

Debbie Ollis
Anne Mitchell
Jan Watson
Lynne Hillier
& Jenny Walsh

safety in our schools

> strategies for responding to homophobia

Australian Research
Centre in Sex, Health
and Society

LA TROBE UNIVERSITY



1 > introduction

School is a less safe place for some students than for others.

Australian research about young people has found that schools can be very unsafe for students who are, or perceived to be, gay, lesbian, or bisexual.

Research has also found that many teachers are reluctant to address issues to do with homosexuality, especially in relation to students. Like the rest of the community, school staff have a range of beliefs and concerns about homosexuality. Unlike the rest of the community, teachers work with many young people from diverse backgrounds representing different values, religious beliefs, and family expectations.

When it comes to violence and harassment, individual or public beliefs and concerns about homosexuality are not the central issue. Rather, the issues are that some young people are experiencing persecution at school, feel frightened about attending school, and feel unable to get support.

This booklet provides a summary of issues to help make schools safer for gay, lesbian and bisexual students and staff, so that they can participate and achieve in the full range of school programs and activities.

2 > are there gay students in schools?

Many young people experience strong emotional feelings towards people of both sexes in adolescence irrespective of their subsequent sexual identity. Fearing rejection, ridicule, or violence if anyone were to find out, most students do their best to keep these feelings to themselves. Despite this, surprising results have consistently been found in a range of surveys.

In 1997 the Commonwealth Department of Health and Family Services commissioned research to document students' knowledge, attitudes and practices in relation to sexual health. A question on sexual attraction was included. Three thousand Year 10 and 12 students from every State and Territory in Australia completed the survey. Of those students, 8-9% said that they had experienced sexual attraction to the same sex (*Lindsay, Smith, & Rosenthal, 1997*).

In 1996 the National Centre in HIV Social Research conducted similar research with 1,200 rural high school students between 14 and 16 years. 11% said that they had experienced sexual attraction to the same sex (*Hillier, Warr, & Haste 1996*).

A national report on the sexuality, health and well-being of same-sex attracted young people conducted in 1998 found that:

- > 13% had been physically abused.
- > 46% of had been verbally abused.
- > Nearly 70% of this abuse had happened at school:
 - 60% by other students,
 - 10% by friends,
 - 3% by teachers.

These figures do not include the large numbers of young people who, although not same-sex attracted, still experience homophobic discrimination based on a perception that they are gay or lesbian (*Hillier et al 1998*).

3 > being same-sex attracted at school

what do you think about homosexuality?

“Kill them”
“They need aborting”
“My Dad always told me something about Adam and Eve. He always said God made Adam and Eve not Adam and Steve.”

Some comments made in a Year 11 boys' focus group

The climate of homophobia apparent in many schools is a cause of great concern for the welfare of young people who are same-sex attracted. Feeling safe is essential to a person's well-being and requires more than just freedom from physical harm. Watching others become targets of abuse or social outcasts can have as significant an impact on a young person's sense of security, and consequently their educational opportunities, as physical violence.

‘I am most afraid about what will happen at school. I know that I will get verbally harassed a hell of a lot but I'm hoping physical abuse won't happen’ M, 15 years.

Young people vet each others' behaviour constantly. Many boys, especially, have a very narrowly defined

range of acceptable masculine behaviour. Reminders of the unacceptability of homosexuality are constant, in the form of teasing, insults, and harassment. For example, the word 'gay' has become synonymous with anything that is stupid or bad. This language remains one form of vilification that goes largely unchallenged.

“ Homosexuals! That's all boys talk about. The main insult to each other is to say that the other person is gay”

Year 11 girls' focus group.

Many students who are same-sex attracted compare their experience to those who suffer racism, and complain about their school's failure to act when they see that racist behaviour is not tolerated (Hillier et al 1998). The lack of public support often leads these students to feel isolated, lonely and fearful. Perhaps, not surprisingly, much higher levels of substance use have emerged among same-sex attracted young people than in the general youth population.

check the research

- > 11% of SSAY have injected drugs compared to 1% of the general population.
- > 14 to 18 year old SSAY drink alcohol more than those of comparable age.
- > Those who have experienced rejection and abuse are more likely to report using marijuana and heroin. (Lindsay, Smith & Rosenthal 1997)

‘My childhood up until I reached high school was pretty good.

I wasn't sporty or outgoing but I had a couple of close friends and I enjoyed doing the stuff you do when you live in the country, yabbing, swimming in the river etc. I loved reading and I was top of the class academically. When I entered high school everything changed... When the name-calling started I then started to hate myself because although I was denying everything they said, I knew it was probably true. I believed at the time it was evil and sinful and dirty and people like that would die from AIDS. I didn't want to be a faggot, but every day other kids were reminding me that I was (whether or not they believed it themselves).

I never felt I could discuss this with any adults including my teachers. The only time I ever told anyone that I was having problems was when I had a nosebleed that wouldn't stop (another kid had hit me in the change rooms and the teacher had seen him).

The teacher told me to forget about it.

When I finally decided to end it all by swallowing tablets that's when I was able to get some help. M, 18 years.

4 > dealing with community concerns

'[Teachers]... felt the risks for teachers were manifold, including those of personal involvement, professional vulnerability, public outcry, legal harassment and alienation'

(Harrison, Hillier & Walsh 1996, p77).

Many teachers express concern about how individual community members may respond if the teacher appears to be 'pro-homosexual'. In this context the idea of individual teachers implementing new policy directions on their own is unrealistic and undesirable. It is important that teachers and principals

know they have the backing of State, Territory and Commonwealth legislation (see section 9: Policy and Legislation). Indeed, schools have legal responsibilities for the duty of care of students and their staff. The Victorian Equal Opportunity Act 1995 states that:

'Staff and students have a right to be treated fairly by staff and fellow students regardless of gender, sexual orientation, and race.' (Equal Opportunity Commission, 1996, p3).

Significantly the Equal Opportunity Commission explains that:

'Inaction may also amount to an implicit authorisation or encouragement of discrimination or sexual harassment. This means that a teacher or principal who 'turns a blind eye' to discrimination or sexual harassment by students may be liable on the basis of authorising or assisting discrimination' (Equal Opportunity Commission, 1996, p14).

5 > dealing with homophobia

'Homophobia can exist at both a personal and cultural level. Homophobic people can experience an individual emotional response, which may include fear, prejudice, loathing and hatred. These responses may manifest themselves in violence. A society may discriminate against lesbian women and gay men and deny them the rights enjoyed by other members of the society. Learning to recognise and understand difference is a first step towards countering homophobia.'

(Mates: HIV Related Discrimination NSW Department of School Education 1994)

The most important response to homophobia is to acknowledge it and do something about it. At it's simplest it involves:

- > not assuming the whole world is heterosexual
- > not assuming that heterosexuality is superior to homosexuality
- > challenging homophobic violence
- > not supporting homophobia by remaining silent.

'Because I was very out to my friends and people at school I got a lotta shit off people, and it's strange you know because if a kid's being racist or sexist the teachers jump all over it but if you're getting picked on because of your sexuality they don't do nothing to try to stop it happening' (M, 18yrs).

Prejudice is often seen as something that is unchangeable. While we would not advocate special lessons on homosexual vilification, classroom programs about homophobia have been found to create a shift in the attitudes of students, particularly when attributes of discrimination such as race and sex were used as a basis for understanding (Harrison 1998).

"I always thought I'd feel that way but recently I learned that it [sexual orientation] doesn't make any difference. Who's to say a lesbian is going to jump you. She may not even be attracted to you. And even if she was, the fear of trying it when they know you're not [gay] will keep them away." (F, 16yrs)

“I once showed an anti-homophobia video to my class, and the uproar it caused left me feeling like I’d done the worst possible thing...

The incredible thing was that I asked the kids to fill out an evaluation form on what they thought of the video, and in the privacy of the form they said they really appreciated it. Boys and girls said they hadn’t talked about this subject before, that they ‘should’ know it, and that the girls were sick of hearing boys go on about pooftas all the time.

One boy even said ‘thank you’. As he was a very effeminate boy, and he copped a lot, I imagine that this was the first time he’d heard someone say that gay discrimination was not acceptable’. (teacher)

6 > creating and maintaining a safe & supportive whole school learning environment

6.i Taking a whole-school approach

‘Society makes it not so great so I don’t feel great. If society accepted it, I would feel great’ (M, 15yrs).

The classroom is not the only place in which safety is an issue. A whole-school approach requires action beyond the implementation of the formal curriculum. It means ensuring that policy, guidelines, procedures and practices reinforce the messages students learn through curriculum content.

It is important to consider the whole school environment and to determine ways to make it a safe place for all students. Staff should pay attention to what happens in:

- > individual classes/classrooms
- > corridors
- > library
- > gymnasium
- > canteen
- > toilets
- > locker areas
- > playground/areas out of school buildings
- > sports areas (in and out of school)
- > camp
- > excursions
- > travel and bus pick-ups at school
- > on the way to and from school by foot, bike or public transport.

6.ii Discrimination and harassment

Acknowledging diversity is a positive way to address discrimination or harassment. Education programs which affirm the sexual diversity of students have the potential to affect the educational opportunities of these students and improve many aspects of their health and safety.

“Schools which succeed in countering discrimination and harassment are likely to have established an inclusive and supportive environment in which staff and students:

- ***do not engage in discriminatory and harassing behaviour;***
- ***feel confident to explore issues of identity, difference and similarity;***
- ***frequently reflect on their own attitudes and behaviours;***
- ***recognise what they value and like in themselves and others;***
- ***continue to increase their knowledge and understanding of the nature, causes and history of discrimination and harassment of various kinds;***
- ***share their feelings about, and experiences of, discrimination and harassment;***
- ***consider strategies to counter discrimination and harassment within the school and within the wider community, and;***
- ***know what action to take in the event of an incident of discrimination or harassment “***

(Department of Education 2000, Anti-Discrimination and Anti-Harassment Policy Support Materials Tasmania p.9).

6.iii What can a school do to make a difference to the school environment?

- > Refer to existing departmental policy frameworks, State and Commonwealth anti-discrimination legislation etc (see Section 9 - ‘Policy and Legislation’).
- > Develop partnerships with the community agencies that can provide support for SSAY students and teachers.
- > Consult with community agencies including local council youth workers, health professionals, health workers and researchers when developing programs to ensure they are inclusive of, or specifically targeted at, the experiences and needs of SSAY students.
- > Check that formal programs are coordinated with student welfare programs to help link students to community health agencies.
- > Provide professional development for school staff to critically reflect on their own assumptions and beliefs about young people with regard to issues of gender and sexuality and same-sex attracted young people.
- > Provide information sessions or forums around a range of sexuality issues for parents, families and caregivers of young people.
- > Encourage student welfare personnel to work with classroom teachers in

developing programs that reflect curriculum issues but also build on the welfare issues related to catering for diversity in sexual health.

> Review student welfare and pastoral care procedures and strategies to ensure that they comply with State and Commonwealth anti-discrimination legislation, with particular reference to the attribute of sexual identity.

(from Talking Sexual Health: National Framework for Education about STIs, HIV/AIDS and Blood-borne Viruses in Secondary Schools 1999)

6.iv Working with families

Families’ concerns about addressing these issues in schools usually focus around the fear of the “recruitment” of young people into homosexuality. Focussing on safety issues and the physical and emotional well being of young people can help parents feel more comfortable with the need to respond to homophobia. Violence and harassment are the problem, not the individual who is, or is presumed to be, gay or lesbian.

Suggestions for school actions:

- > Providing opportunities for spokespeople from P-Flag (Parents and Friends of Lesbians and Gays) to tell personal accounts of their reactions as parents.
- > Although difficult to organise, workshops about adolescent sexuality including homosexuality are often appreciated.
- > Provide opportunities, as in forums, for parents to have access to findings from research evidence. Research helps people to understand that the issue extends beyond the individual school.

It can be helpful to remind parents that a great many students:

- > struggle with confusion around strong emotional feelings towards people of both sexes in adolescence irrespective of their subsequent sexual identity
- > suffer as a result of homophobic violence irrespective of their sexual feelings. Rigid expectations about how girls and boys should ‘be’ can be damaging for all young people
- > often feel extremely fearful of these emotions, making these experiences more significant than they need to be.

Families have strong concerns for the well-being of their children and most, given information and support, will endorse strategies designed to make schools safer places.

safety in our schools > strategies for responding to **homophobia**

6.v What can a teacher do to make a difference to the school climate?

'It became increasingly obvious that on-the-spot interventions and mainstreaming approaches were the most effective ways of challenging homophobia. Implementing anti-homophobia strategies did not mean designing and teaching a two week unit for the classroom and then forgetting about the issue for the rest of the year'.

(Pallotta-Chiarolli 1995)

- > Establish tolerance and non-harassment as a group norm, including non-harassment of gay men and lesbians.
 - > Be prepared to respond to anti-gay, anti-lesbian or anti-bisexual slurs just as you would racist or sexist slurs.
 - > Focus on challenging the negative opinions rather than the person.
 - > Don't expect to win or lose an encounter. The aim is to get information across. You are there to say things that need to be said, not to win.
 - > Avoid debating religious arguments. If a person has strongly held views it may be more productive to discuss sexuality issues in terms of how the person is feeling rather than debating ideas.
 - > You can still be supportive of lesbian, gay and bisexual young people even if you feel uncomfortable discussing sexual issues. Familiarise yourself with a few reference books, pamphlets and groups or refer to colleagues/counselors who do feel comfortable with discussing sexuality.
 - > Include sexual orientation issues in discussions of human rights and discrimination.
 - > Always assume that at least 10% of the people you're working with are gay or lesbian and that others will have gay, lesbian or bisexual family and friends.
 - > Openly express your support of gay, lesbian and bisexual people.
 - > Have appropriate resources on display and available. Where possible, ensure that the environment in which you are working has a range of posters with positive images including people of diverse sexual orientations.
 - > Include different family forms in any discussion on family and community.
- It is very reassuring for young people to know that they are not abnormal because they don't conform to a notion of normalcy that is, in any case, inaccurate. When corresponding with caregivers of young people don't address mail to Mr. and Mrs. X unless you know this to be accurate.

(from Liggins, S., Wille A., Hawthorne, S. & Rampton, L. 1994, Affirming Diversity, Auckland Education Unit, Family Planning New Zealand p 23-4).

7 > in the classroom

(Some of the following material has been adapted from *Catching On* with permission from Department of Education, Employment and Training, Victoria)

7.i Setting ground rules

It is important in any classroom for teachers and students to establish ground rules so that everyone knows what is expected in terms of their own behaviour and the behaviour of others.

Working within accepted ground rules is particularly important for activities that require sharing ideas, values and attitudes. Students need to feel safe and supported, not only by teachers but also by other students.

For ground rules to be really effective students should be involved in their development. If students find this hard to start with offer some of the following rules for discussion:

- > Everyone has the right to speak.
- > Each person is responsible for his or her own behaviour.
- > Listen to different ideas without 'put-downs'.
- > What other people say in class is confidential (although it is important to remember that this cannot be guaranteed).
- > It is equally important to enable students to withdraw if they find issues personally confronting and to protect them from making harmful disclosures. In other words, every person has the right not to offer an opinion.

7.ii So what do I do if.... Someone makes discriminatory comments?

One of the most effective and immediate challenges to homophobia in the school culture is simply to challenge homophobic language. Try the **NAC** approach:

1. **N**ame it: *'That's a problem'*
2. Refer to **A**greement; *'Our ground rules state no put-downs'*
3. Give **C**onsequences: *'If you use a put-down again you will have to follow disciplinary procedures'.*

For example, if students use words such as 'faggot', 'homo', 'leso' or 'queer', possible responses could include:

- ***I have a friend/brother/sister who is gay/lesbian and I find your comment offensive.***
- ***I find words like 'wog', 'coon', 'retard', 'fag' and 'leso' offensive (include words you know that they will find offensive)*** (Liggins et al p.24).

case study > one

You are conducting a continuum activity with Year 8 students responding to the statement 'girls get it easier at school than boys'. One boy goes to the 'strongly agree' end of the continuum. You ask him why and he replies, "some boys get it easy too, Matt gets it the easiest but he acts like a girl."

- > Respond immediately.
- > Inform the student that you find the statement personally offensive.
- > Ask the student if he knows why you have found the statement offensive
- > Ask the student to consider the statement in light of the agreed ground rules and what are the consequences if they are broken.
- > Ask the student if he knows the rules about discriminatory language.
- > Process that statement with the whole class, exploring and questioning students on the implications of the statement for all those involve

So what do I do if....

A student tells me they want to talk to someone about their sexuality?

In any program that focuses on issues of human relationships and sexuality it is possible that a student may want to tell someone about their feelings. One of the most commonly expressed concerns of SSA young people is whether to confide in someone (Hillier et al 1998). How is a teacher to respond if a young person tells them that they think they are gay?

First of all, it is not the aim of this document to encourage students to 'come out', that is, to disclose their homosexuality. Coming out only increases a person's sense

of well-being if the people they confide in are supportive. When conducting activities that explore personal values and attitudes around sexuality, teachers need to make clear they do not require students to disclose their own sexual experiences.

A useful strategy to prevent students saying something inappropriate is **protective interruption**. This means interrupting students before they disclose while also informing them they can talk privately with the teacher after class. Another strategy is to provide information on support services to the whole class through displays of posters and pamphlets. In this way those students who feel there is no one they can easily speak to will have access to supportive, accurate and helpful information. One source of support that many young people turn to is the Internet, which provides an opportunity to talk with other young people in a safe, and anonymous way.

case study > two

The principal gets a phone call from a parent saying you are encouraging homosexuality because you have talked positively about same-sex attracted people. The principal calls you in to explain and/or provide some advice for a response.

- > You show the principal the planning that went into the development of the program, including the research, rationale and departmental policy frameworks (including curriculum and welfare) that support the need to include positive experiences of diversity (see resources page). This will help ensure that the principal understands there is departmental support.
- > You advise the principal to follow the same procedure with the parent/s.

check the research

- > 33% of SSAY had spoken to their mothers, 20% to their fathers.
 - > Of those who had spoken to their mothers, 66% found them supportive.
 - > 50% who had spoken to their fathers had found them supportive.
 - > Respondents had rarely spoken to professionals about their sexuality, though the majority had found this group to be supportive when approached.
 - > 5% had sought help from student counsellors and 14% from teachers.
 - > About 20% had never spoken to anyone about their feelings.
- (Hillier et al 1998).

'I think the only reason I'm not out is I don't want to disappoint my parents. When I was little my Mum said 'we'll always be proud of you, even if you are homosexual - maybe not as proud but still proud' (M, 16yrs)

case study > three

A student in your class has had a number of long conversations with you about his/her sexuality. They believe they are attracted to people of the same-sex. You have given the student a range of contacts in various community agencies to provide them with support.

The student has not made any contact with these services and appears to be very depressed, and fearful of the reaction of other people to his/her sexuality, particularly parents and friends.

- > You need to ensure the safety of the student first. These signs show that the student may be at risk of some self-harm.
- > You need to decide how much you are personally able to take on and tell the student.
- > You may like to suggest that you can contact a service for them.

So what do I do if....

Somebody discloses their sexual preference?

Disclosure of sexual preference should remain confidential. Disclosures of sexual identity or preference do not need to be reported. It is difficult for young people to talk about these issues. A teacher who, after talking with a student, informs the principal, other teachers or parents compounds that difficulty. Confidentiality is critical for these students. The students will tell other people when they are ready. If the person is at risk of harming themselves or someone else then that needs to be followed up in the prescribed way (see case study). Of course, the disclosure of physical and sexual abuse must be reported.

I couldn't turn to the school counsellor [student welfare coordinator] because I know that she talks her "cases" over with other people. I have been told of other people's problems and once I knew that I found distrust in the school system. (M, 17yrs)

case study > four

Two Year 10 girls are becoming the focus of school attention as they walk around the school holding hands, and indeed, tell their friends they are 'going out'. A fellow teacher expresses her frustration with the girls for 'flaunting' their homosexual relationship and her intention to get the girls to see a counsellor.

- It is important to consider 'Are the girls distressed. Do they appear to require counselling?' **IF THE ANSWER IS:**
- YES** > then it may be appropriate to privately and individually ask them if they want support or counselling because they appear to be unhappy. They might be distressed because of harassment. If so, the best support might be that the 'harassers' are confronted. It may not stop the harassment, but at least the girls will see that this behaviour is not condoned by the school.
- NO** > then they do not require counselling. Most importantly the two girls may not want to discuss their relationship, as a problem, with anyone.
- > Consider what would you do if a Year 10 girl and Year 10 boy were going out? Does school policy require any intervention when it is a heterosexual couple? The same rules apply to homosexual couples.
 - > Finally you could ask 'Is there a problem with the girls acting gay by holding hands in public?' If so, should they act heterosexual?

As with any disclosure of a personal issue:

- > listen patiently and carefully to what the young person is saying.
- > don't press the student for information.

In addition:

- > be affirming.
- > explain that you are pleased to be told and are prepared to help if you can.
- > help the young person to look at the options open to them.
- > connect the young person to support services when appropriate.

case study > five

A student on a Year 11-school camp tells her friends she is a lesbian. Later, two students come to you and say they are not sleeping with 'that girl' in the dormitory.

> **Don't panic or overreact. Ask them their concerns. Take the time to listen carefully without interruption. You can expect comments like - "I don't want her 'perving' at me...What if she tries to come onto me?" "I'm not sleeping in the same room as someone who is sick like that!"**

> **Logically work through each of the misconceptions eg "young lesbians are predatory", using an approach such as the NAC.**

> **If the students still refuse to share the dormitory give them the option of returning to school as the consequence of their homophobia. The other students at camp will need some debriefing so that they understand school policy regarding the disciplining of discriminatory behaviour. If the statements have been made publicly you will need to process them using the above techniques with the whole group.**

> **Check that the student who disclosed her sexuality is OK, and what she would like to do. She may be reluctant to stay in the dormitory. You may also need to direct her to services and support.**

So what do I do if....

I am a lesbian or gay teacher.

Teachers of health and sexuality education are often asked personal questions related to topics being covered in classes. Teachers will sometimes use examples from their own lives to illustrate points. This can present a personal dilemma for gay and lesbian teachers.

It is an individual decision for teachers who choose to disclose their sexuality to staff or students and in what context they talk about their lives. A broad principle to adhere to is that students do not have the right to ask personal questions of teachers related to their sexuality, regardless of their perceived sexual orientation, identity or behaviour. In the same way teachers and other students do not have the right to ask personal questions of students or their classmates.

Setting and consistently enforcing ground rules is a useful strategy to help maintain people's privacy. While it is crucial to examine personal and community values and attitudes in the health and sexuality education curriculum and make sexual diversity visible, the personal lives of staff and students should not be used as resource material. Nevertheless, the choice is with the individual teacher and if they choose to 'come out' their decision should be systemically supported. This includes the provision and maintenance of a supportive work environment with active policies and procedures affirming diversity and seeking to reduce discrimination.

Teachers who are not gay and lesbian can challenge stereotypes and affirm diversity by not disclosing their sexuality to students or constantly talking about husbands, wives and children. It is easy and safe for a teacher to place gay and lesbian people as 'somebody else', by ensuring that students know they are heterosexual. It is more powerful for this to be ambiguous and it assists in breaking down myths and discrimination.

8 > conclusion

Dealing with issues related to sexuality and young people in a school setting will involve individual and community decision making. This process brings with it many differing value positions about what we think is important to life and is central to who we are and how we act.

Often there is confusion about dealing with issues that may be socially contentious because of a belief that teachers need to present themselves as 'value-free'. Of course this is impossible and undesirable. What we can aim for instead, is to be 'value fair' (*Gourlay 1993*).

Anxiety relating to sexuality issues is a significant burden to young people. Schools can help reduce this burden by challenging anti-gay sentiment. Sexuality is a part of young people's healthy growth which all young people have a right to be supported through, without experiencing criticism, discrimination or community exposure.

9 > policy and legislation

Commonwealth, State and Territory legislation

It is important to remember that policy and legislation is there to support the work of schools in responding to homophobia and providing a safe and supportive learning environment for our students.

Schools, school councils or boards, principals and teachers have obligations and responsibilities, both as employers and providers of education services, under a range of existing Commonwealth, State and Territory legislation related to:

- > Human rights/equal opportunity
- > Common law
- > Criminal law and
- > Child protection.

Of particular relevance are the:

- > Commonwealth Sex Discrimination Act 1984
- > Commonwealth Human Rights and Equal Opportunity Act 1986
- > Commonwealth Disability Discrimination Act 1992
- > Commonwealth Racial Discrimination Act 1995

Common law responsibility

Schools have clear legal responsibilities to develop, implement and review procedures to ensure safe and secure environments for all students.

Under common law the relationship between teacher and student is a special duty of care which extends beyond school hours and premises. Schools need clear procedures for dealing with staff concerns about students.

Criminal law

Young people between 14 and 16, as well as older students, are considered legally responsible for their actions and therefore liable for criminal prosecution.

Schools have to notify police of any criminal act.

Child protection legislation

Recent legislation requires teachers and principals to report suspicion of child abuse and/or neglect. This is sometimes referred to as mandatory reporting.

Age of consent

The law is the same for relationships between people of the same sex and relationships between people of opposite sex.

> BETWEEN 10 AND 16

A person is not allowed to have sex with a person in this age group if they are more than two (2) years older.

> AGED 16 OR 17

A person is not allowed to have sex with a person of these ages if they are under their care, supervision or authority, for example, a teacher, youth worker or foster carer. It is legal for someone of the ages of 16 or 17 to have sex otherwise.

Victorian Equal Opportunity Act, 1995

Of particular importance are the recently included provisions that sexual harassment includes discrimination on the grounds of sexual orientation, perceived or otherwise, and student to student harassment as unlawful. This attribute applies to all students in primary and secondary schools.

It is against the law for:

- > Principals to sexually harass staff or students
- > Staff to sexually harass other staff or students
- > Students to sexually harass staff
- > Students to sexually harass other students.

Reasonable precautions to avoid vicarious liability include development of either a specific policy on sexual harassment or the inclusion of sexual harassment in the school's anti-discrimination policy and procedures for dissemination to all members of the school community.

School-based implementation of policies, programs and initiatives:

Policies in themselves are not enough. It must be clear that the school through the principal, the school council and/or the school board has made every reasonable effort to involve all members of the school community in the development of school policies, practices and procedures. Once policies have been endorsed then the principal, the school council and/or the school board must make every reasonable effort to inform all members of the school community of the policy and procedures.

Review the existing policies/guidelines, programs, procedures and practices to ensure that they are inclusive of the needs of SSAY students.

- > School Charters and reviews
- > Codes of Conduct (student and staff)
- > Policies:
 - Anti-bullying and/or non-violence
 - Curriculum, principles and programs
 - Discipline
 - Equal Opportunity
 - Gender Equity
 - Racial Harassment
 - Sexual Harassment
 - Student Management/Welfare
 - Local and wider community involvement

> bibliography

Australian National Council for AIDS, Hepatitis C and Related Diseases (1999), *Talking Sexual Health: National Framework for Education About STIs, HIV/AIDS and Blood borne Viruses in Secondary Schools*, Commonwealth of Australia, Canberra, A.C.T.

Department of Education (2000), *Anti-Discrimination and Anti-Harassment Policy Support Materials*, Hobart, Tasmania.

Department of Education, Employment and Training (2001), *Catching On*, forthcoming, Melbourne, Victoria.

Equal Opportunity Commission (1996) *Rights and Responsibilities under the Victorian Equal Opportunity Act 1995*, Melbourne, Victoria.

Gourlay, P. (1993) If you think sexuality education is dangerous, try ignorance: Sexuality education, a review of its effects and some subsequent conclusions about pre-conditions for its success, masters dissertation (unpub), University of Melbourne.

Harrison, L., & Dempsey, D. (1998). Everything *Else is Just Like School: Evaluation Report of the Trial of Catching On: A Sexual Health Curriculum for Years 9 and 10*. National Centre in HIV Social Research: Program in Youth/General Population. Centre for the Study of Sexually Transmissible Diseases, La Trobe University: Melbourne, Victoria

Harrison, L., Hillier, L., & Walsh, J. (1996) Teaching For A Positive Sexuality: Sounds Good, But What About Fear, Embarrassment, Risk And The 'Forbidden' Discourse Of Desire?, in L.Laskey & C. Beavis (eds) *Schooling and Sexuality: Teaching For A Positive Sexuality*, Deakin University, Geelong, Victoria

Hillier, L., Dempsey, D., Harrison, L., Beale, L., Matthews, L., & Rosenthal, D. A. (1998). *Writing Themselves In: A National Report on the Sexuality, Health, and Well-being of Same-Sex Attracted Young People*. National Centre in HIV Social Research: Program in Youth/General Population. La Trobe University: Melbourne, Victoria.

Liggins, S, Wille, A, Hawthorne, S & Rampton, L 1994 *Affirming Diversity: An Educational Resource on Gay, Lesbian and Bisexual Orientations*, Auckland Education Unit, New Zealand Family Planning Association, Auckland.

Hillier, L., Warr, D., & Haste, B., (1996) *The Rural Mural: Sexuality and Diversity in Rural Youth 1996*, National Centre in HIV Social Research: Program in Youth/General Population. La Trobe University, Melbourne.

Lindsay, J., Smith, A.M.A., & Rosenthal, D.A., (1997) Commonwealth, *Secondary Students, HIV/AIDS and Sexual Health 1997*. National...