students who have issues around their own sexuality or gender identity?				
7. Do you have a complaints policy and procedures that ensure that principles of natural justice are observed with appropriate cultural sensitivity, and do staff and students know how to make use of these procedures?				

	Yes	No	Don't Know	Action Needed
8. Are all curriculum areas in the school able to show that they are addressing issues of diversity, including diversity of sexual orientation and gender identity?				
9. Does your school's delivery of the Health and Physical Education curriculum include issues around sexual orientation/gender identity, including empowering students to confront homophobia/transphobia within the school?				
10. Do the library and teaching resources reflect the school's commitment to affirm diverse sexualities and gender identities?				
11. Are students and staff able to bring same-sex dates or partners to school social events?				
12. Does the school's uniform provide sufficient options to ensure that students of diverse sexualities and gender identities can dress in ways that feel right for them?				
13. Are all staff, including teacher trainees and other visitors, actively made aware of the school's responsibility to provide a safe physical and emotional environment for staff, students and their families/whanau?				
14. Are all staff, including teacher trainees and other visitors, actively made aware of the school's approach to the prevention of all harassment on any grounds including diverse sexualities or gender identities?				
15. Is diversity of sexualities and gender identities included in any school statements on affirming diversity, e.g. in the school prospectus?				
16. Would you describe the overall climate of your school as affirming of all staff, students and families/whanau?				

## 7. Other information

The following books/articles/websites could be useful to you.

- **Department of Education, Tasmania: *Anti-Discrimination and Anti-Harassment Policy***, Tasmania 2000 – includes excellent sections on understanding sexual diversity and understanding gender diversity <http://www.education.tas.gov.au/school/health/inclusive/antidiscrimination>
- **Family Planning Association: *Affirming Diversity*** (2007 edition), order at [http://www.familyplanning.org.nz/online\\_shop/resources/teaching\\_resources/productid/37](http://www.familyplanning.org.nz/online_shop/resources/teaching_resources/productid/37)
- **Gay, Lesbian and Straight Education Network (GLSEN)**: This is an American organisation which, according to its mission statement, “strives to assure that each member of every school community is valued and respected regardless of sexual orientation or gender identity/expression”. They seek “to develop school climates where difference is valued for the positive contribution it makes in creating a more vibrant and diverse community.” Their website contains a wide range of useful material: <http://www.glsen.org>
- **Writing themselves in project**: This is a major Australian survey of young people, conducted every few years. The latest report is: Hillier, Jones, Monagle, Overton, Gahan, Blackman & Mitchell (2010) *Writing themselves in 3*, Melbourne: Australian Research Centre in Sex, Health and Society, La Trobe University, downloadable from <http://www.glhv.org.au/report/writing-themselves-3-wti3-report>.
- **Human Rights Commission**: The Commission’s website contains a range of information on sexuality and gender diversity, see <http://www.hrc.co.nz/human-rights-environment/sexual-orientation-and-gender-identity>. The reports from the transgender inquiry The Human Rights Commission also operate an InfoLine, phone 0800 4 Your Rights or 0800 496 877 (toll free). You can also fax them on 09-377-3593 (Attn: InfoLine) or email: [info@hrc.co.nz](mailto:info@hrc.co.nz).
- **Ministry of Education and National Advisory Committee on Health and Disability (National Health Committee): *Young People at Risk of Suicide: A guide for schools*** (1998) <http://www.minedu.govt.nz/~media/MinEdu/Files/EducationSectors/SpecialEducation/PublicationsResources/YoungPeopleAtRiskOfSuicideGuideForSchools.pdf>
- **NZ Post Primary Teachers’ Association**: The PPTA website contains a range of information and news about the union’s work towards making schools safer places for LGBTI young people, their families and teachers, at <http://www.ppta.org.nz/index.php/communities/LGBTI-teachers>

- **Parents, Families and Friends of Lesbians and Gays (PFLAG):** This organisation, which originated in the United States in 1973, has at least one branch in New Zealand (Dunedin). The website of the American organisation has some useful resources here on how to deal with different issues such as making our schools safe and 'coming out'. The American website is <http://www.pflag.org/>, and the New Zealand site is <http://www.pflag.org.nz/index.php>
- **Schools Out:** The website of this group in the UK contains up to date material and information, including a Teaching Pack for teachers about confronting homophobia and transphobia: <http://schools-out.org.uk>
- **Youth Law Project:** This organisation provides advice to children and young people's legal rights, including if they are the victims of homophobia or transphobia. Their website includes information on a number of school-related legal issues including bullying: <http://www.youthlaw.co.nz>