



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

	Date of next Review:.....	1
1	Introduction/Background	4
2	Scope/Purpose	4
	Staff.....	4
	Students	4
3	Definitions.....	4
4	Guideline Principles	6
5	Support during Gender Affirmation.....	6
	Staff.....	6
	Students	7
6	Recruitment and Retention.....	7
7	Use of Amenities.....	8
8	Uniform/Dress Code	8
9	Names, titles and pronouns	8
	Staff.....	8
	Students	8
	Alumni.....	8
10	Harassment and Discrimination	9
	Staff.....	9
	Students	9
11	Personal Records.....	9
12	Version Control and Change History.....	11



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)
Bullying	<p>Defined by the Fair Work Ombudsman as: “when a person or group of people repeatedly act unreasonably towards a worker or a group of workers; the behaviour creates a risk to health and safety”</p> <p>Repeated behaviour refers to the “persistent nature of the behaviour and can involve a range of behaviours over time”. This includes repeated behaviour directed towards one individual and single incidents of behaviour involving separate individuals and can involve a range of behaviours over time.</p> <p>Unreasonable behaviour means “any behaviour that includes victimising, humiliating, intimidating or threatening. Whether a behaviour is unreasonable can</p>



	depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances”.
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>Diversity is defined as recognising people 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>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.</p> <p>Gender is 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>
Gender Affirmation	<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>
Gender, Sex and Sexuality Diversity	<p>Gender, Sex and Sexuality Diversity refers to all the diversities of sex characteristics, sexual orientations and gender identities. It is an alternative term for LGBTIQ+ and incorporates all current and future variations of this acronym.</p>
Harassment	<p>Harassment may be an ongoing pattern of behaviour, or it may be just a single act. Anti-discrimination law defines harassment as any form of behaviour that:</p> <ul style="list-style-type: none">- you do not want- offends, humiliates or intimidates you- creates a hostile environment.



LGBTIQ+	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. Please see similar term 'Gender, Sex and Sexuality Diversity'.
Onshore campus	Any UOW Campus located within Australia.
Staff	All people employed by UOW including conjoint appointments, whether on continuing, permanent, fixed term, casual, cadet or traineeship basis.
Student	A person registered for a course at UOW.
Transgender and Gender Diverse	Transgender and gender diverse are 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.

4 Guideline Principles

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. 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.
3. 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.
4. 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.
5. 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 by the staff member affirming their gender, supervisors and managers should discuss the situation with the staff member (should the person feel comfortable in doing so) and address any issues and concerns, and how they wish to handle the gender affirmation and post-gender affirmation stages.
4. Managers and supervisors may seek advice from People and Culture (P&C) staff to assist them in better understanding the gender affirmation process to support their staff member. P&C Business Partners may assist with record updates and planned leave.
5. All supervisors and managers must do their best to ensure gender diverse or transgender people are not harassed or discriminated against in any aspect of recruitment or employment. This includes taking all reasonable steps to prevent harassment or discrimination 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.
6. 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.
7. 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.
8. Staff may require leave or some flexibility while affirming their gender. Staff are encouraged to contact their P&C Business Partner for advice on leave entitlements and flexible working arrangements.

Students

9. 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.
10. Any student undergoing gender affirmation should be treated respectfully and in accordance with relevant UOW policies and procedures.

6 Recruitment and Retention

1. 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.
2. 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.
3. 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

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 across Wollongong campus.

8 Uniform/Dress Code

1. UOW supports staff to dress in a way that reflects their gender identity, including those who identify as transgender, gender diverse and non-binary. Uniforms should not be gender specific and, therefore, should be inclusive of all staff. It is acceptable to wear what is comfortable and authentic, whilst maintaining professionalism and complying with safety standards.
2. Please contact the [Diversity and Inclusion team](#) if you have any questions about dress code or uniforms at the University of Wollongong.

9 Names, titles and pronouns

3. Gender diverse and transgender people should be treated with respect and be addressed by their correct name and pronouns.

Staff

4. 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.
5. A gender diverse or transgender staff member may change their preferred first name at any time during their employment at UOW.
6. Subject to the staff member's request, supervisors and managers should inform team members of the staff members' gender affirmation and their name and pronoun at an appropriate time, for example before the gender diverse or transgender staff member returns to work.

Students

7. If a gender diverse or transgender student changes their legal name whilst enrolled at UOW, University records can be updated to reflect the change.
8. A gender diverse or transgender student may change their preferred first name at any time during their enrolment at UOW.
9. A transgender, gender diverse or gender non-binary student may inform their lecturer/tutor of their pronoun at any time during their enrolment at UOW.

Alumni

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



10 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 may be 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 People and Culture via their P&C Business Partner.
3. Staff are advised to refer to the Bullying Prevention Policy and Grievance policy.

Students

4. 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.
5. 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. Students can also report behaviour that is threatening, offensive, or could be seen as harassing or discriminatory to the Safe and Respectful Communities (SARC) team.
6. General complaints can 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.
7. Students are advised to refer to the Bullying Prevention Policy and Grievance policy.

11 Personal Records

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



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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.



12 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	14 January 2021	Chief Operating Officer	Addition of sentence in 7.1 regarding dress code.
2	20 March 2023	Chief Operating Officer	Administrative change to reflect recent changes to roles and titles <ul style="list-style-type: none">• Additional definitions inserted• Reference to People and Culture as a support and advice service for managers• Rewording of gender affirmation leave clause• Adding Clause on gender-neutral bathrooms• Included reference to the Bullying and Harassment and Grievance Policies