



GENDER IDENTITY AND AFFIRMATION GUIDELINE

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Supporting documents, procedures & forms:	Bullying Prevention Policy Complaints Management Centre Delegations of Authority Policy EO Online Equity, Diversity and Inclusion Policy Equity, Diversity and Inclusion Strategy Grievance Policy Inclusive Language Guidelines Privacy Policy Procedures for Investigating Grievances Respect for Diversity Policy Sexual Harassment Prevention Policy Travel and Entertainment Policy University Code of Conduct UOW Complaints Management Centre University of Wollongong (Academic Staff) Enterprise Agreement 2019 University of Wollongong (Professional Services Employees) Enterprise Agreement 2019 UOW Values		
Relevant Legislation & External Documents:	AIDS Council of New South Wales (ACON) Anti-Discrimination Act 1977 (NSW) Anti-Discrimination Board of NSW Australian Government Guidelines on the Recognition of Sex and Gender Australian Human Rights Commission Act 1986 Health Records and Information Privacy Act 2002 (NSW) Privacy Act 1988 (Cth) Privacy and Personal Information Protection Act 1998 (NSW) Sex Discrimination Act 1984 Workplace Gender Equality Act 2012 (Cth)		



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Contents

1	Introduction/Background	4
2	Scope/Purpose	4
	Staff.....	4
	Students	4
3	Definitions.....	4
4	Guideline Principles	5
5	Support during Gender Affirmation.....	6
	Staff.....	6
	Students	7
6	Recruitment and Retention.....	7
7	Use of Amenities, Uniform/Dress Code, and Form of Address.....	7
	Staff.....	7
	Students	7
	Alumni.....	8
8	Harassment and Discrimination	8
	Staff.....	8
	Students	8
9	Data collection.....	8
10	Roles & Responsibilities	9
11	Version Control and Change History	10



1 Introduction/Background

1. The University of Wollongong (UOW) is committed to diversity and inclusion, and providing a safe and respectful workplace where all staff and students feel safe and supported.
2. These Guidelines should be read in conjunction with UOW’s Equity, Diversity and Inclusion Policy.

2 Scope/Purpose

1. The information and guidance in these guidelines provides the framework on how to best support UOW staff, students and visitors whatever their gender identity, including those going through gender affirmation. These guidelines apply to all staff, affiliates, students and visitors of all onshore UOW campuses, and to all staff and affiliates undertaking UOW activities abroad.
2. People who are transgender are protected by law from discrimination. The Sex Discrimination Act 1984 (Cth) and the Anti-Discrimination Act 1977 (NSW) make it unlawful to discriminate against a person because of their gender identity. UOW respects and adheres to Commonwealth legislation requirements of the Workplace Gender Equality Act 2012 (Cth), Australian Human Rights Commission Act 1986, Sex Discrimination Act 1984 and New South Wales legislation including the Anti-Discrimination Act 1977 (NSW).
3. UOW has a longstanding commitment to the elimination of unlawful direct and indirect discrimination and harassment.

Staff

4. For staff, these guidelines apply (but are not limited) to recruitment and selection, professional development and promotion, conditions of service, workplace health and safety, code of conduct, grievance and disciplinary procedures, and termination of employment.

Students

5. For students, these guidelines aim to ensure that the UOW community remains committed to promoting diversity and inclusion, and that UOW students are treated with respect and dignity throughout all stages of their academic studies and beyond as alumni of UOW.

3 Definitions

Word/Term	Definition (with examples if required)
Discrimination	<p>The Fair Work Ombudsman defines discrimination as when someone is not treated fairly or given the same opportunities because of their race, colour, sex, sexual orientation, age, gender identity, gender expression, intersex status, marital or relationship status, family or carer’s responsibilities, pregnancy, religion, political opinion, national extraction, social origin, disability or physical or mental disability, which includes:</p> <ul style="list-style-type: none"> - physical, intellectual, psychiatric, sensory, neurological or learning disabilities; physical disfigurement; disorders, illness or diseases that affect thought processes, perceptions of reality, emotions or judgement, or results in disturbed behaviours; presence in body of organisms causing disease or illness (e.g. HIV virus).



Diversity	<p>The Australian Government defines diversity as:</p> <p>“recognising <u>people</u> from a wide range of backgrounds. For example, this can include having staff and students of different ages, genders, ethnicity, backgrounds, physical ability, sexual orientation, marital status, physical qualities, life experience, political and religious beliefs, work experience or educational background”.</p>
Gender	<p>The Australian Government recognises that individuals may identify and be recognised within the community as a gender other than the sex they were assigned at birth or during infancy, or as a gender which is not exclusively male or female. The Government defines gender as:</p> <p>part of a person’s personal and social identity. It refers to the way a person feels, presents and is recognised within the community. A person’s gender may be reflected in outward social markers, including their name, outward appearance, mannerisms and dress.</p>
LGBTIQ+	<p>Acronym for people who are lesbian, gay, bisexual, transgender, intersex and/or queer. The + incorporates a broader acceptance of all gender expressions/identities and sexualities.</p>
Gender Affirmation	<p>The AIDS Council of NSW (ACON) defines gender affirmation as:</p> <p>“the personal process or processes a transgender or gender diverse person determines is right for them in order to live as their defined gender identity and so that society recognises this. Gender affirmation may involve social, medical/surgical and/or legal steps that affirm a person’s gender”.</p>
Onshore campus	<p>Any UOW Campus located within Australia.</p>
Staff	<p>All people employed by UOW including conjoint appointments, whether on continuing, permanent, fixed term, casual, cadet or traineeship basis.</p>
Student	<p>A person registered for a course at UOW.</p>
Transgender and Gender Diverse	<p>The AIDS Council of New South Wales (ACON) defines transgender and gender diverse as “umbrella terms that describe people who identify their gender as different to what was assigned to them at birth. Some transgender people position ‘being transgender’ as a history or experience, rather than an identity, and consider their gender identity as simply being female, male or a non-binary identity. Some connect strongly with their transgender experience. The processes of transitioning may or may not be part of a transgender or gender diverse person’s life. Terms such as ‘cross dresser’ and ‘transvestite’ aren’t typically used by transgender and gender diverse people to describe their gender experience”.</p>

4 Guideline Principles

1. UOW recognises that people may identify either as a gender that does not match their birth gender or as an indeterminate gender, and that this should be recognised and reflected in their personal records.



2. UOW aims to create an all-gender transgender-friendly culture, free from discrimination and harassment, where all staff and students are treated with respect and able to work to their full potential in a fair and equitable workplace and learning environment.
3. UOW does not tolerate any form of discrimination, bullying and harassment. Disciplinary action is imposed if any staff member or student is found to have harassed or discriminated against another person at UOW. In addition to UOW policies, UOW is bound by legislation, which makes harassment and discrimination unlawful.
4. In accordance with the Privacy Policy, UOW's collection, use, storage, and disclosure of all personal information, including gender information, will be kept strictly confidential and in accordance with the Privacy Act 1988 (Cth) and the Privacy and Personal Information Protection Act 1998 (NSW) .

5 Support during Gender Affirmation

Staff

1. There is no legal requirement for a gender diverse or transgender person to inform management or anyone else in their workplace or school/research unit of their intention to affirm their gender.
2. Where supervisors or managers become aware of a person's intention to affirm their gender they should take all appropriate action to provide a safe and supportive environment for that person.
3. Once informed, supervisors and managers should discuss the situation with the person (should the person feel comfortable in doing so) and address any issues and concerns, and how the person wishes to handle the gender affirmation and post-gender affirmation stages.
4. All supervisors and managers have a responsibility to ensure that gender diverse or transgender people are not harassed or discriminated against in any aspect of recruitment or employment. This includes ensuring that they are not harassed or discriminated against by other staff members while they are in the process of gender affirmation. Supervisors and managers are required to encourage team members to complete Equal Opportunity (EO) Online refresher training once disclosure has taken place.
5. Depending on the individual's preferences for communication to others, all supervisors and managers should inform team members when a staff member is undergoing gender affirmation. Additionally, team members should be informed of UOW's policies on bullying, discrimination and harassment, and the consequences of any breaches of these policies.
6. As best practice, all supervisors and managers should check in with the gender diverse or transgender person to confirm if they require any additional support, are OK and/or experiencing any form of harassment or bullying.
7. Staff undergoing gender affirmation can utilise sick leave in accordance with their relevant enterprise agreements. They may be able to combine other types of leave such as annual leave, long-service leave (if eligible), leave without pay or depending on the nature of their job, time off in lieu. Should available paid leave be exhausted staff undergoing gender affirmation may apply for additional paid and/or unpaid leave. Such applications should be considered on a case-by-case basis.



Students

8. There is no legal requirement for a gender diverse or transgender person to inform anyone in their school/research unit of their intention to affirm their gender.
9. Any student undergoing gender affirmation should be treated respectfully and in accordance with relevant UOW policies and procedures.

6 Recruitment and Retention

1. All staff members are expected to acknowledge and conduct themselves in accordance with UOW's values of mutual respect and diversity, and the University Code of Conduct.
2. Gender diverse and transgender people should be assessed on their merits, against the specific criteria for a job, in the same way as all other applicants. In certain circumstances, special criteria may be applied in order to enhance access, equity and representation.
3. A gender diverse and transgender person has the legal right to be considered for a position targeted towards their affirmed gender, if the requirements for the position are consistent with their affirmed gender.
4. Gender diverse and transgender people are to be given the same access to opportunities, including but not limited to professional development, promotion and conference attendance throughout their employment at UOW.

7 Use of Amenities, Uniform/Dress Code, and Form of Address

1. A gender diverse or transgender person and those who identify as non-binary may use the toilets and change rooms of their affirmed gender, or where not immediately available, may use facilities that they feel most safe in. Gender-neutral bathrooms have been installed and are now available. A transgender person, gender diverse and those who identify as non-binary may wear the dress or uniform of their affirmed gender. As there is no "formal" dress code, it is acceptable to wear what is comfortable and authentic, whilst maintaining professionalism.
2. Gender diverse and transgender people should be treated with respect and be addressed according to their preferred names and pronouns.

Staff

3. If a gender diverse or transgender staff member has changed their legal name, UOW records will be updated whilst the person is an employee of UOW.
4. A gender diverse or transgender staff member may change their preferred first name at any time during their employment at UOW.
5. Subject to the staff member's request, supervisors and managers should inform team members of the staff members' gender affirmation and their preferred name and pronoun at an appropriate time, for example before the gender diverse or transgender staff member returns to work.

Students

6. If a gender diverse or transgender student changes their legal name whilst enrolled at UOW, University records can be updated to reflect the change.



7. A gender diverse or transgender student may change their preferred first name at any time during their enrolment at UOW.
8. A transgender, gender diverse or gender non-binary student may inform their lecturer/tutor of their preferred pronoun at any time during their enrolment at UOW.

Alumni

9. If a UOW graduate changes their legal name they may contact UOW to have their alumni record updated accordingly.

8 Harassment and Discrimination

Staff

1. To deliberately disclose a person's gender or gender identity to others without their permission (to "out" them) may be regarded as forms of bullying and/or harassment, and is grounds for disciplinary action.
2. Staff members who believe they have been bullied or discriminated against should, where possible, speak to the person exhibiting the bullying behaviour and request this behaviour stop. If the person being bullied is not comfortable speaking to the person exhibiting the bullying behaviour, or the request(s) to stop is ineffective, they should report the matter to their supervisor to help resolve the matter. If the bullying behaviour concerns their supervisor, then the matter should be reported to the next most senior person. Staff members are also able to report alleged bullying to Human Resources via their HR Business Partner.

Students

3. To deliberately disclose a person's gender or gender identity to others without their permission (to "out" them) may be regarded as forms of bullying and/or harassment, and is grounds for disciplinary action.
4. Students of UOW who believe they have been bullied or discriminated against should, where possible, speak to the person exhibiting the bullying behaviour and request this behaviour stop. If the person being bullied is not comfortable speaking to the person exhibiting the bullying behaviour, or the request(s) to stop is ineffective, they should report the matter to their Subject Coordinator or Head of Students. If the bullying behaviour concerns the Subject Coordinator or Head of Students, then the matter should be reported to the next most senior person or the Head of School.
5. Complaints can also be made via UOW's Complaints Management Centre (CMC). The CMC is a centralised complaints centre that provides advice, and receives and refers complaints to the appropriate areas of UOW for investigation and response as appropriate.

9 Data collection

1. Collecting and maintaining gender-disaggregated data at UOW is crucial to the ongoing monitoring of gender equality.
2. Where gender information is collected, people should be given the option to select M (male), F (female) or X (intersex/indeterminate/unspecified) in accordance with the Australian Government Guidelines on the Recognition of Sex and Gender.



3. Only one record should be made or maintained for a person, regardless of a change in gender or other change in personal identity.
4. Where a gender diverse or transgender person requests that gender information on their personal record be amended, or where it is necessary to verify their gender to confirm identity or determine eligibility for a service or entitlement, UOW will recognise any one of the following as sufficient evidence of the person's affirmed gender:
 - a. a statement from a registered medical practitioner or a registered psychologist;
 - b. a valid Australian government travel document, such as a current passport, that specifies their affirmed gender;
 - c. an amended state or territory birth certificate that specifies their affirmed gender;
 - d. a state or territory gender recognition certificate;
 - e. a recognised details certificate showing that a state or territory Registry of Births, Deaths and Marriages has accepted a change of gender.
5. Gender affirmation surgery and/or hormone therapy are not pre-requisites for recognising a change of gender.
6. In instances where UOW is presented with conflicting information about a person's gender, UOW may request further information from that person.

10 Roles & Responsibilities

1. All managers and supervisors have a responsibility to:
 - a. Implement these guidelines within their work area to enable a workplace where respect for diversity is expected;
 - b. Ensure that any incident of harassment or bullying, or lack of respect that is either observed or reported, is dealt with promptly and in accordance with relevant UOW policies; and
 - c. Role model appropriate and respectful behaviours.



11 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	7 April 2020	Chief Operating Officer	New Guideline to support UOW to meet both its legislative obligations and its commitment to diversity and inclusion.
1.1	On approval	Chief Operating Officer	Addition of sentence in 7.1 regarding dress code.