

May 2017

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

## Guidelines for principals, boards of trustees and teachers

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This document provides guidance about making schools a safer and more inclusive place for students of diverse sexualities and gender identities. It outlines not only the school's legal and ethical obligations, but also provides practical advice on how affirming diversity can be achieved.

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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.

Moreover, homophobia, biphobia, transphobia, and other forms of discrimination with respect to diverse sexualities and gender identities are systematically excluded from conversations and professional learning. An unfortunate and all too common consequence of unchecked prejudice is bullying behaviour (verbal, emotional, physical) which has serious consequences for its targets.

These guidelines, the original version of which was endorsed by the New Zealand School Trustees' Association (NZSTA), are to assist boards of trustees, principals and teachers to consider how well their school responds to the needs of community members of diversity of sexualities and gender identities. Within any school community, among the staff, the students, and the families/whānau of the students, it is certain that there will be some people who do not identify as cis-gendered<sup>1</sup> and heterosexual. Diverse identities may include, but are not limited to, takatāpui, lesbian, gay, bisexual, transgender, gender fluid (non-binary), agender, intersex. There are a number of legal and ethical reasons why these forms of diversity must be affirmed and not ignored.

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<sup>1</sup> A comprehensive list of definitions can be found at <http://www.ry.org.nz/friends-whānau/useful-words/>

## 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 (UNCROC) 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 13 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>

## **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, 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.

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

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 (EEO) policy which targets the needs of specific groups. Since lesbian, gay, bisexual, transgender and intersex (LGBTIQ+) people now come under the protection of the Human Rights Act, it would be best practice 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". Boards are thus responsible for ensuring adequate professional development is provided to staff and that school policies and procedures are explicit in making all employees aware of their rights and responsibilities.

## **2.6 Health and Safety at Work Act 2015**

The Health and Safety at Work Act, 2015 (HSWA, the act) defines the rights and duties of the board of trustees PCBU (person conducting a business or undertaking and the worker and sets out the procedure to be followed when a hazard exists. (While not specifically mentioned, the board of trustees is also responsible for ensuring the health and safety of others, including the students on the school site.)

The act requires every PCBU to take steps to ensure the safety of every worker while at work, and in particular to:

- Provide and maintain a safe working environment,
- Ensure that building, equipment and facilities used by workers are arranged, designed, made and maintained so that it is safe for their use,
- Ensure that hazards are identified and assessed, and
- Take all reasonably practicable steps to eliminate or isolate hazards.

A hazard is any factor that may cause physical, emotional or psychological harm to a worker. The act defines a significant hazard as an actual or potential cause or source of serious harm, or harm

which increases with each exposure. This includes a person's behaviour where that behaviour has the potential to cause death, injury, or illness to a person.

Stress, for example as a result of homophobia, biphobia 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, biphobic or transphobic students or staff which causes stress, they may be liable under this act.

Anything that is identified as a significant hazard must be treated as such. Where a hazard is identified, for example bullying of a teacher by a student or students because of their sexuality or gender identity, the board of trustees has a responsibility to act to eliminate or minimise the hazard. Resolution of the situation might be ensuring the behaviour does not recur, and this might require the removal of the student(s), at least temporarily.

Having actively maintained and promoted policies and procedures would protect the school in the case of a claim under the Health and Safety at Work Act. 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 (NEGs)<sup>3</sup>**

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, inclusive of their sexual orientation and/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 as a direct result of their sexuality and/or gender identity not being affirmed by their school community in a way that works to prevent harm and effectively respond to their diverse needs.

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<sup>3</sup> <https://www.education.govt.nz/ministry-of-education/legislation/the-national-education-guidelines/>



Data from the Youth 2000 series of surveys of secondary school students shows that sexually and gender diverse students experience higher rates of bullying, truancy, substance abuse, self-harm and sexual activity. Schools that make an effort to actively respond to these wellbeing indicators to reduce the harmful effects of conflict and truancy would in effect be removing barriers to achievement.

## 2.8 National Administration Guidelines (NAGs)<sup>4</sup>

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;*
- (NAG 1 (c))

Students will not achieve their full potential if they don't feel emotionally and physically safe. Students 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 forms of diversity.

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<sup>4</sup> <https://www.education.govt.nz/ministry-of-education/legislation/nags/>

## 2.9 NZ Curriculum<sup>5</sup>

The NZ Curriculum (2007) 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, which include "diversity", 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<sup>6</sup>) 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<sup>7</sup>) 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",

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<sup>5</sup> <http://nzcurriculum.tki.org.nz/The-New-Zealand-Curriculum>

<sup>6</sup> <http://ppta.org.nz/collective-agreements/secondary-teachers-collective-agreement-stca/>

<sup>7</sup> <http://ppta.org.nz/collective-agreements/secondary-principals-collective-agreement/>

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.)

The following guidelines are provided to support schools to meet their obligations:

## **2.12 Sexuality Education: A Guide for boards of trustees, principals and teachers (2015)<sup>8</sup>**

Health education is the only part of the school's curriculum for which the law specifically requires the board of trustees to consult with the school's community. The PPTA has been an active participant in the writing of the curriculum document.

Significant changes to the previous approach to sexuality education were made to reflect cultural perspectives of health using the Te Whare Tapa Whā and Fonofale models of holistic health. This document specifies that sexuality education is the responsibility of the whole school community, and not just that of the health and physical education department. Of note, it suggests that sexuality education ought to occur across all years of a student's education, specifying 12-15 hours of sexuality education each year for senior students.

## **2.13 Bullying prevention guidelines**

*Bullying Prevention and Response: a guide for schools* (2015)<sup>9</sup> is a Ministry of Education publication. It outlines what bullying is, what safe and positive school environments look like, bullying policies and processes and how schools can respond to bullying behaviour.

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<sup>8</sup> <http://health.tki.org.nz/Teaching-in-HPE/Policy-guidelines/Sexuality-education-a-guide-for-principals-boards-of-trustees-and-teachers>

<sup>9</sup> <http://www.education.govt.nz/assets/Documents/School/Bullying-prevention/MOEBullyingGuide2015Web.pdf>

### 3. Evaluation of need

#### 3.1 Evidence of harmful effects of homophobia, biphobia 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 2000 surveys of show that non-heterosexual and transgender students demonstrate much higher risks of depression, suicide, substance abuse, and lack of a sense of safety at school. There has been very little difference in the data over three reports.

Invisibility, isolation and fear are amongst the most significant risk factors associated with disengagement, underachievement and truancy. Despite schools being highly effective at responding to acute incidences of initial harassment, exclusion, and bullying, the long lasting feeling of vulnerability and fear follows the target for a long time after the event and may continue to have detrimental impacts on student learning.

## 4. Affirming diversity

Respect for diversity is a core value adopted by many schools in Aotearoa. Although this value routinely extends to include sex, ethnicity, religion, culture and disability, diversity related to gender and sexuality often remains unaddressed. To provide a truly safe and supportive community in which all staff, students and whānau can participate fully and in which students may achieve their best, schools must take proactive steps to affirm diversity.

The first step to affirming diversity is to create visibility and promote awareness. The board and staff need to be proactive to ensure that there is a school climate which values diversity, starting with the school's mission statement and strategic plan. Robust sexual harassment policies and procedures which clearly recognise the existence of harassment based on actual or presumed sexual orientation, sexual identity or gender identity is a necessary starting point. However, sanctions against such sexual harassment are not enough to ensure that staff or students or family/whānau members who are not heterosexual or who are transgender or intersex feel valued.

Next, teachers need to explicitly model respect for diversity as a fundamental part of their work. The updated sexuality education guidelines, published in 2015 by the Ministry of Education, provide useful information on how a school can address equity for LGBTIQ+ students within school programmes and across the wider school environment. Through pastoral care practices, relationship building and moulding the hidden curriculum that permeates school and class routines to affirm diversity, school climate can dramatically shift.

Third, facilities and cultural practices must both be considered when examining the ways in which a school environment facilitates the affirmation of diverse identities. Use of data from the wellbeing@school website<sup>10</sup> provides access to self-review tools which explore how different layers of school life contribute to creating a safe and caring climate that deters bullying. The aim of the review process is to support schools to engage in an on-going journey towards building inclusive practices for all learners. Ensuring the physical safety and emotional wellbeing of staff and students must be paramount to schools as we aim to produce successful, productive and adaptable learners ready for the modern world.

Below is a summary of initiatives identified by the PPTA Rainbow Taskforce which work to promote a culture of respect and affirmation for diverse school community members. Moreover, the initiatives below serve as protective factors to combat the harmful effects of bullying, exclusion and disengagement which disproportionately impede learners of diverse gender identities and sexualities.

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<sup>10</sup> <http://www.wellbeingatschool.org.nz/>

## 4.1 Role modelling

There is considerable evidence that a school which is a safe and welcoming place for LGBTIQ+ staff will also be a positive learning environment for students who are LGBTIQ+. 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." Today we would add "gender identity" to that resolution.

Knowing that there are LGBTIQ+ 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 LGBTIQ+ 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 LGBTIQ+ 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 Declaration of Montreal<sup>11</sup>, 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, demands that governments ensure that schools include education on the human rights of LGBTIQ+ people in their curriculum, and take action to combat intimidation and violence against LGBTIQ+ students and teachers.

Research shows that the leadership role of senior management in a school is critical in establishing and maintaining all aspects of 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, biphobia and transphobia, outcomes for staff and students will be far more positive. Boards of trustees are in a position to require this of schools' principals by building it into their performance appraisal agreement. Furthermore, boards of trustees are encouraged to include criteria related to staff capacity to affirm diversity and wellbeing of diverse student/staff explicitly in their annual self-review and strategic planning cycles.

Schools are encouraged to request a member of the PPTA Rainbow Taskforce come to deliver the Safer Schools for All professional development workshop for their staff. Additional resources can be found on the PPTA website and in the last section of these guidelines.

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<sup>11</sup> <http://www.declarationofmontreal.org/>

## 4.2 Creating communities

Coming out is a complicated and continual process. Schools are encouraged to create an environment in which students can feel safe and supported to express their sexual and gender identities when they so choose.

Facilitating students in their journey to find a like-minded community can support students in resolving feelings of isolation and reaffirm the school as a place where they are valued. Providing a safe space for a diversity group (Rainbow Group/Gay-Straight Alliance) to hold regular meetings can assist students in connecting with a supportive group of peers. InsideOUT<sup>12</sup> is a national organisation that can assist with resources, education, information and other relevant tools to support students to effectively set up and maintain queer straight alliances/diversity groups in their schools.

## 4.3 Providing choice in school uniforms

*“School uniforms can reinforce gender norms, so schools may consider offering gender-neutral clothing choices when uniforms come up for review.” (Sexuality Education Guide 2015, p.27)*

Clothing plays a significant role in the expression of one’s self. In an increasingly diverse world it is important to allow students the opportunity to have authority over some aspects of their expression. There is no more personal an identity than that of gender and sexuality.

Students struggling with their gender identity and/or sexuality face a number of barriers to acceptance. The status quo of asking permission from school officials to wear the “opposite” uniform to their perceived gender can be a daunting prospect for young and vulnerable students. When permission is granted, these students are then seen by their peers to be in opposition to the norm, and in essence, forces these students to “come out” to the wider school community. Coming out is a continual and evolving process and is one which schools can play a supportive role by placing the student in the driver’s seat and empowering them to choose their level of expression. Non-binary uniform options provide a safe space in which transitioning students can operate from a position of agency.

Strictly gendered uniforms work to reinforce gender stereotypes and work to perpetuate the norms of a gender binary: a society in which girls ought to be feminine and that boys ought to be masculine. When uniforms reflect or reinforce cultural values that have traditionally been ascribed on the basis of biological sex, expectations of behaviour, and thus expectations of gender expression are imposed. Skirts and dresses “restrict movement in real ways; wearers must negotiate how they sit, how they play, and how quickly they move. Skirt-wearing, consciously and

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<sup>12</sup> <http://insideout.org.nz/>

unconsciously, imposes considerations of modesty and immodesty, in ways that trousers do not" (Happel, 2013<sup>13</sup>). From a safety perspective, many girls feel the need to wear shorts underneath their skirts; often these are the same shorts they wear for PE, which is a hygiene concern.

From a practical stance, some girls find skirts and dresses to be restrictive, limiting the types of activities they do before school, during break times and after school. From bike riding to sporting activities, feminised uniform options often disadvantage girls. The Australian Bureau of Statistics (2013) indicates that young males (15-17 year olds) are three times more likely to undertake high levels of exercise than women (31.2% compared with 11.8% respectively) and women aged 15-17 years were nearly twice as likely than men to be sedentary (28.7% compared to 14.5% respectively). The Australian Ministry of Health identified that the perpetuation of gender norms has contributed to the observed fitness disparity citing research which shows that "girls don't want to be judged or ridiculed, and they can be self-conscious about how they might look when exercising" in their 2016 'Girls Make Your Move' campaign<sup>14</sup>.

Thus, reviewing school uniform policies not only provides an opportunity for developing agency in the expression of diverse gender identities, but also serves to remedy the limitations of gender disparity. Allowing all students to choose from a range of shorts, trousers, skirts of different lengths and styles, with both tailored and non-tailored interchangeable shirts would be progressive in valuing diversity of gender expression. To have the greatest effect it is important that access to specific uniform items is not limited on the basis of biological sex or perceived gender identity.

#### **4.4 Ensuring emotionally and physically safe changing rooms and toilet facilities**

Over the course of high school, adolescents must navigate the complex physical, emotional and psychological changes associated with puberty. While some students endure the growing pains with ease and grace, for others, issues of body image, uncertainty around sexuality and gender identity and a fear of bullying affect their engagement and focus at school.

As areas of the school where direct staff supervision proves challenging, both from a practical sense and also with respect to the safety of teachers, changing rooms and toilets must be designed in a way to provide implicit safety and security for all of their users. Providing options for students to change and shower in privacy, and building the physical and organisational capacity for younger students to be separate from older students when changing, will assist in alleviating the potential for personal safety concerns. It also supports the development of good hygiene.

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<sup>13</sup> Happel, A. (2013). Ritualized girling: school uniforms and the compulsory performance of gender. *Journal of Gender Studies*, 22(1), 92-96.

<sup>14</sup> <https://campaigns.health.gov.au/girlsmove>



In recent times, the campaign to establish gender neutral facilities has received a great deal of attention, with gender diverse students highlighting the prevalence of bullying and perceived threat of physical harm when using shared gender specific facilities. Status quo has often required students to ask for permission for a special accommodation to access 'safe' alternatives to shared gender assigned facilities. At times these facilities are labelled with the disabled sign, inconvenient to access, located in highly visible areas of the school and/or shared with staff. The requirement for students to ask permission, risk 'coming out' unnecessarily and/or be reprimanded by uninformed staff for being in staff only areas in order to perform some of the most basic of life's functions is problematic.

Schools are thus urged to create environments in which the safety and dignity of gender diverse staff and students can be maintained. Schools are encouraged to do so in a way that maximises opportunities for personal privacy. Individual toilet and shower units with lockable doors and floor to ceiling divisions provide safe spaces.

#### **4.5 Promoting active supervision and inclusive coaching practices**

According to the *Out on the Fields*<sup>15</sup> international study investigating homophobia in sport, New Zealand findings showed:

- 78% of Kiwis witnessed or experienced homophobia in sport
- 77% believed that an openly gay person would not be very safe as a spectator at a sporting event
- The most likely location of homophobia is spectator stands followed by school PE class
- 71% believe youth team sport is not safe for gay people
- Half of all gay men and lesbian women have been personally targeted by homophobia in sport despite 87% of gay men and 75% of lesbian women reporting to be in the closet.

Clearly there is a role for supervising teachers, sports managers and coaches to play in offering active supervision and being equipped to shut down homophobic, biphobic and transphobic behaviour. The number one way to help LGBTIQ+ teammates is by facilitating ways in which teammates can offer to become allies to their peers. Coaches and managers need to make it clear that LGBTIQ+ athletes are welcome and that homophobic, biphobic and transphobic humour and slurs are unacceptable. Coaches must be provided the support they need to feel confident to be an ally and role model in affirming diversity.

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<sup>15</sup> <http://www.outonthefields.com/>

## 5. 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 Equal Employment Opportunity (EEO) policy follow. However schools should remember that documentation, however good, is no substitute for action. (refer Section 2: Schools' obligations).

### 5.1 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/whānau. 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*

## 5.2 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 identity 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 identity, 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 identity, 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/whānau 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 identity, 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 and gender identities.*
  - *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.*

## 5.3 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, Māori 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.*

## 6. Checklist

What follows is a checklist that 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/whānau?				
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 your board of trustees?				
4. Do you have a proactive sexual harassment prevention 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 principles of natural justice are observed with appropriate cultural sensitivity, and do staff and students know how to make use of these procedures?				
8. Are all curriculum areas in the school able to show that they are addressing issues of diversity, including diversity of sexualities and gender identity?				
9. Does your school's delivery of the Health and Physical Education curriculum include issues around sexuality/gender identity, including empowering students to confront homophobia/biphobia/ 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 education students 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/whānau?				
14. Are all staff, including teacher education students 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/whānau?				
17. Do staff and students use inclusive language to affirm diverse identities (chosen pronouns, non-gendered nouns)?				
18. Have teachers, managers, coaches and other staff been supported in affirming diversity in their supervisory roles?				
19. Has your school effectively taken steps to deliver a holistic sexuality education programme as outlined in the 2015 Sexuality Education guide?				



## 7. Other information

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

- [Ministry of Education, New Zealand: Sexuality Education: A guide for principals, boards of trustees, and teachers](#) (2015 edition).
- [Youth 2000 wellbeing surveys](#)
- [Family Planning Association: Affirming Diversity](#) (order 2007 edition).
- [Human Rights Commission on sexual orientation, gender identity and sex characteristics](#): The commission’s website contains a range of information on sexuality and gender diversity. 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: [infoline@hrc.co.nz](mailto:infoline@hrc.co.nz).
- [NZ Post Primary Teachers’ Association LGBTIQ+ community page](#): The PPTA website contains a range of information and news about the union’s work towards making schools safer places for LGBTIQ+ young people, their families and teachers.
- [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.
- [Rainbow Youth](#): This Auckland-based queer youth group provides useful information on its website. A glossary of useful words is also available; [Rainbow Youth glossary of useful words](#)
- [InsideOUT](#): This is a national organisation which works with youth, whānau, schools and communities to make Aotearoa a safer place for all young people of diverse gender identities and sexualities to live and be in. It provides support to young people who are setting up queer-straight alliances or school diversity groups.
- [Intersex Trust Aotearoa](#): The Intersex Trust website provides invaluable information for parents, young people and teachers who want to know more about intersex conditions and the lives of intersex people.
- [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.

- **[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.
- **[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'.
- **[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, biphobia and transphobia.
- **[Massachusetts guidelines for schools on gender identity:](#)** A comprehensive set of guidelines for schools about how to meet the needs of transgender students has been published by the State of Massachusetts in the United States, in response to a law change which came into effect there in 2012. The information about these guidelines, with a free download available.
- **[Health and Safety Practical Guide for boards of trustees and school leaders:](#)** Published by the Ministry of Education in response to the Health and Safety at Work Act 2015, this is a practical guide and tools for boards of trustees and school leaders.
- **[Bullying prevention and response: a guide for schools:](#)** This is a practical guide for schools to support effective prevention and management of bullying behaviour.
- **[Bullying-Free New Zealand](#)** is an initiative from the Bullying Prevention Advisory Group (BPAG). BPAG is a collaboration involving 17 agencies committed to reducing bullying in New Zealand schools. The website provides advice, guidance and tools to supports schools to reduce bullying.
- **[Preventing and responding to workplace bullying:](#)** A best practice guideline published by Worksafe that gives options and examples of how to prevent and respond to workplace bullying.