

**Just kidding?**  
**Sex-based harassment**  
**at school**

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A review prepared for the New south Wales  
Department of Education and Training

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# Foreword

## **I didn't mean it. Truly I didn't. I was just kidding.**

"Just kidding" The expression is used as justification for a multitude of behaviours. Often we can be humoured by its implicit protest of innocence. So often we can be cajoled into overlooking what happened under its disguise. While we must be careful not to lose sight of our humour, as educators we must be equally mindful of our duty of care with respect to each and every student at school.

There are occasions when students are unquestioningly engaged in innocuous raillery and good-natured kidding, and there are other occasions when our professional judgements lead us to determine that the behaviours were less than benign in intent or in their consequences for others.

This book is concerned only with sex-based harassment as it is manifest among the student body—that is, the focus is solely on student-to-student sex-based harassment. While recognising that sex-based harassment occurs in other situations, it is not intended to take account of the kinds of harassment that occur between staff and students, or between members of staff. The following chapters are not about adults' harassment of one another inside or outside staff rooms, teachers' harassment of students, or the ways that students may engage in sex-based harassment of teachers at school. These issues are obviously of concern but are not within the scope of the book.

The book was written with a linear logic, starting at chapter 1 and finishing with the summary and recommendations of chapter 5. But linear reading is not mandatory. For those who prefer to skate around a book and to dip in and out of its pages, the following descriptions of the chapters may help determine where you might start, how you might weave a reading path, and where you might ultimately head:

**The first chapter** begins with the assertion that students deserve safe, harassment-free learning environments at school. The emphasis is on evolving conceptualisations and understandings of what constitutes sex-based harassment of one student by another. There are varied examples of how sex-based harassment can be expressed at school, ideas on how you might begin to recognise the signs, and a set of scenarios that caution against too simplistic a response to any set of observable events. Most importantly, the chapter aims to:

- explore the complexity of exchanges which may create difficulties in relationships
- reveal how dangerous it is for you to be limited by legalistic or definitional guidelines
- challenge you to think beyond the obvious.

**Chapter 2** explores sex-based harassment within social justice, equity and legal frameworks. It looks at the nature and extent of sex-based harassment as experienced among students, marks out identifiable patterns of harassment, and raises questions about who are the likely targets and who are likely to be the harassers at school. The chapter draws attention to the unjust and inequitable messages that students may learn with respect to living and relating as gendered beings when sex-based harassment is permitted at school.

As well as looking at equity issues, the chapter also introduces aspects of the law that set the parameters of tolerance in terms of students' experiences of sex-based harassment at school. Successful cases of litigation against school districts and officials in the United States are cited by way of illustrating how legal action can be taken by students and their families here in Australia, when schools fail to take reasonable steps to address sex-based harassment. Importantly, the chapter explores the links between instances of sex-based harassment and gendered violence as experienced at school and outside school and ultimately, between harassing and violent behaviours, dominant masculinity and heterosexism.

**Chapter 3** is dedicated to unravelling the ways that we talk about and practise gender relations so that, on many occasions, sex-based harassment seems unremarkable. The goal is to make visible how gendered and heterosexist presumptions underpin our daily talk and practices and make sex-based harassment seem natural and normal aspects of gender relations to an extent where it might pass as "just kidding".

To make these points clearer, the chapter grounds theory in everyday examples of texts and talk used, for instance, by journalists in recounting sporting events, by manufacturers of popular culture in promoting video-gaming, by judges in making determinations on matters of law, and by teachers in managing relations amongst students at school. Hopefully, the examples from each of these situations will help illuminate what is widely spoken about in education circles, and elsewhere, as the social construction of gender. This chapter is probably the most challenging as it is designed to progress beyond the more obvious ways in which gender is spoken about and practised by others, to the point where we recognise how our psyches and our desires are deeply implicated in the regulation of gendered relations. Examples are provided to translate theories about sex-based harassment into

recognisable instances of how each of us participates in the social production of gender and of sex-based harassment. At the same time, the promise of reform is located in understanding how gender relations, as sets of social practices, could be lived out in more equitable ways.

**Chapter 4** showcases projects aimed at eliminating sex-based harassment undertaken by New South Wales teachers in one secondary and four primary schools. In showcasing teachers' work and synthesising common themes, I have drawn heavily on project teams' written accounts of their efforts, their successes and their abiding concerns. The chapter promotes the idea of teachers as active researchers and agents of reform.

**Chapter 5** draws together arguments about how best to proceed with the complex agenda of eliminating student-to-student sex-based harassment in all its manifestations. It examines the limits of behaviour management programs and presents reasons for concentrating teacher and student attention on the ways that inequitable gender relations and sex-based harassment are socially constructed and inextricably linked together. Again, in an attempt to ground theory in practice, three critical steps towards eliminating sex-based harassment are outlined and ten recommendations for inching the agenda forward are offered.

**The Appendix** offers a list of kits and videos, and internet sites and documents, that may be helpful in working on projects with colleagues and students. It also lists URLs for state and federal anti-discrimination and equal opportunity legislation covering harassment on the grounds of sex, gender and sexuality.

In writing these chapters I have been keenly aware of the wins and losses involved in introducing academic language in a publication meant for wide professional distribution. Some of the concepts introduced in these chapters are undoubtedly complex and require considerable thought. Nevertheless, wherever possible I have attempted to provide everyday examples that hopefully will shed light on current ways of talking about the social construction of gender and sex-based harassment.

Sex-based harassment affects the daily lives of many students at school and deserves our considered attention. It is time to question the ways that we so often trivialise sexist, gendered and homophobic harassment among students as if they were just kidding!

# CHAPTER 1 Sex-based Harassment

## What is it?

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*Schools should be places in which girls and boys feel safe, are safe, and where they are respected and valued (Gender Equity Taskforce, 1997, p. 9).*

This opening quote from the Gender Equity Taskforce for the Ministerial Council on Education, Employment, Training and Youth Affairs is one of 10 principles for action that underpin the nationally distributed document *Gender Equity: A Framework for Australian Schools*. The principle is a reiteration, a reminder from earlier national policy (Commonwealth Schools Commission, 1987) and a national action plan (Australian Education Council, 1993) that schools are meant to signify, and embody, safe spaces for students. In 1987, the Commonwealth Schools Commission proposed as a national educational value and principle that:

*schools should provide a challenging learning environment which is socially and culturally supportive, and physically comfortable for girls and boys (Commonwealth Schools Commission, 1987, p. 28).*

Echoing current concern for building supportive school environments across Australia, the Commonwealth Schools Commission argued that:

*schools need to be places where all the ways in which people relate to each other are based on an understanding of the equal worth and dignity of males and females (Commonwealth Schools Commission, 1987, p. 54).*

It comes as no surprise that government, parent, and student bodies strongly advocate the maintenance of safe school sites. At face value, this is not a principle that would ignite controversy inside or outside school boundaries. As such, it enjoys almost the status of a truism. It would be difficult to find a parent, teacher, student or community representative who would declare that schools should do other than protect their student body. Nevertheless, while we collectively believe it should be so for students, it seems that schools do not always ensure that learning environments characterise safe spaces, welcoming and functional learning contexts, and harassment-free zones.

In an unfortunate slide from well articulated educational principles and values, the voices of students themselves suggest that the political rhetoric has not translated into everyday reality for many girls and boys, particularly with reference to levels of sex-based harassment enacted and experienced at school.

(See: Clark, 1989; Milligan and Thomson, 1992; Gilbert and Gilbert, 1995; Collins, Batten, Ainley and Getty, 1996; Hillier, Dempsey, Harrison, Beale, Matthews and Rosenthal, 1998). According to the research of Collins et al, the picture is a much bleaker one than our educational values and principles aspire to. From their large-scale empirical study, the researchers noted the personal discomfort and pain experienced by many students in Australian schools.

*... many schools have interpersonal climates in which sex-based harassment is part of everyday life, in which it is stepping out of line to have friends of the other sex, and in which it is common to be cliquey and rejecting of outsiders (Collins et al, 1996, p.173).*

While it might be threatening for girls and boys to be friends at school, it can also be dangerous to step out of line by being identified as gay. With respect to experiences of homophobic harassment, Hillier et al. (1998) indicate that for same-sex attracted young people, Australian schools can be more violent places for them to inhabit than the streets. At school as elsewhere, heterosexual attraction may be understood as compulsory, to be refused at a near-certain penalty of oppressive harassment.

Similarly, in reviewing a wide selection of research reports that informed the development of the gender equity framework for Australian schools, the Gender Equity Taskforce concluded:

*sexual harassment and sex-based harassment including homophobia continue to have an unacceptable impact on the school experiences of girls and some boys (Gender Equity Taskforce, 1997, p. 7).*

More detailed evidence of the nature and extent of sex-based harassment as experienced among students is offered in Chapter 2.

It seems that there is still much to be achieved if there is to be a better match between the rhetoric surrounding supportive learning environments and the reality of students' daily relational experiences at school. At the bottom line, the task requires that professional educators—together with students, parents and community members—produce and maintain safe and respectful learning spaces that enhance, rather than constrain, learning opportunities for all students. In accomplishing this goal, it is important to recognise that school contexts "teach" more than any curriculum or syllabus document could anticipate. School sites offer pedagogical spaces where students also learn about who they are: their value and their worth in relation to others. Here they may study, at varying levels of consciousness, the politics of gender as it is played out, lived and experienced through sex-based harassment.

## Updating definitions

As educational, legal and public discourses about gender shift and transform, so do our understandings of what constitutes sex-based harassment. The most current definition that educators have to guide their thinking about sex-based harassment can be found in the document *Gender Equity: A Framework for Australian Schools*. In this document the term "**sex-based harassment**" is used to include **sexist harassment, sexual harassment, gender-based harassment and homophobic harassment** (Gender Equity Taskforce, 1997, p. 164). (See Figure 1 in this chapter for easy reference to definitions). As argued by the Taskforce, "the variety of such terms reflects the effort to find language to describe the many forms which harassment may take" (Gender Equity Taskforce, 1997, p. 164).

Within the new framework for Australian schools, both girls and boys are recognised as potential targets of the harassing behaviours of others. The move to recognise the targeting of boys as well as of girls demonstrates the changing conceptualisation of what constitutes sex-based harassment. Consider that just four years earlier the Australian Education Council (1993) explained in the *National Action Plan for the Education of Girls 1993-1997* that:

*sex-based harassment relegates girls and women to an inferior position relative to boys and men in Australian society. It is evident whenever a girl is made to feel embarrassed, frightened, hurt, angry or uncomfortable because she is female (p. 11).*

Given more complex understandings that evolve as we work through complex social phenomena, any credible definition of sex-based harassment is now more likely to account for the experiences of boys and men who are also harassed – mostly, but not exclusively, by other boys and men – on the basis that they cannot, or will not, conform to hegemonic or dominant forms of masculinity. In adopting a more inclusive approach to the issue, an updated definition might now read as follows:

*Sex-based harassment can occur in any combination of perpetrator and target—male to female, male to male, female to male, female to female—although overwhelmingly more often, males are the perpetrators of harassment. Sex-based harassment occurs when someone becomes the target of harassment—the object of subjugation—primarily through the way they live their gender and sexuality.*

While not all state education departments have moved to the adoption of the more generic term, the designation "sex-based harassment" helps make visible the multiple ways in which gender politics can be used to establish relationships of

domination and subordination. The term "sex-based harassment" draws attention to powerful experiential evidence that suggests that behaviour does not have to be explicitly sexual to offend, frighten, isolate, exclude, degrade, compromise, intimidate or damage. It is sufficient that the behaviour is directed at diminishing another person simply because of the way they identify as male or female. Basically, the term highlights how gender politics of sex or gender can be deeply implicated in harassing interactions. The move to the adoption of the term signals a shift away from the largely depoliticised discourses of teasing, bullying, and even of violence, to a discourse that locates gender politics as the central issue.

It is important to note that, given the context of widespread advocacy for supportive learning environments, the naming of sex-based harassment is an issue that leads to dispute. It is helpful here to recall Clark's (1989) much quoted distinction between harassment that is based on gender and that which could more appropriately be identified as teasing.

*[Sex-based harassment] is not the same as teasing. It is not an individual act of meanness by one child to another, because there is a power dimension involved. There is a fundamental difference between put-downs based on differences in power (gender, class, race, and ethnic-based harassment by a member of a powerful group to a member of a less powerful group) and put-downs which are individual acts of meanness and disrespect. The former might be done by one individual to another but they affect members of both groups and legitimise the power differences between them (Clark, 1989, p. 41).*

It seems that many adults shy away from identifying, or may even deny, sex-based harassment as played out among students. Particularly for those working with young children, it is easy to interpret "mis"-behaviours as teasing when, for older children and for adults, the same behaviours would be labelled as harassing and assaultive. The temptation is to "infantilise" offensive behaviour (Stein, 1995), to deny the often blatantly gendered nature of the relation (Rees, 1994), and so preserve in the eye of the beholder the assumed political naivety of students at school.

When following this line of argument there are two important points to consider that are somewhat in tension with one another. Firstly, teasing and bullying, while so named, can be conceptualised as antecedents of harassment (see Stein, 1995). Where teachers dismiss personal insult, name-calling, pushing and shoving as mere "horseplay" among students, it could be argued that they tacitly license students to behave in offensive ways. The institutional site of the school, the employing agency and its agents can be read as offering training grounds

where the harassment of one student by another is tolerated and legitimated. And so educators are encouraged to recognise the antecedents of sex-based harassment in such behaviours. They are also encouraged to acknowledge how ubiquitous sex or gender is in producing relations of power from an early age, even between same-sex students, sometimes even in instances of teasing and bullying.

The second point embodies the tension. The term sex-based harassment is not meant to become the "catch-all" for what Clark refers to as "individual acts of meanness". In the adult world of litigation in the United States, civil rights lawyers and employers have wrestled with the very issue of what constitutes sex-based, and sexual, harassment and what does not. Some have observed with caution the risk of making the term so all embracing that it is transformed into a "code for general workplace misconduct or code of civility" (Biskupic, 1998). According to the spirit of the law, that is clearly not intended to be the outcome. Neither is it intended in educational discourse. Use of the *term sex-based harassment* has been invoked to highlight the ways in which inequitable gender relations are played out, spoken about and practised at school, and how for many students they may even come to be "desirable". (How inequitable gender relations and sex-based harassment are produced will be more fully explored in Chapter 3).

While the tensions of definition and of naming behaviours must be acknowledged, educators are more often at risk of failing to name sex-based harassment when it is experienced by students than of falsely naming it when it has not occurred. Overwhelmingly, at interview, students claim that too often sex-based harassment goes unchecked at school. In full view of teachers and others, some students engage in the public performance of sex-based harassment and gendered violence (Stein, 1995), while others are left to fend for themselves in an openly hostile environment (see: Clark, 1989; Milligan and Thomson, 1992; Rees, 1994; Gilbert and Gilbert, 1995; Herbert, 1995; Collins et al, 1996; Hillier et al, 1998). At this point in time at least, the issue appears to be one of teachers' under-subscription to the term rather than of its saturation. This issue will be picked up again in Chapter 2.

The following sections of this chapter are dedicated to opening out the kinds of behaviours that constitute sex-based harassment – its multiple manifestations, its consequences and its inherent complexity. The aim is to help clarify the ways in which sex-based harassment is lived out in the daily lives of school students.

### Figure 1: Definition of sex-based harassment and associated terms.

**Sex-based harassment** ... includes **sexist harassment, sexual harassment, gender-based harassment** and **homophobic harassment**. The variety of such terms reflects the effort to find a language to describe the many forms which harassment may take. **Sex-based harassment** is the imposition of behaviour based on sex stereotyping. It is often unrecognised, trivialised or accepted as **teasing**, but it is one of the factors most commonly identified by girls as limiting their participation in schooling. It can include verbal and physical abuse, social exclusion and other forms of emotional trauma.

**Sexist harassment** Harassment based on assumptions about an individual's ability to enter and succeed in various types of work or courses of study, based on their gender. Sexist harassment relegates girls and women, and activities related to the domestic sphere, to an inferior position in Australian society. Because of this, boys and men can themselves become targets of sexist harassment when they actively participate in activities which are perceived as "female".

**Sexual harassment** This term is used in some states to include all sex-based harassment. It can refer particularly to harassment which relates to an individual's sexuality, and which may include comments about an individual's sex, their relationships, sexual preferences, sexual behaviour or appearance, and includes unwanted sexual attentions, sexual propositions and physical contact.

**Gender-based harassment** Harassment based on an individual's gender, including harassment relating to the way in which an individual's gendered behaviour, appearance, language and attitudes conform to dominant local norms. There is a growing understanding and acceptance that **homophobic harassment** is a form of gender-based harassment.

**Homophobic harassment** Verbal and physical harassment, including social exclusion and violence, which arises from individual or group homophobia. Homophobia can create a limiting environment in a school or workplace for young people wishing to exercise choice in relation to subject choice, cultural and recreational activities, relationships, attitudes and behaviours. It represents the exertion of power by a dominant group over girls and women, boys and men who are perceived to be different.

(Gender Equity Taskforce, 1997, pp. 163-165).

## What does it look like? How will I know when I see it?

Given the inclusivity of the term "sex-based harassment", it is useful to distil from the patchwork of definitions, both legal and educational, the common elements of its manifestation. To this end, the words and phrases used most frequently to define sex-based harassment can be seen to fall along the dimensions of expression, reception, intention and consequence, as follows:

- Expression:** Sex-based harassment can be expressed in verbal, non-verbal, visual, and physical forms.
- Reception:** Sex-based harassment is unwelcome, uninvited and unsolicited.
- Intention:** Sex-based harassment can be intended or unintended. In legalistic terms, whether the person engaging in the behaviour intended it or not, a reasonable person would anticipate the possibility that the other person might be offended, intimidated or humiliated by the particular conduct in question.
- Consequence:** Sex-based harassment may be experienced in terms of humiliation, intimidation, emotional and/or physical discomfort or pain, rejection, exclusion, isolation, fear. Rather than creating supportive contexts for learning, sex-based harassment can produce a hostile environment potentially inhibiting students' opportunities to learn.

(Figure 2 on page 17 provides examples of how sex-based harassment can be expressed).

Guidelines like these about sex-based harassment can be helpful to educators, but only in so far as they are flagged as first-order thinking about a complex issue. There is a danger in assuming that cases that do not fit comfortably within the guidelines necessarily fail to constitute sex-based harassment. Hence, we must be careful to resist the easy seduction of simplistic thinking of this kind.

The following scenarios are drawn to illustrate how educators may be called to make increasingly informed professional judgements requiring knowledge, sensitivity, prudence and keenness of perception. In such instances, educators will more often be called to "leave the page", to use the guidelines as a starting point only, and to engage in more complex readings of events involving human relations.

**Scenario 1.** A simple case scenario is one where, for instance, a student harasses another student on the basis of gender or sexuality. The target of the harassment visibly registers the consequences of the harassment which was unwelcome, uninvited and unsolicited.

Given the guidelines, few would have difficulty identifying this behaviour as sex-based harassment.

**Scenario 2.** In some cases, it may be difficult to determine whether potentially harassing behaviour directed towards a target was uninvited, unwelcome or unsolicited. In this event, there may be some ambivalence about naming the behaviour as harassment. For instance, as Clark (1987) observed in her primary school research, some young girls learn to laugh at and to accommodate sex-based harassment as a condition of their relationships with boys. This is not surprising considering that adult women are often reluctant "to challenge directly the prerogative or authority of the harasser" (Ring, 1994, p. 150). Inasmuch as gendered relations of domination and subordination are evident all around them, many girls may already have come to understand that this is their lot. In such instances the girls may be seen as complicit in generating relations wherein they accept their own subordination. Worse still, they may be seen as "freely choosing" subordination in relation to the boys.

In like fashion, it is conceivable that as a survival strategy some boys may accept, rather than overtly resist, marginalised status in relation to dominant males and those females who also attempt to coerce them into subordination. Rather than rail against the gendered ordering of masculinities and risk intensifying hostilities, these boys may appear to accept, or to "choose", their subordination. The ways in which they resist such subordination may not be immediately apparent to those around them.

Like instances call on educators to do some hard looking and some hard thinking that transcend the borders of legalistic and definitional guidelines. In the event that they do not take action, in the eyes of their students, educators risk legitimising harassing behaviours and a hierarchical order of gender relations. They risk supporting the subjugation, marginalisation and inferiorisation of some forms of gender-identities while privileging others. Only by taking action can they open out to students the possibilities of more equitable and respectful relationships as endorsed, at a rhetorical level at least, in legal, educational and public discourses.

**Scenario 3.** In other cases, decisions about naming behaviours as sex-based harassment may be delayed by alleged perpetrators' apparently truthful claims that they did not mean to cause harm. And so we have the pressure of students

who protest: "We didn't really think that the graffiti about the girls would distress them so much. "We didn't know that he would feel so humiliated when we called him a faggot – it's only a word – it doesn't mean anything – we were just kidding". "We didn't understand that excluding him from the group would cause any personal insult or aggravation". "We didn't know that the girls would feel compromised when we passed around those pictures – when we told those jokes – when we made sexist comments about their ability – when we downloaded those graphics onto their computer screens."

Whether alleged perpetrators intended malice or not, they have the right to know that they are likely to be judged in terms of the consequences of their behaviour rather than their declared intent. This almost certainly means that where students are naive about such matters, it is in their interests—and everyone else's—that they are updated as to what constitutes sex-based harassment. All students deserve to know that saying "I didn't know that would offend" will no longer pass muster as a justification. As with other aspects of the law, ignorance simply will not wash as an excuse.

**Scenario 4.** As a final case scenario, some targets of sex-based harassment may not show visible signs that they have been hurt by the interaction, neither might they complain to those in authority or follow grievance procedures ostensibly available to them. In these instances educators need to consider why this might be so. Is it possible that the harassment directed at these targets is so prevalent, such an accustomed part of their life, that they have developed a steely resolve to ignore it? Could they be so discouraged by their experiences as to lose sight of their fundamental democratic right to voice a grievance? Could they have lost faith in a non-responsive system that is blind to the hurt and humiliation they have experienced?

In determining whether sex-based harassment has occurred, it is not always possible to draw on visible signs of pain as stamped in psyches or inscribed on bodies. In fact, there may be no complainant. Cultural as well as individual differences may be crucial here in determining how sex-based harassment is dealt with. Identifiable groups of students, and some individuals, may experience acute shame in acknowledging that they have been harassed. They may be mortified at the thought of sharing their personal experiences of pain, humiliation, isolation and fear. Ultimately they may decline to admit that anything of the sort has happened to them. The case of Robyn Kina, an Aboriginal woman committed to life imprisonment with hard labour for murder, is instructive in this regard. Five years into her sentence it was revealed that Ms Kina had kept her silence throughout her trial because it was shameful in her Aboriginal culture to speak publicly about the violence to which she had been routinely subjected by the deceased. It took three appeal judges to unravel the

double bind of culture and gender as played out in this woman's refusal to publicly protest and to allow others to review the circumstances of her action (see Bone, 1995).

While Robyn Kina's case is extreme, the parallel case for some students at school is not too far removed. It seems that the consequences of offensive gender-based behaviours may not always be immediately apparent. And not all students will complain or protest even when they know they can. This does not mean that what transpires between students cannot constitute sex-based harassment. What it does mean is that educators need to be doubly sensitive and vigilant if they are to cultivate respectful relationships, nurture human dignity at school, and insist on gender equity as a framework for action.

In summary, it seems that definitions and guidelines may be helpful in terms of stimulating thinking and debate about what constitutes sex-based harassment. But given the complex nature of the issue, it seems equally clear that educators need to understand that human interaction cannot always be captured in legalistic descriptions of what constitutes offence as directed by one person against another. Where safe learning environments are to be secured, educators will be called to ensure that everybody's child has a clear understanding of his or her right to attend schools that are harassment-free zones. This can be achieved only through the efforts of wise, informed and sensitive educators who are committed to equity as an inalienable democratic right of every student in their care.

In working to eliminate sex-based harassment at school there is little doubt that educators will be called on to make professional judgements, to be aware of current thinking, and to be sensitive to and respectful of "difference". There is a clear move in the field to understand the potential of sex-based harassment to erode another's sense of self and sense of integrity as a male or female. It is also understood that sex-based harassment can be experienced as physical and emotional violation. From an educational perspective, sex-based harassment can reduce opportunities to learn. From a legal perspective, it may be defined as an infringement of civil rights and, in many cases, sex-based harassment may constitute an unlawful act. The complexity of the issue is inescapable.

The urgency of taking action is apparent in the pervasiveness of sex-based harassment experienced by students at school. Information related to the nature and extent of such sex-based harassment is reported in the following chapter.

## Figure 2: Examples of the expression of sex-based harassment

**Verbal:** Name calling (*whore, mole, dog, slag, slut*), making sexist comments, telling sexist jokes, making suggestive comments, using sexual innuendo, ridiculing on the basis of sex or sexuality (*poofter, gaybo, homo, sissy, girl, faggot, lesbian, lemon, dyke*), spreading rumours about someone's sex life, asking for sexual favours, making nuisance calls, pressuring for dates, ridiculing appearance, using derogatory, intimidating or demeaning language to regulate the way that others embody and live out gendered identities

**Non-verbal:** Making rude gestures, leering, wolf whistling, staring, ogling, stalking

**Visual:** Showing offensive pictures, posters or pornography, displaying graffiti, exhibiting graphic materials that denigrate or show hostility

**Physical:** Patting, pinching or touching, forced kissing or hugging, flashing, interfering with clothing and personal items (menstrual pads and tampons), "dakking", confronting on the basis of sexuality (homophobic attack), using intimidating physical tactics to regulate the way that others embody and live out gendered identities.

*Anti-discrimination and other relevant legislation at state, territory, federal and international levels should inform educational programs and services (Gender Equity Taskforce, 1997, p. 9).*

The national document, *Gender Equity: A Framework for Australian Schools* (1997), is founded on principles and values that champion the rights of everybody's children to engage profitably in learning, to actualise their potential, to optimise life opportunities, and to grasp their fundamental democratic right to be treated as equals. There is no question that, in developing the strategic direction on sex-based harassment at school, the Gender Equity Taskforce (1997) consciously emphasised issues of human connection, social justice and equity. Nevertheless, the above quote, with its focus on legislation, represents one of the 10 principles for action that underpin the strategic directions in the national framework. The principles were developed "to encapsulate best practice in education for all students, and to link the best practice to the demands of a vigorous and changing community" (Gender Equity Taskforce, 1997, p. 9). It seems that any discussion of sex-based harassment that takes into account a vigorous and changing community must now consider the potential impact of the law. In the context of a changing community that arguably is becoming increasingly conscious of the possibilities of pursuing justice through litigation, it would be naive to do otherwise.

This chapter focuses on both of these dimensions of concern with respect to sex-based harassment at school: on legislative requirements and developments in the law, as well as on issues related to values and principles that for educators exist independently of legal considerations. This is not to suggest that the law and education are at odds here or that the interests of one are mutually exclusive of the other. Clearly, legislation is driven by the same kinds of values and principles that lead educators and community members to advocate school reform. Nevertheless, emphasis on one dimension at the expense of the other could offer an unbalanced and politically naive view of current and emerging situations faced by educators in this matter.

## The bottom line of the law

It is only within the very recent past that the law has featured much at all in educational thinking in Australia. For instance, university courses that prepare teachers rarely devote serious attention to the impact of the law on professional responsibility and practice. While teacher registration boards and other accrediting agencies typically mandate areas of professional knowledge and competency, they usually do not mandate study of the law. Yet, if Australian students and their parents follow steps taken in United States schools during the 1990s, then legal thinking may soon feature more prominently in educational thinking here too.

With respect to the law, sex-based harassment is understood as a form of sex-discrimination and so is unlawful under the federal Sex Discrimination Act, 1984. Individual states and territories also have anti-discrimination and equal opportunity acts covering issues of discrimination and prohibiting harassment<sup>1</sup>. As the law catches up with social change, the original Acts have been amended or repealed so that as of 1998, all States and Territories, other than Western Australia, also prohibit discrimination on the ground of sexuality (Equal Opportunity Commission of South Australia, 1998). The South Australian and Australian Capital Territory Acts, for instance, spell out sexuality in terms of heterosexuality, homosexuality, bisexuality and transsexuality (see South Australian Equal Opportunity Act, 1984 and ACT Discrimination Act, 1991). Importantly, amendments to the 1977 New South Wales Act now account for discrimination on the ground of homosexuality (Amendment Act 1993) and on transgender grounds (Amendment Act 1996) specifically making unlawful homosexual and transgender vilification, vilification which can be understood as particular manifestations of sex-based harassment<sup>2</sup>.

State education systems have responded to such legal requirements by incorporating aspects of anti-discrimination legislation into policy statements and distributing them to schools. New South Wales, for instance, has built into its *Gender Equity Strategy* system indicators that address these very issues (NSW Department of School Education, 1996). For example, as part of its focus on school culture and organisation, one of the system indicators is for New South Wales schools to demonstrate a “decrease in the incidence of sex-based harassment, homophobia, bullying and other forms of violence” (p. 5). The

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<sup>1</sup> See New South Wales (1977), Queensland (1991), Northern Territory (1992) and Tasmanian (1998) Anti-Discrimination Acts; ACT Discrimination Act (1991); and South Australian (1984), Western Australian (1984) and Victorian (1995) Equal Opportunity Acts.

<sup>2</sup> (The Amendments can be found in the Anti-Discrimination Act, 1977, updated 7 January, 1999).

expectation is that schools will monitor and evaluate their progress in relation to such indicators. Schools have also been offered State guidelines on how to proceed with complaints in *Procedures for Resolving Complaints about Discrimination Against Students* (NSW Department of School Education, 1995).

As well as serving powerful justice and equity interests, it may also be a matter of self-preservation that school systems disseminate policy statements upholding human rights legislation and that they provide effective professional development to increase the likelihood of compliance based on understanding. Significantly, variations of State laws are consistent in that, when it comes to discrimination, employers can find themselves liable for the actions, the inaction or the inadequate actions of their employees or agents. Within the context of schools, an education authority can find that it is vicariously liable for instances of student-to-student sex-based harassment **unless** it can be shown that all reasonable steps have been taken to eliminate discriminatory practice. The Queensland Anti-Discrimination Act (1991), for instance, states that:

*If any of a person's workers or agents contravenes the Act in the course of work or while acting as agent, both the person and the worker or agent, as the case may be, are jointly and severally civilly liable for the contravention and a proceeding under the Act may be taken against either or both (p. 72).*

In New South Wales the issue of inaction is articulated under section 52 of its Anti-Discrimination Act in terms of permitting another to act unlawfully:

*It is unlawful for a person to cause, instruct, induce, aid or permit another person to do an act that is unlawful by reason of a provision of this Act (section 52).*

Furthermore, in the case where unlawful acts are litigated, the New South Wales Act states that the employer and the employee or agent are "jointly and severally subject to that liability" (section 53).

*Jointly and severally liable* means that in defending a case of civil liability, the employing agency and individual staff may find themselves explaining the steps they have instituted to eliminate sex-based harassment at school. In a chain of civil legal defence they may be required, together and in turn, to account for the ways they have worked to establish supportive, harassment-free learning environments and how they have countered the generation of potentially hostile and abusive environments.

In the United States, parents and students have already begun pursuing grievances through the courts when staff, schools or districts take insufficient action to

stymie student-to-student sex-based harassment. Following a flutter of litigation cases, some of them successful some of them not, a federal document focussing on peer sexual harassment was sent to schools across the United States for comment in August 1996. By 1997 the final federal guidelines, *Sexual Harassment Guidance* (Office for Civil Rights, 1997a; Cantu, 1997), and a detailed pamphlet addressing questions and answers about harassment were made available to all school districts (Office for Civil Rights, 1997b). These documents make it clear that schools that do not take action against harassment will be in violation of Title IX, a law administered by the Office for Civil Rights prohibiting sex discrimination in educational institutions receiving federal funding. The *Guidance* notes that a school can be held liable for peer harassment under the conditions that "the school knows or should have known about the harassment" and that "the school fails to take immediate and appropriate corrective action" (Office for Civil Rights, 1997a). Several successfully litigated cases, cited later in this chapter, provided the impetus for the government to issue specific guidance to schools.

That students facing sex-based harassment at school can take legal action against educators and employing agencies is noteworthy, particularly in view of evidence that such harassment is widespread in Australian schools. It is even more pertinent considering robust research evidence, both from the United States and from Australia, that teachers often do not take action when students report incidents of sex-based harassment. These and other relevant issues will be dealt with in the following sections of this chapter.

## **What's going on out there?**

In the United States there have been several national surveys of students' experiences, particularly of sexual harassment at school. Stein (1995) claims that data from three national surveys on sexual harassment in United States schools illustrate "its pernicious, persistent, and public nature, and demonstrate that it is a widespread, endemic phenomenon" (Stein, 1995, p. 151). Given the Australian research base now available, it is not an overstatement to claim that sex-based harassment is also endemic in Australian schools (see Clark, 1989; Milligan and Thomson, 1992; House of Representatives Standing Committee, 1994; Herbert, 1995; Gilbert and Gilbert, 1995; Standing Committee on Social Issues, 1995; Collins et al. 1996; Hillier et al. 1998).

Evidence related to the nature and extent of sex-based harassment in Australian schools has been gathered in an impressive number of ways. For instance, Clark (1989) gathered information through interviews and direct observation of primary school children in the context of their everyday school lives. Milligan and Thomson (1992) and Gilbert and Gilbert (1995) focussed on the voices of girls

and teachers with respect to harassment by boys while Hillier et al. (1998) gathered data from same-sex-attracted students experiencing homophobic harassment at school. The New South Wales and federal reports that tapped into sex-based harassment worked with broad representative samples of witnesses and with public submissions about what happens at school (House of Representatives Standing Committee, 1994; Standing Committee on Social Issues, 1995). Herbert (1995) documented the interplay of racist and gendered harassment and violence as recorded through indigenous student voices. The grand scale empirical study by Collins et al. (1996) focussed on the experiences of both girls and boys, the observations of teachers, and the responses of systems to sex-based harassment. Altogether, the evidence is compelling in that it has been drawn in a variety of ways, from diverse contexts, accounting for a range of geographic and social demographics in Australia. And overall, the evidence corroborates a picture of endemic sex-based harassment as experienced by students at school.

There is little doubt that, when students do talk to adults about their experiences of harassment, they convey a genuine sense of pain, frustration, compromise and anger at what they so often endure on a daily basis. Figure 3 offers examples of student voices to illustrate this point. (Detailed coverage of student voices can be found in each of the studies cited).

### Figure 3: Examples of student voices

They [boys] can hurt so much. We give up. We try as hard as we can. I myself get very scared of them 'cos I know they can make it so hard for me. (Year 7 girl) (Clark, 1989, p. 45)

Boys tease you about your period, breasts and what's going to happen to you. If they can, they flick your bra strap. We tease back but they start it. They say: "Look at her. She's a dog". They pat their leg and say: "Come here". (Year 6 student) (Milligan and Thomson, 1992, p. 6)

I'm pretty heavy up top and I went home one day and I was crying and that. All these boys were picking on me, you know, saying turn your headlights off and all these stupid comments and I went home and I was crying... (Female student) (Gilbert, Gilbert and McGinty, 1995, p. 54)

Or like I was sitting in art the other day and like Bob and all those said: "Hey, Terri. Lift up your shirt", and I asked why and he said: "I want to see your boobs". They don't really expect you to lift up your shirt, they just do it to annoy you, like cracking jokes and that. (Female student) (Pallotta-Chiarolli, 1998, p. 143)

We try to tell the teachers, miss, we try to tell them when the boys are teasing or hitting us, but most times they just ignore us. The boys get worse then because they know they can get away with it. We know the teachers are really busy and don't have a lot of time... but it makes it very hard. We try to put up with the teasing but when we can't take any more we just have to stand up for ourselves. When this sort of thing keeps happening, it makes us feel sad and angry and then we can't do our best work. (Indigenous girl) (Herbert, 1995, p. 259)

If a boy did sewing I reckon he'd get tagged as a fag for about a week. (Year 10 boy) (Collins, 1996, p. 26)

Q: Do kids get called "gay" as an insult?

A: Yeah. All the time. It's mainly the rejies ["males on the reject pile"] though.

Q: And do they mind?

A: I don't know. (Laughs). We don't really ask them. We don't talk to them and if they try to talk to you, you run away and say I'm not listening to you. (Year 10 girl) (Collins, 1996, p. 26.)

As a boy, I don't like being meanly talked to. Neither do my friends. I've been harassed, teased, sworn at and bullied. (Year 6 boy) (Collins, 1996, p. 28.)

I had rocks thrown at me every day on my way home from school. (Same-sex-attracted respondent) (Hillier et al. 1998, p. 35)

I haven't told anyone at all. Rejection and homophobia is still rampant in the playground and in ordinary families. I don't know if anyone has guessed but I know I would lose most of my friends if I were to disclose it (Tran, aged 15) (Hillier et al. 1998, p.35).

The claim for the endemic nature of sex-based harassment at school does not rest solely on the testimony of individual students, on teachers' valuable personal anecdotes, or on localised research projects. In this regard, the large-scale empirical study by Collins et al. (1996) is particularly helpful in documenting the kinds of harassment that students engage in at school and the extent to which such gendered relations are experienced. In a landmark Australian study that incorporated sex-based harassment as a focus of its investigation, the researchers drew their information from 4,969 Year 6 and 4,855 Year 10 students, 1,097 primary and 1,465 secondary teachers, altogether representing 31 systems and sector authorities from across Australia.

The following points are offered as a brief summary of the findings of Collins et al. on the nature and extent of sex-based harassment in Australian schools.

- At school, both girls and boys were the targets of sex-based harassment. The harassment included verbal and physical sex-based harassment and same-sex harassment, all of which were manifest in a variety of ways.
- Verbal sex-based harassment was the most commonplace expression of harassment at school. 42 per cent of secondary and 36 per cent of primary boys claimed it happened often to boys. Compare this with 38 per cent of secondary and 35 per cent of primary girls who claimed it happened often to girls. The magnitude of the response from both girls and boys is particularly noteworthy here.
- Written sex-based harassment in the form of notes and graffiti was experienced often by 14 per cent of primary and 20 per cent of secondary girls compared with 12 per cent of primary and 16 per cent of secondary boys. The problem appeared to escalate from primary to secondary grades, with a more marked increase in this kind of harassment being experienced by older girls.
- Homophobic verbal harassment was rife in secondary schools, with 44 per cent of boys claiming that boys were often targeted, compared with 19 per cent of girls claiming it happened often to girls. On this count, boys appeared to be at significantly higher risk than girls of homophobic harassment at school. (The question of homophobic harassment was not directed at the primary sample.)
- Physical sex-based harassment, including touching or pinching in embarrassing ways, having clothes pulled up or down, "dakking" was less prevalent than verbal harassment, but still a problem. While about 50 per cent of students said it happened sometimes, about 10 per cent of

students thought it happened to them often. Girls and boys were equally likely to be targeted for this kind of harassment.

- Same-sex verbal harassment was an issue, with 28 per cent of primary and 30 per cent of secondary students claiming that it happened often. Sex-based harassment by same-sex cliques served to ostracise members from the group. This kind of harassment was equally distributed among boys and girls.
- Same-sex physical harassment – including bullying and hurting – occurred among both girls and boys, although it was worse among boys. Instances of same-sex physical harassment increased significantly among boys from Year 6 to Year 10.
- Boys were the main perpetrators of sex-based harassment against girls and against boys.

In the face of these kinds of findings it would seem that most students would be quite familiar with multiple expressions of sex-based harassment at school. While this is likely to be so, it would be insensitive to overlook the experience of students who encounter the combined effects of other forms of discrimination. With respect to research on adults, Hastings (1995) reports that "women who have disabilities experienced more harassment of every type, including sexual, than other women ..." (p. 284). Finding this same trend in younger samples, Milligan and Thomson (1992) report that many students with disabilities were in double jeopardy of harassment at school. Likewise, Indigenous students often found themselves at the sharp end of the compounding effects of racist and gendered harassment. Drawing from their interview data, Milligan and Thomson (1992) claim that:

*...girls also report that harrowing, systematic harassment is experienced by Aboriginal students, both boys and girls, who suffer ferocious racist comment and action from students and sometimes staff. Aboriginal girls feel profound shame induced by their treatment at the hands of non-Aboriginal students, both boys and girls. Aboriginal girls also tell of humiliating and degrading treatment by white boys, who often deliver a potent mixture of sexual and racist harassment without fear of retribution (Milligan and Thomson, 1992, p. 10).*

Educators cannot afford to ignore the overlay of ethnicity, "race", class, (dis)ability and sexual orientation in students' experiences of harassment. It is important to recognise that instances of sex-based harassment may be manifest in complex ways, striking at students with different levels of intensity. Clearly,

educators need to be sensitive and responsive to all kinds of harassment. As Stein (1995) warns, students can feel betrayed by educators who neglect to take action on their behalf, particularly when the violation of their rights is practised in full view of adults and can so easily be read as a public performance of gendered harassment and, sometimes, of violence towards them.

While it is evident that both girls and boys can find themselves to be the targets of harassment, the next question to ask relates to the source of harassment. This issue is taken up in the following section.

## Who's harassing whom?

The shift in recognition that boys as well as girls are often the targets of harassment is an obvious advancement in terms of identifying those at risk. Equally important though is the recognition that boys are responsible for most of the harassment that happens at school. This is particularly so when it comes to the most severe and threatening incidents of physical and sexual harassment which, by comparison, girls generally do not initiate (Robinson, 1994).

Evidence cited in the House of Representatives Standing Committee report (1994) and in the research of Collins et al. (1996) confirms that boys are the main source of sex-based harassment. Boys harass girls and they harass other boys. While some girls do the same, male and female students at both primary and secondary levels agree that girls harass others significantly less often than do boys. As Collins et al. report:

*While some girls were involved in sex-based harassment of all kinds, our data suggests that those who harass both boys and girls are predominantly boys. This appears to be overwhelmingly true if the harassment is physical rather than verbal (Collins et al. 1996, p. 29).*

In brief, students and teachers concede that harassers at school are commonly boys and sometimes girls. Boys feature prominently in most discussion about sex-based harassment because they are so often the perpetrators, and because of the menacing nature of the threat that harassing and violent masculinity has come to signify to the public. Arguably, in the case where girls harass boys, there can be no simple inversion of the relationship wherein one attempts to subjugate the other. As Robinson (1994) notes, girls' harassment of boys "does not generally carry with it the potential threat of further sexual violence" (p. 6). And, where it does happen that some girls harass, it is more likely to be noticed and understood by authorities as inappropriate and problematic because it is not seen as "normal" for a girl (Robinson, 1994).

This line of argument is supported by students in that both girls and boys in the study of Collins et al. (1996) reported that they worried more about harassment perpetrated by boys than they did about harassment perpetrated by girls. This finding is perhaps an implicit comment on the potential threat and severity of sex-based harassment as doled out by boys at school, particularly as they get older. In the study by Gilbert and Gilbert (1995) too, girls talked poignantly about their fear that sex-based harassment that went unchecked at school would flow beyond the school gates. For the girls, there was often the lurking threat of bodily harm, even of rape, that some boys successfully wielded as an instrument of control and of regulation.

That fewer girls are involved in harassing others does not mean that the incidents of harassment should be dismissed as inconsequential. Cameron's research (1995), for instance, suggests that much of girls' harassment of one another revolves around issues like: who does and who does not approximate ideal moulds of the feminine; who has fallen out with whom; innuendo as to who indulges in sexual practices; who is heterosexual and who is gay; and who can rely on the solidarity of the group and who can be cast out. There is no question that these kinds of interactions are far from innocuous and that they can represent emotionally painful and soul-piercing experiences for those who are targeted. It would be a mistake for educators to overlook, as a form of sex-based harassment, the manner in which some girls use social constructs of gender—against girls and against boys—in determining one another's worth, in acts of ostracism and humiliation, and in brutalising marginalised identities.

It comes as no surprise that the kinds of harassment that girls engage in are somewhat different from the kinds that characterise boys' relations. This is not an argument about boys and girls being "essentially" different; rather it is about how they come to learn, embody, and live gender as "difference". Socially approved versions of how girls and boys should express gender, as well as eventual differences between them in physical size, may both count here. Where boys understand their accomplishment of gender as embracing rough physical domination of others and girls do not, it is no mystery that expressions of harassment may be different. And where most of the boys are physically bigger than most of the girls, it is no puzzle either that harassment may be manifest differently. This line of argument has some support in the findings of Collins et al. that the few girls who did physically harass boys were the Year 6 girls who, at the time, were physically larger than the boys. But by secondary school level, where physical sex-based harassment intensifies, the possibilities of intimidatory bodily practices may be more firmly located with the bulk of the boys than with girls.

While the focus of research attention in this area has been mostly on boys' sex-based harassment of girls, educators have now begun to look at the ways that sex-based harassment can be played out in same-sex groups and through homophobic regulation. Deeply committed understandings about how sex or gender should be embodied and lived are often profoundly implicated in instances of same-sex and homophobic harassment. Evidence for this assertion can be found in many sources, some of the most cogent of which include statements from those eventually brought to trial for criminal assault or gender-based violence against a same-sex victim. The murder in October 1998 of Matthew Shepherd, a gay Wyoming student, is a recent case in point. Incidents like this one and others reported in Figure 5 give some insight as to how deeply influential are understandings about gender in same-sex harassment and violence.

Likewise, boys' and girls' homophobic regulation of one another at school can be understood in terms of their early attempts at keeping their lives and relationships stable and predictable, somewhat like an exercise in "border patrols" where they are involved in "policing the boundaries of heterosexuality" (Steinberg, Epstein and Johnson, 1997). Because masculinity is universally prized, boys who do not perform it well and so devalue the currency, or those who opt for marginalised versions of masculinity, can find themselves positioned as the brunt of brutish homophobic regulation. Homophobic harassment of girls can also be used as a form of gender regulation and, while it is less widely practised at school (Collins et al. 1996; Hillier et al. 1998), it may be as keenly and painfully experienced as the homophobic harassment of boys.

And so, it seems, the more that sex-based harassment comes under scrutiny, the more its complexities emerge. Nevertheless, if educators are intent on establishing supportive learning environments and promoting principles of equity and justice, an important first step is to recognise sex-based harassment in all its manifestations.

## **Who's doing what to help?**

Given evidence of the nature and extent of sex-based harassment, it seems that many students do not have an easy time at school. The situation is made more difficult because many educators either do not recognise, or overlook, sex-based harassment when they see it. Sometimes they may even fail to take action when students actively seek help. As late as 1994, a quality assurance report in the New South Wales Department of School Education confirmed that most school executives did not believe that sex-based harassment existed in their schools. Furthermore,

- teachers and students were, in the main, unaware of formal grievance procedures for resolution of allegations of sex-based harassment; and
- the majority of students were reluctant to report incidents of harassment because they believed little would happen as a result (NSW Department of School Education, 1994, p. 75).

The same report claimed that coverage of sex-based harassment in schools appeared to be:

*... haphazard, disjointed and unsystematic. When confronted with their harassing behaviour, Year 11 boys in one coeducational high school had responded "but nobody ever told us it was wrong" (NSW Department of School Education, 1994, p. 60).*

While teacher awareness may be improving over time, according to the study by Collins et al. 40% of primary and 45% of secondary students reported that at their school "nothing happened" when they complained about sex-based harassment (1996, p. 173). Voicing the same concerns, Indigenous students (Herbert, 1995), secondary girls from a variety of backgrounds (Gilbert and Gilbert, 1995) and students identified as gay (Hillier et al. 1998) have also noted the lack of human and systems response to their plight. In these instances students are left defenceless and despairing. So often when they have the wit to name sex-based harassment and the courage to report it, adults do nothing to support them. Stein's (1995) notion—that gendered harassment and violence are performed by students in public spaces at school while adults watch, resonates deeply in these students' claims.

With the picture painted here, critical questions need to be asked about what students learn in school contexts, where varied manifestations of endemic sex-based harassment are allowed to prosper in public view. And we might ask, what lessons do teachers teach—through their inaction rather than their words—about gender relations that are founded on asymmetrical relations of power, that are played out through humiliating and intimidatory practices, and that rest on the subjugation of the rights of those targeted? It is important to recognise that any enactment of harassment is potentially loaded with messages as all involved, including bystanders, learn about the limits of tolerance set by educators and tacitly agreed to by educational instrumentalities. Regardless of how many official policies and procedures are in place to prohibit it, if educators do not take action against sex-based harassment, they nod their heads in tacit assent to its practice.

## Who should care?

Through the promotion of anti-discrimination principles and values, civilised communities set limits of legal tolerance to the ways that citizens relate to one another. In this regard, educators are expected to adopt a prime role in providing students with opportunities to understand their rights and responsibilities from social justice, equity and legal perspectives. It is interesting to note that in the United States, the Office for Civil Rights, with its multi-million dollar budget, was established specifically to support education programs focussing on anti-discrimination practices, assist schools with advice and, where necessary, conduct compliance reviews (Office for Civil Rights, 1997c). This level of commitment reflects the government's strongly held belief that anti-discrimination principles and educational excellence go hand-in-hand (Office for Civil Rights, 1997c). It may also reflect concern for the increasingly litigious responses from students and their families when students suffer discrimination, including sex-based harassment by peers, at school.

Given that students and their families may become more comfortable with the idea of pursuing justice through the courts, the 1996 case of *Nabozny v. Podlesny* serves as a warning. In this landmark case, unprecedented in the United States, jurors found individual school officials liable for failing to address anti-gay abuse at school. The case was argued on the basis of both gender discrimination and sexual orientation discrimination and, while not tied to Title IX, drew wider legal support from the Equal Protection Clause of the United States Constitution. The court maintained that the Equal Protection Clause requires "the state to treat each person with equal regard, as having equal worth, regardless of his or her status". Furthermore, the court was "unable to garner any rational basis for permitting one student to assault another based on the victim's sexual orientation" (quoted by Buckel, 1996, p. 7). In interpreting the outcome of the case, Patricia Logue, an attorney who argued the appeal, explained:

*It means the federal constitution requires schools to offer gay students the same protections and safety given other students. This may seem obvious, but school officials regularly deny young lesbians and gay men refuge from violence (Lambda press release, July 31, 1996).*

In this case, the school district was found not guilty of discrimination. Instead, two principals and one assistant principal were found liable. The court awarded a US \$ 900,000 settlement.

On the one hand, it is important to recognise that while sex-based harassment among students appears to be an endemic feature of life in Australian schools, litigation, as yet, is not. On the other hand, it is wise also to recognise that, as

outlined on pages 19-20, there is provision within Australian laws for students to take legal action when schools fail to protect them from harassment. Sometimes it is argued that the United States sets the pace in these matters. If this is so, then Australian education systems may have cause for concern as students and their parents become more aware of their rights. In the United States, increasing numbers of students, supported by their parents, have begun to litigate against schools that do not provide them with harassment-free environments. Not all cases have been successfully litigated and court decisions appear still to be somewhat patchy. Nevertheless, cases are being presented and won, and precedents are being set, as educators, civil rights officials and lawyers think their way through what constitutes sex-based harassment and what does not.

Figure 4 provides summaries of information related to a few of the growing number of cases successfully pursued in the United States.

## Figure 4: School-based cases of sexual harassment

In 1991, fifteen-year-old Katy Lyle was awarded US \$15,000 for the torment she suffered as the result of boys' displays of humiliating graffiti about her. The principal failed to take action when Katy's family asked for the graffiti to be removed (see Stein, 1995).

In 1992, Cheltzie Hentz, a six-year-old student from Minnesota, successfully filed and won a sexual harassment complaint. The perpetrators were boys aged six to thirteen who harassed Cheltzie and other girls with lewd remarks and sexual taunts. The taunts were considered severe enough to create a hostile and abusive environment that reduced Cheltzie's opportunity to learn (see Stein, 1995).

In 1993, the Office for Civil Rights found that a school district "had violated Title IX when it treated sexual harassment by elementary school students as a matter of misconduct and mischief rather than as a violation of federal anti-discrimination law" (Stein, 1995, p. 158).

In two separate cases, the Office for Civil Rights found two secondary school girls guilty of sexually harassing other girls. The female harassers derided the complainants through sexual taunts, graffiti and rumour (see Stein, 1995).

Tianna Ugarte, a Year 6 student, was awarded US \$500,000 by a Californian jury in 1996. The harasser was a male classmate who taunted Tianna and made violent threats against her. He called her a bitch and a whore and told her to watch her back. The school failed to take action against the boy on her behalf (see Lewin, 1996).

In 1996 Jamie Nabozny was awarded US \$900,000 for anti-gay violence and homophobia experienced at school. When Jamie sought protection from persistent and severe harassment, the principal explained that "boys will be boys". When Jamie was knocked into a urinal by one boy and urinated on by another, he was advised to go home and change his clothes. When Jamie and his parents sought the advice of a school counsellor, they were urged to move away from the school for Jamie's safety (Wilson, 1996).

Three high school students were harassed at a school camp. Some of the incidents were witnessed by chaperones sanctioned by the school district. Such incidents were known by school management staff to have occurred on previous camps. The Office for Civil Rights negotiated with the school district to pay psychological counselling fees for the targets of the harassment, to provide training for all staff members, parent-volunteers and chaperones and to publish grievance procedures based on Title IX for the school (Office for Civil Rights, 1997c).

## Harassment at school and outside school

As noted above, students who practise sex-based harassment often get away with it at school and in Australia the chances are that they will escape legal action. Perhaps this situation exists, in part, because teachers do not see the parallel between sex-based harassment as practised at school and that which is practised in the world beyond the school gates. The tendency for educators is to dismiss the harassing behaviours of students as innocuous and benign in intent, and as inconsequential in outcome. Nevertheless, there is striking evidence to suggest that sex-based harassment as practised at school is amplified outside school in the practices of adults and juveniles who are brought before the law for their violation of others' rights.

The link between what happens inside and outside school becomes apparent when looking at the kinds of sex-based harassment that students practise at school (see Figure 4) and instances of harassment that occur outside school in wider public arenas (see Figure 5). Figure 5 touches briefly on recent incidents of sex-based harassment which, in some of the cases, appeared as extreme forms of violence.

### Figure 5: Cases of sex-based harassment and violence outside school

Two women, aged 17 and 19, filed a sexual harassment charge against their ex-boss who, they complained, exposed them to pornographic images on his computer screen, told crude jokes and made lewd comments in their company. The computer company reached an out-of-court settlement with the employees (Shields, 1997, p. 1).

Narelle Hooper, a diesel fitter apprentice, won a \$48,724 payout over sexual taunts she experienced as an employee of Mount Isa Mines. Ms Hooper was the subject of almost daily unwelcome comments and treatment. While MIM had made some efforts to deliver briefing sessions to managers and supervisors, it was found that "too much was left to chance". The company had not monitored whether its training had been successful (Saunders and Honeysett, 1997, p. 2).

An Australian Defence Force report indicated that 76 per cent of service women complained of offensive sex-related conduct by male colleagues. 16 per cent of servicemen made similar complaints about instances that they also found offensive. The report prompted a commitment from the ADF to improve the situation for its employees (Quinn, 1996).

In June 1998 Mitsubishi Motors Corporation agreed to a 34 million dollar settlement in a class action law suit for sexual harassment of its women workers (Illinois, USA). The class action involved 300 women who were subjected to pervasive harassment where, amongst other claims, they were groped, touched,

ridiculed, asked for sexual favours, threatened, and depicted in lewd and offensive graffiti (Feminist Majority Foundation Online, 1998).

21 year old Joseph Oncale won a case of sexual harassment against male co-workers who taunted and harassed him as they worked on an oil rig in an all-male workforce. In a landmark case, the US Supreme Court ruled unanimously that sexual harassment in the workplace covers same-sex harassment (Biskupic, 1998).

Two men have been charged with the murder of Matthew Shepard, a gay Wyoming student. Shepard, 21, was pistol whipped, tied to a fence post and left to die in near freezing conditions. It is alleged that part of the motive for the murder was that Shepherd had flirted with and embarrassed one of the assailants (Drake, 1998).

Raymond Childs explained his reason for stabbing to death a gay male victim: "The anger and you know, the thought of me even getting touched by a man, it made me furious, you know.... I got furious". Childs' hate for gays led him to stab his victim 27 times (see Dong, 1997).

Robert Acrement, sentenced to death for the 1995 murder of Michelle Abdill and Roxanne Ellis is reported as explaining: "It was easier to kill them knowing that they were lesbians" (Wing, 1996).

In a premeditated act, a gang of eight assailants, aged 16 to 18, lured Richard Johnson, a gay man, to a rendezvous in a Sydney suburb where they savagely bashed him to death. According to the judge, seven of the youths set upon Johnson "without mercy". The judge described the crime as "exceptionally vicious, cowardly and brutal". Four of the youths could not be named in the criminal proceedings because of their age (see Curtin, 1991).

In 1993, John Lotter and Tom Nissen raped and beat Brandon Teena, 20, when they discovered that Brandon, whom they had recently befriended, was born female but had successfully passed with them as a man. After the discovery, Nissen told his wife he had been "grossed out" when he realised his hand had brushed against Brandon's chest. Unable to cope with the ambiguity of transgendered identity, Lotter and Nissen eventually tracked Brandon down and shot and killed Brandon and two of his friends. (See Muska and Olafsdottir, 1998).

In moving within and between the examples in Figures 4 and 5 it becomes apparent that we have boys harassing girls at school, ridiculing them, depicting them in graffiti, making sexual comments and advances, and telling them to watch their backs, and we have male workers in local offices and in transnational companies doing the same to female workers. We have schools dismissing

pervasive instances of sex-based harassment as matters of misconduct, and we have Mount Isa Mines and Mitsubishi Motors Corporation being found to have failed to take due care instructing staff and implementing anti-discrimination procedures. We have a boy identified as gay, urinated on and persecuted by boys at school, finally having to resort to the courts for redress because he could find no solace at school and a gay-identified worker on an oil rig having to do the same in the face of relentless homophobic attacks that his employer did not see fit to stop.

Finally, in a culmination of sex-based harassment and gender-based violence, from school-age male youths and adult men we have hate-based murder. In a premeditated set of events we have a gay man lured and bashed to death by eight male persons, four of whom were too young to be named. And we have adults identified as gay or transgender variously pinned to posts, beaten, raped, shot and left to die by adult male assailants who were apparently so affronted by the ambiguities of their victims' sexuality that they felt "provoked" to murder.

Given these kinds of cases, it is appropriate to pose questions about the links between sex-based harassment at school – overwhelmingly practised by boys – and outside-school incidents of criminal violence – overwhelmingly practised by boys and men. Crime statistics certainly support the argument that it is boys and men who are primarily involved in violent offences against others. For instance, the report into youth violence in New South Wales, claimed that:

*Recorded crime statistics considered by the Committee reveal that violence is an overwhelmingly male phenomenon (Standing Committee on Social Issues, Legislative Council, NSW, 1995, p. 44). (Bold print in original).*

Information from the NSW Bureau of Crime Statistics and Research indicates that for the year 1993, with respect to sexual assault, approximately 95 per cent of alleged violent offenders aged 10 to 17 years were male; and in the 18 to 24 year bracket, male offenders edged even closer to a complete monopoly on alleged violent offences (see Standing Committee on Social Issues, 1995, p. 45).

It appears that the link between at-school and outside school, manifestations of sex-based harassment and violence is forged through the practices encoded in dominant versions of masculinity and heterosexuality. Boys remain the main source of sex-based harassment at school, and violence in the community is seen as "an overwhelmingly male phenomenon". Here educators might think about firmly held beliefs about masculinity, heterosexuality and gender relations and how they are associated with incidents where students, mostly boys, attempt to harass and subordinate others.

It seems that socially constructed, publicly endorsed versions of masculinity, deeply embedded in heterosexuality as they are, may be profoundly implicated in belligerent interaction, even among young children. This issue is explored further in the following chapter. More particularly, Chapter 3 sets out to illustrate some of the ways that gender relations and sex-based harassment are naturalised in everyday talk and practice to the extent that incidents of harassment often remain unnoticed or pass as unremarkable. The chapter attempts to explain how keen witted teachers and management staff can often appear indifferent when it comes to protecting students from sex-based harassment.

## CHAPTER 3 Why can't I see it: (de)naturalising (hetero)sexist talk and practice

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*... it is fruitful in a certain way to describe that-which-is by making it appear as something that might not be, or that might not be as it is. ... that the things which seem most evident to us are always formed in the confluence of encounters and chances, during the course of a precarious and fragile history ... It means that they reside on a base of human practice and human history; and that since these things have been made, they can be unmade, as long as we know how it was that they were made (Foucault, 1990, pp. 36-37).*

As argued in Chapter 1, governments, communities, parents and educators all want students to be safe at school – and most students want to feel safe there too. Yet from research cited in Chapter 2, it is obvious that sex-based harassment at school is endemic and that it has potentially deleterious effects on the lessons – academic, personal and social – that students learn at school. So we must ask, how does sex-based harassment take hold in schools and in other sites? How can we account for research findings and professional public testimonies that suggest that schools allow sex-based harassment to flourish? Why is it that boys are mostly responsible for the harassment of others? Why are they responsible for the most severe and threatening forms of physical sex-based harassment and violence? Ultimately, we might ask, why do we fail to recognise the unwitting ways that (hetero)sexist talk and practices naturalise inequitable gender relations and sex-based harassment at school and elsewhere?

A compelling way to start work on these issues is to look at the social construction of gender, as recommended in recent Australian policy documents (see AEC, 1993; Gender Equity Taskforce, 1997). More specifically, this can translate into examining how inequitable gender relations are spoken about and practised in everyday interactions to the point where they are normalised, naturalised and even made desirable. By way of illustrating what this might mean, the following sections take everyday examples and attempt to reveal how gender is constructed through discourses (the ways we think and speak) and social practices (the things we do) related to sport, popular culture, the judiciary, and schools. Given more space, other agencies such as the family, the church and the State could be investigated to disclose the ways that they, too, promote and sustain inequitable gender relations. The aim here is to provide a feel for "how subtle, how invisible, how pervasive, and *how much our own* are the discursive mechanisms and structures through which we have learned to know our place and to remain within it" (Davies, 1993, p. 8). The ways we speak about and practise gender are so

woven into the social fabric as to become self-evidential "truths" about what it means to relate as gendered subjects.

This chapter attempts to unravel everyday discourses that naturalise harassment and violence at the same time as they normalise inequitable relations of gender-based power. In such ways, sex-based harassment can come to look like any other gendered relations of domination and subordination that pass as "normal". It is important to recognise that understanding how such processes work offers a key to reform, for as Davies (1993) suggests, "to know how oppression is achieved is the essential first step to knowing how to change it" (p. 8).

In coming to terms with sex-based harassment, it is essential to acknowledge the pervasiveness of social practices that endorse public displays of masculinity as violence and domination. As one example of social practice, men's and boys' sports, while ostensibly focussing on the production of healthy bodies, often develop a culture of violent competition, of brutish overpowering of rivals, of domination at any cost, and of disrespect for others who cannot, or will not, perform in such ways. Social practices like sport establish sets of conditions for some boys to publicly perform their masculinity as aggressive domination to an extent that has no parallel for girls.

Sport is chosen as a starting point for thinking about how we speak about and practise gender relations. But woven into the social fabric are endless opportunities for boys to learn, and for girls to understand, that masculinity justifies aggression and violence and that gender is predicated on inequitable relations of power, deeply embedded in (hetero)sexism. As the following examples unfold, it should become easier to see how sex-based harassment can pass as "normal" gender relations, and how instances of sex-based harassment might be interpreted, and ignored, as boys and girls "doing" their gender in recognisable ways.

## **Sport: Defining hegemonic masculinity and glamorising violence**

The following texts from the sports pages of daily newspapers provide glimpses into how dominant forms of masculinity, herein referred to as "hegemonic" masculinity, are socially constructed and endorsed. Through such texts, the hegemonic male body is constructed as potent, dynamic and almost always violent. It is important to note that in these textual representations violence is rarely portrayed as questionable. Rather, violence is glamorised through racy references to bodies of steel, to lightning-fast reactions, to the courage and heroism of athletes who pit their bodies against one another. Through socially celebrated male bodies, ways of being and ways of relating take shape in sports

texts where hegemonic masculinity and violence begin to coalesce – silently and without challenge.

While successful female athletes capture relatively little space in the sports columns, they are constructed in the texts quite differently. Most notably, there is no presumption of violence or rage associated with winning and losing.

### **Sports text 1**

In announcing the hiring of a new basketball league player, the newspaper text glamorises the teams' choice of a "streetwise court brawler", Shane Froling.

*A lightning-fast reaction time, a rock-solid build and, oh yeah, a black belt in karate make Shane a fairly hairy customer when the only landing area is solid pine.*

*In the interests of humanity his altercations are usually quickly snuffed out by eager officials (Townsville Bulletin, April 6, 1995, p. 20).*

The article focuses on Froling's physical dispute with Adelaide's star import, Robert Rose. An imposing, 20 cm x 30 cm photo of Rose wearing a tattered singlet dominates the page. The accompanying text reports that before the referees had a chance to intervene, Froling left Rose looking "like he'd been shredded by ten tigers".

*Fortunately, the match officials took no further action after untangling Froling from Rose. But by now at least most clubs in the NBL will be aware of one thing: Don't try messing with Townsville in '95, you're likely to come off second best this time around (Townsville Bulletin, April 6, 1995, p. 20).*

### **Sports text 2**

In the boxing match between Evander Holyfield and Riddick Bowe, we read that "Bowe battled back from a smashing knockdown early in the sixth round and won when he knocked Holyfield down twice in the eighth." In unmitigated glamorising of violence as sport, the text elaborates the events of the match:

*Early in the eighth round, they went at it toe-to-toe and then Holyfield went face down from a tremendous right to the head. The 32 year old Holyfield struggled up at 9 and appeared out on his feet.*

*Cortez took a long look at Holyfield and then motioned for action to resume. Then Bowe ended it with two rights to the head that dropped Holyfield to his knees (Townsville Bulletin, November 6, 1995, p.17).*

### Sports text 3

Heroes are produced in the boxing ring as opponents engage in lawful violent assault, as celebrities buy ring-side seats to title fights, and as satellite images are beamed around the world for public view. This has certainly been the case for Mike Tyson. While Tyson recently served time for rape, according to newspaper and media reports he did not lose his public appeal. As he resumed a pre-fight training schedule, a crowd of 1,000 gathered to watch him work out in Las Vegas. In an exalted allusion to military assault, readers are informed that as Tyson exercised his neck muscles a

*camouflage-clad member of his entourage stood over him yelling 'guerilla warfare' and 'fight time' (Townsville Bulletin, October 21, 1995, p.43).*

It is still uncertain whether Tyson's mutilation of Holyfield's ear in the 1997 world championship fight has lessened his popularity any more than his rape conviction. After the ear biting episode, *The Sydney Morning Herald* mixed messages about "disgrace" and "horror" with sympathetic coverage of "Iron" Mike's early poverty-stricken life and with biblical images of Tyson and his promotional manager, Don King. In the one article, *The Sydney Morning Herald* makes light of the episode:

*It's one thing to see a fighter punched into submission – at least that's what boxing's all about. But it's another thing to see a fighter bite a piece off someone's ear and spit it out on the floor. That's not just savage, it's sheer bad taste (The Sydney Morning Herald, July 5, 1997, p. 33).*

There is little condemnation of brutality in this text. The comment on the savagery of the attack is lessened by the injection of the (not so subtle?) humour about the "bad taste" of the ear biting and by the frivolous declaration of what boxing is all about. Further lessening the force of any censure, the text produces biblical representations of the boxing ring as the Garden of Gethsemane, Holyfield as a high priest's servant, and Tyson as no less than an impetuous St Peter and disciple of his promotions manager, Don King. Don King – Jesus – is seen as the one who may resurrect the situation for Tyson:

*He [Don King] is certainly boxing's miracle worker. He can probably walk on blood. And he just may be able to do for Tyson what Jesus did for Peter when the impetuous disciple cut off the ear of a high priest's servant in the Garden of Gethsemane (The Sydney Morning Herald, July 5, 1997, p.33).*

If the Bible asks us to understand the impetuosity of a saint, then surely we are being asked to understand the impetuosity of a boxer who might, as the world watched, bite off a piece of someone's ear in the name of sport.

## Sports text 4

One edition of a Medibank Private lifestyle magazine that is distributed free to members features Wayne Carey and Bradley Clyde as the "men of steel" in the Australian Football League (Masters, 1995). In profiling "our toughest footballers", Masters (1995) describes how Carey "will hurl himself backwards into pockets of play, oblivious to errant elbows and rising knees, eyes fixed on the ball, ready to ascend mightily above the swarm of crashing, colliding bodies to collect the pigskin" (p. 4). A similarly heroic Clyde "will dive on a loose ball on a flint-hard surface, ignoring the size 13 boots which seize the rare moment to crush his fingers" (p. 5). According to the text, these two sports heroes are not exceptional in that they derive pleasure from the experience of violence in their sport:

*Like most top sportsmen, they love to hear the wheeze that comes when they have hit a man hard: that feeling as they ride him to the ground as if falling on a cushion of air. Afterwards they sprint away seeking more action, the soft groan of a beaten opponent a distant memory (Masters, 1995, p. 5).*

In terms of his earnings, which exceeded \$1.2 million over a four-year period, Carey is said to be "rewarded handsomely for his combativeness" (p. 5). Most notably, this issue of the Medibank Private magazine is dedicated to "how to stay fit forever".

## Sports text 5

The use of language practices like those in sports text 4 are not uncommon when it comes to football. The 1997 Super League Grand Final souvenir liftout in *The Courier Mail*, for instance, was titled "Men of War" and dedicated numerous pages to desirable(?) eroticised(?) images of clashing male bodies (September 20, 1997). Sports pages focussing on football regularly draw on images of warring teams, of belligerent body contact, and of antagonism, threat and menace to those who dare to play. So, we typically read:

*Tour squad bashed on Samoan anvil (The Sydney Morning Herald, September 28, 1998, p. 27).*

*Sudden Death (The Advertiser, Adelaide, August 28, 1998, p. 96).*

*Ruthless Demons punt Saints (The Australian, September 14, 1998, p. 27).*

And sometimes we hear reverberations of lament that masculinity, as embodied through sport, is put at risk when the rules of the game are more stringently enforced:

*Sanitised AFL has killed off game's hard men (The Australian, August 7, 1998, p. 20).*

According to the sportsman interviewed for this article, the virility of the game has been jeopardised by making it "female-friendly". It is mothers, we learn, who want the game to be safer for their children's sake. For this sportsman, the slide to the feminine must be resisted if men are to be left with their masculinity intact. Through his protest, unregulated, rule-less masculinity blurs with the eroticised signifier of "hard men". In this argument, playing by the rules risks simultaneously emasculating the game and its players, and it risks destroying pleasure and desire as embodied in "hard men".

### **Sports text 6**

The images outlined in the above texts are rarely applied to women in sport. For example, in reporting the results of the 1995 US Open Tennis, *The Australian* referenced Steffi Graf's win under the caption:

*Graf wins lead role in theatre of dreams (The Australian September 11, 1995, p. 28)*

The caption for Pete Sampras's win read:

*Terminator Sampras blows Agassi away (The Australian September 12, 1995, p. 22).*

In these texts, a win by Sampras calls on all of our popular cultural knowledge of a Schwarzenegger-like hero, a genuine Mr Universe, an awesome cyborg fantasy creation. By comparison, Graf's triumph is grounded in the reality of her personal and family problems that make her win seem like a "dream". No cultural icons of potency and indomitability are used to coerce a larger-than-life heroic status for Graf.

Similarly, when Liselotte Neumann won the Open women's golf title, she was referred to as the "elegant Swede" who barnstormed the Aussie Open (*Townsville Bulletin*, November 13, 1995, p.16). In the same paper on the same day, the report of a British men's soccer game referred to the "giant killing heroics" of the team in which the winners were said to "claim a quality scalp" (*Townsville Bulletin*, November 13, 1995, p.15). And the textual production of gender as difference does not seem to diminish with time. More recently, Lindsay Davenport's first

Grand Slam title was elaborated in terms of a "streamlined Lindsay Davenport" who had "shed many kilos" to improve (*Townsville Bulletin*, September, 14, 1998, p. 32). Meanwhile, on another sports page, Mark Philippoussis was described as having "the physique of a latter-day Hercules" and as having a service "so stunningly, so breathtakingly merciless in its execution that it has earned him the manly sobriquet Scud" (*The Australian*, September 16, 1998, p.13). No scud missile epithet here for Davenport, or for other sports women.

It seems that sport can set the scene for boys and men to practise their masculinity in aggressive and combative ways – ways that are not endorsed for women and girls. A contemporary gladiatorial masculinity is fashioned as sports texts celebrate expressions of conflict and warfare on the field, on the court, and in the ring. Interactions between competitors, that in any other context would constitute aggravated assault, often pass as glamorised versions of masculinity at play. The danger is that some boys and men may believe that what constitutes highly desirable displays of masculinity on the field might also apply off the field. Equally dangerous is the proposition that many women and girls may also find it "normal", acceptable and even desirable for boys and men to behave in these ways on and off the field, and in relation to them.

As these extracts attempt to show, desire can be constituted through language practices that glamorise male violence and physical aggression in sport. The texts also attempt to show how gender is produced as difference. The issue is to recognise textual practices like these and to see how they relate to the production of acceptable expressions of masculinity, of femininity and of gendered relations.

### **Popular culture: Playing at domination and subordination**

While many forms of popular culture promote inequitable gender relations, the electronic games industry is selected here to illustrate how children can begin to play at relations of domination and subordination. The culture of electronic games, not as popular with girls, offers boys the chance to indulge in violence, domination and control of others. The multimillion dollar growth industry, clearly aimed at boys, articulates through screen texts a violent (hetero)sexist masculinity that is antagonistic both to women and to non-dominant males. Sometimes there is even the opportunity to play at a violent masculinity that turns on itself in its consummate disrespect for life.

As evidenced in the following text samples, the language practices employed in gaming texts show few signs of change as the electronic gaming industry has developed over the decade. There seems to be no sign that gaming texts have moderated their position in relation to the production and celebration of violent, (hetero)sexist versions of masculinity, the rejection of masculinities that do not so

conform, or the production of stereotypically eroticised images of the feminine that are clearly marked out for male consumption. These issues are more fully explored in the following text samples.

### Popular culture text 1

There is little contention that gaming texts—both print and electronic—are aimed at male players. A quick head count shows that male characters vastly outnumber female characters in electronic games. Even though women do now feature in some texts, the few female figures who have been included undoubtedly signify entertainment for men. Raunchy images of semi-clad women are clearly produced within (hetero)sexist discourse and are intended for men's pleasure.

Advertisers, as investors in this kind of cultural production, seem certain about who are the readers, the players, the consumers of electronic games. Levi, for instance, has a full page advertisement for "hard jeans" with a simple image of a pair of jeans rising erect from the page. The "hard jeans" have a four-word caption:

*STIFF  
WITH A  
VENGEANCE* (*GamePro*, September 1998, p. 25).

It is difficult to imagine how girls and women could read themselves into this advertisement. Clearly, they are not meant to. Given the marketing and promotional savvy of Levi we can be sure that they are sure that the main consumers of these texts are boys and men. It is interesting to note here how the symbolic and narrative features of text associated even with a pair of jeans can equate male sexuality with hardness, meanness and hostility.

Phallic references are easily uncovered in electronic game texts and colloquial language is critical in selling hardware, software and masculinity to young male players. For instance, in editorialising *Duke Nukem: Time to Kill*, *PlayStation* magazine announces to its readers:

*The man with the one-liners and a big shooter goes back for more* (*PlayStation*, September 1998, p. 42).

And the editorial comment on the introduction of *Final Fantasy VIII*?

*Explore, fight, read text. If you freaked for the last part you'll come in yer pants* (*PlayStation*, September 1998, p. 22).

That boys are undoubtedly the main audience and the target of these texts is important in gauging the impact of the textual references as highlighted in the following text samples. It is within these textual sites – both print and digital – that boys and men can learn about masculinity. Within these virtual spaces they can rehearse and practise getting their masculinity right.

### Popular culture text 2

Most electronic games – even sporting games – glorify gratuitous violence. In this respect, the dustcover on *Streets of Rage II* is not unusual in its advice to players:

*Choose one of four warriors and slam your enemies to the concrete with dazzling martial arts moves! Bash 'em with pipes or slash 'em with knives and ninja weapons! Get ready for the hottest street combat ever as once more you walk the Streets of Rage (Sega Mega Drive, 1992).*

Similarly, an advertisement for the launch of *Wild 9* uses gratuitous violence to capture an audience of players. The instructions read:

- 1. Skewer enemies on spikes; impale them further as you trample over their twitching bodies to safety.*
- 2. Plunge your rivals into icy water; toy with them until they drown, bloated and disfigured.*
- 3. Asphyxiate bad guys by holding them above raging fires until the thick black smoke fills their lungs ...*  
*And that's just for starters. But you better get your jollies while you can ...*  
*(GamePro, 1998, p. 136).*

In the first of the *Mortal Kombat* series all the characters are violent. Given the opportunity, Sub-Zero tears off his opponent's head while Kano punches through his opponent's torso and rips out a still beating heart. The recent production of *Mortal Kombat 4* testifies to the popularity of these kinds of games that trade in free-ranging violence.

### Popular culture text 3

Other games like *Megarace* make clear the link between, and the outright rejection of, the feminine and non-violent masculinities. The advertisement for this game queries:

*Are you a girlie-man or a megaracer?*

Across the face of a manic-eyed punk with MEGARACE printed on his bared teeth, the advertisement announces in bold type:

*NO COPS*  
*NO LAWS*  
*NO WIMPS (GamePro, June 1994, 126-127).*

For this game and others like it, a player has to be a "real man" – one who refuses to be lawfully regulated – not a hybridised girlie-man. Messages about unmitigated violent masculinity continue to be produced in recently released games like *Knockout Kings*. Here players are invited to identify with the likes of Muhammad Ali, Evander Holyfield and Sonny Liston. The special invitation of the game?:

*Smack shit out of Lennox Lewis – go on, you'll love it (PlayStation, September 1998, p. 36).*

The interweaving of violence and pleasure is a critical issue to note both in playing these games and in the intertextual references in magazines that support their distribution and sale. Players, mostly boys, are urged to feel the adrenaline rush, experience life-like violence, and "love it".

Advertisements for games and for hardware saturate reader-players with messages about what it means to be acceptably male. Arguably, boys in particular are sold the belief that control and domination are inseparable from masculinity. Players are typically offered personalised promises associated with the experience of electronic gaming:

*ULTIMATE CONTROL IS WITHIN YOUR GRASP (PlayStation, September 1998, p. 37).*

#### **Popular culture text 4**

While there have always been a few female characters included in electronic game texts, their visibility has been, and still is, marked by (hetero)sexist assumptions about what will appeal to "hard men". Their combat manoeuvres and their very presence on the page and on the screen are eroticised. Sonya Blade for instance, the only female in the cast of eight, engages in battle with males and specialises in the "burning kiss of death" (*Sega Mega Drive*, 1992). Where women are included in games, they often appear in subordinated roles as damsels in distress or as objects of male desire. Even more importantly, when warrior women like Sonya Blade enter the combat arena, they naturalise images of violence between men and women.

Games like *Night Trap* and *Virtual Valerie* are based wholly on the subordination of women. The plot of *Night Trap* revolves around scantily clad young women being stalked in their apartment by a group of zombies. While the aim is to rescue

the women, if the stalkers win, the young women are captured, mutilated and hung from meat hooks like cattle in a butcher shop. The juxtaposition of the violent and the sexual serves to eroticise male domination and female subordination. *Virtual Valerie* offers a soft porn experience of acting out unfettered sexual fantasies of domination of the female body. These games offer young men opportunities to play at misogyny in the comfort of their living rooms.

Lara Croft, the female character recently created in *Tomb Raider*, may be less obviously produced for men than *Virtual Valerie*. Nevertheless, the texts promoting Lara sound suspiciously as if she is included for male consumption. Lara, who currently appears in full page magazine gloss and on liftout posters, is introduced to readers as "eye candy" (*PlayStation*, September 1998, p. 3). One full-page advertisement for *Tomb Raider* presents real-life model Nell McAndrew, as Lara, with the accompanying text:

*Lara's gonna take the plunge in Tomb Raider III, but who's this lovely dressed as Ms Croft? Hot model Nell McAndrew slips into the brunette bombshell's size 7s but hey, it ain't her feet we're interested in ... (PlayStation, September 1998, p. 3)*

In learning "The A-Z" of *Tomb Raider* readers are promised "a stalker-like dedication to collating the facts behind the figure". They are also offered a part in eroticised play:

*We'll be probing Lara like she's never been probed before. (PlayStation, September 1998, p. 102).*

For those who prefer voyeurism there is another possibility:

*We've got a hot date with Lara in Tomb Raider 3 and we'll let you watch ... (PlayStation, September 1998, p. 110).*

But players need not be restricted to watching. They can download nude versions of Lara that they can manipulate on their screens.

Given the kinds of texts that announced her arrival, it seems unlikely that Lara has been included as an unfamiliar adventure some role model for girls. Rather, she signifies an all-too-familiar sexualised object for men and boys to control and regulate. In these games, the commercial exploitation of the female body is unmistakable. Physically strong and apparently independent women are still produced as the objects of male pleasure, as "eye candy", as bodies to be manipulated and probed. Here, textual messages about gender are powerfully inscribed as desire, erotica and sexuality are played out in male-female relations.

## Popular culture text 5

Young people are no longer bound to reading fixed print or screen texts. The options are now available for players to participate actively and to direct the development of electronic texts as they read them and play them. At the same time, they can be assured of more realistic experiences of violence, misogyny, and rejection of "other" masculinities that they can co-create on their screens through interactive multimedia. With improved technology the (virtual) reality is that players can more intimately identify with Muhammad Ali or Sonny Liston as they "smack shit out of Lennox Lewis". As *Knockout Kings*, they become the kings. The editorial for the game confidently tantalises:

*Best of all though, you can look out through the eyes of yer man as you're fighting and then watch your opponents' faces start to swell and bleed (PlayStation, September 1998, p. 36).*

As the technology develops at a lively pace, the "virtual" more closely simulates the "real". Players can invest in peripherals that deliver a sharper, more embodied experience of the game. For those who really want to live the game there are, among other gadgetry, force vests that vibrate punches through players' bodies and a high-tech chair that guarantees delivery of "intense tactile feedback" as players become their game characters (*GamePro*, September 1998, p. 60). And so the real and the virtual begin to blur as games are played and lessons about violence, masculinity and gender relations are learned.

The kinds of texts provided in this section on popular culture are meant to demonstrate the ways that gender relations are produced and maintained through everyday social practices that naturalise (hetero)sexism. Magazines that support electronic games sit on newsagent stands while the games themselves are widely available through toy and department stores. Print and electronic versions of the texts are targeted at, and consumed by, a predominantly male clientele. They offer a potent source for players to come to understand gender as inequitable relations of power and as (hetero)sexist ways of relating. Under the guise of simple games, boys and men are invited to take up a violent masculinity that subordinates women and looks disparagingly at men and boys who refuse to adopt hegemonic versions of masculinity.

## The judiciary: Adding the weight of the law to (hetero) sexist talk and practice

The law can also be deeply implicated in the promotion of violence and the acceptance of (hetero)sexist relations. Judges, like other citizens, sometimes draw

on everyday discourses that naturalise violence and sanction gender inequities. In these cases, the scales of justice appear to be weighted in favour of heterosexual men over women and gay males. As seen in the following texts, members of the judiciary constitute some citizens as having fewer rights than others. The examples are not offered with the intention of arguing the merit of individual cases, the guilt or innocence of the accused, or the appropriateness of the punishment. The point is to focus on legal discourse that, according to its weighty authority, naturalises violence and a (hetero)sexist view of gender relations.

### **Legal text 1**

In 1992 a South Australian judge, Justice Derek Bollen, declared during a rape-in-marriage trial:

*There is, of course, nothing wrong with a husband, faced with his wife's initial refusal to engage in intercourse, in attempting, in an acceptable way, to persuade her to change her mind, and that may involve a measure of rougher than usual handling (See the Courier Mail , May 21, 1993, p. 13).*

Comments like these expose how 'rougher than usual handling' of women by men can be spoken of as "normal" gender relations. While the Court of Criminal Appeal ruled that Justice Bollen erred in law, it is uncertain how many of the general public agree with Justice Bollen. And while Justice Bollen appeared to be censured by the Court of Criminal Appeal and by some outraged community groups, other judges have continued to employ the same patriarchal discourses.

### **Legal text 2**

In March 1993 Justice Norman O'Bryan, a Supreme Court judge, imposed a lesser sentence on a rapist because he believed the victim was not "traumatised" by her rape. The 17-year-old school girl was walking home from school when the man held a knife to her chin, dragged her down an embankment, punched her unconscious, raped her and then slit her throat from ear to ear. Justice O'Bryan commented:

*The aggravated rape was most serious, but having regard to the unusual circumstance that the victim was not traumatised by the event, indeed was probably comatose at the time, a sentence significantly less than the maximum is deemed appropriate (See the Sydney Morning Herald, May 13, 1993, p. 1).*

It is instructive to see how a judge, in all his supposed wisdom, could believe that the violation of a young woman's body could be mitigated by her comatose state which she experienced at the hands of her rapist. Like Justice Bollen, Justice

O'Bryan was also corrected for his errors in law. His thinking about the impact on the girl was contested as was the "significantly" lesser sentence.

### **Legal text 3**

Apparently unmoved by criticism of judges' use of gendered discourses, Justice John Bland, in April 1993, told a jury that women who say *no* often mean *yes*:

*And often despite criticism that has been directed at judges lately about violence and women, (and) men acting violently to women during sexual intercourse, it does happen, in the common experience of those who have been in the law as long as I have, anyway, that "no" often subsequently means "yes" (see the Courier Mail , May 21, 1993, p. 13).*

In this event, the testimony of the alleged female victim is cast as always, already suspect. And so it would seem, as with young children, the testimony of women can not be trusted in courts of law. The trustworthiness of men's testimony is not made similarly suspect here.

Despite criticism of Justice Bland, his sentiments were echoed again in 1996 when Justice David Morris, a senior New Zealand judge, was reported as saying that if every man throughout history had stopped the first time a woman had said *no*, the world would be a much less exciting place (*The Australian*, July 5, 1996, p. 6).

### **Legal text 4**

In May 1993 Judge John Sinclair of the District Court claimed that "a woman raped by a stranger could not have suffered 'substantial psychological effects' because she continued to live and have sex with her boyfriend for two years after the attack" (*Courier Mail* , May 21, 1993, p. 13).

Presumably, for a woman to convince this judge that her experience of rape was substantial in its psychological effect, she would have to exhibit signs of emotional chaos rather than seek the comfort of her boyfriend.

### **Legal text 5**

In 1994 Justices Teague and Crockett of the Victoria Supreme Court ruled that a man who admitted to raping a woman anally and vaginally should have his sentence reduced because it was not a "very grave" case of rape (*Sydney Morning Herald*, September 16, 1994, p. 7). On an earlier occasion the two judges had upheld a minimum sentence for a man who had forced a 28-year-old prostitute to perform oral sex at knife point and then indecently assaulted her. The judges agreed that the rape of a prostitute was not as heinous as the rape of a married woman.

Here the two justices suggest that some women are more acceptable victims of male violence than others. Within this discourse there are degrees of rape where the victim's sexual history may count as a mitigating factor, even when she is violated at knife point.

### **Legal text 6**

A 21-year-old man was sentenced to a 12-month good behaviour bond for unlawful sex with a twelve-year-old girl. In justifying the leniency of the sentence for the offence which carries a maximum penalty of 14 years jail, ACT Justice John Gallop, a Supreme court judge, offered the following explanations:

*...this matter is out of all proportion at the moment.*

*She looked 14 to him and he had had a bit to drink and he went too far.*

*I think our jails would be full if we locked up everybody who did this – the young people in the community today (Sydney Morning Herald, April 1, 1995, p. 3).*

The point to be noted here is not what constitutes fair punishment for the crime but the way that Justice Gallop trivialises the violation of the girl as commonplace. Speaking from his position of legal authority, Justice Gallop manages to reduce the severity of the incident to the status of a current colloquialism, "that's life" (or other more colourful expressions).

### **Legal text 7**

A 59-year-old bricklayer was released without penalty or conviction after pleading guilty to a charge of assault occasioning bodily harm to his 12-year-old delinquent grand daughter. The grandfather admitted to hitting the girl with open and closed hands and to strapping her about 12 times. The girl suffered bruising to the shoulder and upper back. While cautioning the grandfather about going too far, the magistrate simultaneously condoned the violence of the discipline with his personal anecdote. According to a newspaper account:

*The magistrate said he could remember being disciplined in a similar fashion and while not at the time, was now thankful for it. He released the grandfather without penalty and wished him well (Townsville Bulletin, October 26, 1995, pp. 1-2).*

The magistrate fails to unequivocally condemn the violence of the man's act. However troublesome the grand daughter's behaviour, it is critical to note the

contradictory messages about physical violence as spoken by an officer of the law. While the magistrate cautions the grandfather about going "too far", in his summation he offers personal reminiscences of the edifying experience of similar beatings. There is a hint of a promise that this refractory girl might one day be grateful, might even get to be a magistrate?, if she continues to be disciplined in this way.

### **Legal text 8**

A 24-year-old man was charged with indecent assault, assault occasioning bodily harm and the rape of an 18-year-old woman. The woman was hospitalised and underwent surgery as a consequence of the encounter. According to the newspaper report, as the legal arguments unfolded, the defence barrister argued that although the woman was dressed like the television character Murphy Brown for the trial, she did not always do so. Here the trial for assault and rape of the woman revolved around the way she dressed. As the woman stormed out of court crying at the defence barrister's innuendo:

*... Mr Donnelly continued, stating she was obviously a sexually liberated woman and the couple had argued over her wearing low-cut clothes (Townsville Bulletin, October 26, 1995, p. 3).*

In establishing an order of culpability, the defence lawyer employs a popular sexist discourse that makes the woman responsible for her boyfriend's violence. According to this legal expert, a sexually liberated woman who wears low-cut clothes may so incur her boyfriend's wrath as to solicit her rape and injury. Within this discourse, men's violence towards women is to be understood as reasonable, even if regrettable.

This conflict over women's mode of dress is echoed in a recent Italian case where an all-male appeals court ruled that it was impossible to rape a woman wearing jeans. The decision was based on the (il)logic that "a factor of collaboration is necessary on the part of a woman wearing jeans if they are to be pulled off" (Owen, 1999). Groups of Italian women protested the decision objecting that jeans had become an "alibi for rape" (Owen, 1999; Pedrick, 1999).

### **Legal text 9**

Thomas Albert Dunn of Wollongong was acquitted of murder and found guilty of the lesser charge of the manslaughter of Gordon Tuckey. According to *The Australian*, Tuckey, a schizophrenic, was not gay but believed he was a woman at the time of the encounter and was dressed in women's clothing:

*Dunn claimed he repeatedly hit Tuckey after he made homosexual advances towards him. Tuckey died from massive cerebral haemorrhage from a fractured skull.*

*Justice Morris Ireland said he accepted the "mode of dress" left it open for the jury to find provocation (The Australian, October 23, 1995, p.4).*

In this case, as in others, the jury accepted a defence of "homosexual advance" or "homosexual panic" which offers fear of gays as defence for murder. In like cases, defence attorneys have argued for lesser sentences than murder on the basis of provocation, diminished responsibility, and self-defence, with the accused rationalising their violence in terms of panic in the face of a homosexual approach (see The Law Report, 1995; Standing Committee on Social Issues, 1995, p. 335). Between 1993 and 1995, the defence of homosexual advance was pleaded by 16 defendants in murder trials in the New South Wales Supreme Court (Lane, 1997). Apparently, in some legal cases, an approach by a gay to a heterosexual male has been construed as such an affront to the heterosexual's masculinity as to be acceptable as at least partial justification for the death of the offending gay.

These examples attempt to reveal how violence and inequitable power relations between groups can be sustained even within the practice of the law. In these everyday court scenes, relations of domination and subordination are maintained between men and women and between heterosexual and gay males. The Supreme Court judge, the defence barrister, the local magistrate: each draws on (hetero)sexist arguments that maintain the oppression of subordinated groups. According to such arguments, women can really be understood to be meaning "yes" when they say "no" – they must share the blame for their violation. A 12-year-old girl looks 14 so a charge of unlawful sex against an adult male is mitigated. An 18-year-old woman is sexually liberated and wears provocative clothing so she must invite her rape, hospitalisation and emergency surgery. A gay male incites panic in a heterosexual male so that death of a gay at the hands of a heterosexual is understandable. Men's rougher than usual handling of wives and children can be understood within a patriarchal framework.

Cases like those cited here often draw fire from activist groups, and judges are sometimes asked to apologise. There has even been a move to re-educate the judiciary and bring them up-to-date about gender relations. In the long term, public debates over (hetero)sexist discourses may serve to re-educate the wider community. In the meantime, the words of some of the "wise ones" seem to reflect the opinions held by many students at school. Results of surveys show that, like the judges featured above, many young men also believe it is acceptable to force women into having sex with them and that women provoke rape (Family Planning South Australia, 1997; O'Connor, 1992). Conservative ways of thinking

and speaking like these can serve to prop up inequitable gender relations and to legitimate criminal rape and murder, let alone sex-based harassment at school.

## **Schools: Naturalising harassment and violence**

It seems that teachers – like judges, sports journalists and manufacturers of popular culture – can be uninformed about how everyday talk and practices naturalise inequitable gender relations and sex-based harassment. The following subsections of this section on schools attempt to reveal the ways that teachers and their students, sometimes unwittingly, sometimes not, adopt practices that maintain sex-based harassment at school. The section also offers directions for reform.

### **Speaking about nature**

It is still true to say that most teachers have not had access to newer theoretical frameworks explaining how gender is produced, maintained and made desirable through a range of language and social practices. And, understandably, many teachers come to rely on conventional discourses of gender, often based on readily accessible biological theories, to explain patterns of violence and harassment.

When faced with ready evidence that it is boys who are mostly responsible for violence and harassment at school, teachers are often tempted to explain the behaviour in terms of biological determinism. This popular theory offers no more than the claim that the behaviour that you witness is determined by an, as yet, undetected gene or that it is testosterone-driven. Hence, in drawing on biology, violence is seen as the ways that boys express themselves; harassment by boys of girls is trivialised as "normal" teasing, and boys' attempts at coercing other boys into displays of hegemonic masculinity is shrugged off as "only natural." In short, within this discourse, boys are likely to be seen as acting out their destiny.

Corroborating this line of argument, the report of the House of Representatives Standing Committee on violence in Australian schools claimed that:

*For many boys being "tough" was their understanding of what it was to be male. Aggressive play by boys towards girls was often described as "typical" or "boys will be boys" behaviour. It was even encouraged. It was the acceptance of this behaviour as normal which was most damaging in the school environment (House of Representatives Standing Committee, 1994 p 14).*

Drawing on the same biological theories of behaviour, girls' harassment of one another is often dismissed as the "bitchy" ways that girls relate, as though a description of the behaviour explains its origins and somehow negates any obligation to intervene. Arguably, when teachers fail to act in these instances,

they do more to sustain inequities than to challenge the obvious imbalances in power and status that exist between the harassers and the harassed.

With particular respect to homophobia, it is important to recognise that students who identify themselves, or who are identified by others, as gay often find themselves to be the butt of homophobic attack at school. Yet homophobic harassment is often explained away as a "natural" way for boys and girls to encourage heterosexual identification and protect against the "disasters" of identification as "queer". By not affording sufficient protection to students who are witch-hunted like this, by not insisting on their human rights and on non-discriminatory practices, teachers can be understood to be implicitly sanctioning extreme forms of anti-gay vilification as practised at school.

### **Positioning the target of harassment as the problem**

Sex-based harassment, in its multi-faceted manifestations, is often spoken about by teachers as "the way it is", implying, "we don't really know what to do about it". Hence we have numerous reports of teachers employing pedagogical practices that feed, rather than prevent harassment. Targets of harassment are told not to tattle; they should learn to cope with the situation; if they ignore the situation it will go away; and harassers won't persist if they don't get a response. According to student reports cited in Chapter 2, these strategies appear ineffective. Given free reign, harassment is more likely to escalate than abate.

But there is another issue here. When teachers adopt these kinds of strategies the onus of reform is unfairly placed on the targets of the harassment. It is the targets who are unjustly required to modify their behaviour to accommodate the actions of their harassers. As Jamie Nabozny made so clear in the 1996 federal case against school officials, in the face of anti-gay violence towards him, he was constantly positioned as the problem:

*Instead of disciplining the kids beating me up, the school started to treat me like I was the problem. They moved me into separate classes, even though I wasn't the problem. Eventually they separated me even more and moved me into a special education class, even though I wasn't the problem. When kids on the bus wouldn't stop throwing things at me and spitting on me, the school changed my assigned seat to the front of the bus where I had to sit with the elementary school children, even though I was sixteen years old, and even though I wasn't the problem ... Instead of teaching the value of respect for others, the school taught that if you are different you are the problem, and you are the one that has to be separated out and hidden (Cited in Buckel, 1996, p. 2).*

These strategies, while probably well intentioned, served to intensify, not to eliminate, violence towards Nabozny. The school's unwritten agreement that students who did not identify as gay could harass a gay student was not disturbed or contested. The harassment flourished in the system's unspoken, but authorised, endorsement.

### **Openly speaking prejudices**

Teachers can also be more directly implicated in perpetuating homophobic relations with students whom they believe fall outside the specifications of heterosexist discourse and practice (see Mac an Ghail, 1994). In England, for instance, the unacceptable ways that some teachers relate to gay students, or those whom they identify as "other", was recently brought to the attention of the House of Lords (1998). According to Lord Tope, teachers either ignored homophobic harassment, or, on some occasions, joined in the persecution. In his speech to the House, Lord Tope claimed:

*We heard of a deputy head in the north of England who, seeing an effeminate 16-year-old pupil standing by the school's Christmas tree called out : "Robert, shouldn't you be on top of the tree?"*

And:

*An RE teacher in Scotland required by his enlightened school to discuss homosexuality in his classes told the whole class: "I'm sure nobody wants to know about the poofs apart from Ben".*

Ben was apparently required to read the chapter on homosexuality by himself (BBC News Online, Oct. 6, 1998).

The quotes from Lord Tope are not meant to suggest that teachers as a group are homophobic. The quotes clearly represent extreme examples of unprofessional, homophobic conduct. Nevertheless, they serve to illustrate how deeply-felt prejudices infiltrate the community; how prejudices seep destructively through wisecracks and humour, as well as through self-righteous attacks and denunciations. The quotes call into question our awareness of our own prejudices, how we speak them and how we practise them, in comic disguise and shameless confidence.

### **Colonising the psyche**

Teachers are not solely responsible for allowing sex-based harassment to flourish at school. The student body itself is deeply implicated. It is true that some students willingly protest to teachers about incidents of sex-based harassment, and many students seem particularly responsive to sensitive interviewers who allow them a voice and editorialise their experiences. But students too are caught up in

conventional and contradictory discourses of gender. On the one hand, understanding the potential for agency and change, students may demand that teachers take action on their behalf. On the other hand, believing that unequal relations of power are naturally and inevitably related to gender and sexuality, some students may come to comply with, and others to practise, various forms of sex-based harassment.

As well as offering contradiction, conventional discourses of gender also obscure from view the personal and social dynamics that maintain the very harassing incidents that lead some students to complain. The dynamics are multiple, complex and difficult to unpick.

As an example of the complexity, we could take the particular case of boys' harassment of girls. In this event, the most obvious dynamics likely to be visible are the ways that boys adopt recognisable practices associated with masculinity that allow them, encourage them even, to subordinate girls through derision, contempt and physical harassment. But when we look deeper, we can see the pitfalls of noting only the obvious. For instance, it seems that, in drawing on a limited repertoire of responses available to them, girls may sometimes sustain, rather than eliminate, harassment that is directed towards them. This seems to be the case where girls enact an "ethic of care" towards their harassers and often forfeit their own rights, a response that is likely to be socially endorsed as appropriate female behaviour (Gilligan cited in Ring, 1994). As Ring (1994) argues, girls who understand themselves in terms of attachment and connectedness, in terms even of moral superiority, may inadvertently find themselves harnessed to their harassers' needs. In practising an "ethic of care", girls may seek to rescue boys' egos and preserve their offenders' sense of masculinity. Given that the very basis of the social contract that allows boys to harass girls is neither interrogated nor disrupted in this event, the inter-personal dynamic generated here may preserve rather than transform the status quo. Hence, with the best of intent, girls who prioritise others' interests over their own may unwittingly co-produce with boys the kinds of gender relations through which sex-based harassment is made possible.

As another example of complex dynamics, some boys may glide easily into displays of masculinity and heterosexist practices while others may find themselves struggling to achieve the elusive goal of acceptance as a heterosexual male. There seems to be little doubt that some students use homosexual vilification, gendered violence and harassment as a means of identifying with dominant masculinity and of proving their own heterosexual persuasion. As a case in point, there is the prototypical example of a gang of boys aged 16 to 18, some of them friends from a Sydney high school, baiting and bashing to death a gay

man as a means of establishing their credentials as heterosexual and as male. In sentencing Alex Mihailovic for the death of Richard Johnson, Justice Badgery-Parker revealed that the teenager had been teased over the years as a "poofster" because of his gentle and quiet behaviour. Mihailovic's motivation was seen to be strongly located in "his desire to be accepted and to shake off his image as a sissy" (see Curtin, 1991). In this case, Mihailovic, the target of years of harassment and identification as a failed male, became the perpetrator of anti-gay violence as a way of simultaneously displaying hetero-male solidarity and eradicating any hint of gay-identification.

Hence, when we are researching sex-based harassment at school, as in any other context, it is important to recognise how socially sanctioned versions of gender can be inscribed in our interactions and how they can colonise our psyches. As a reminder of the limits of our own agency, Ring cautions:

*While imbued with agency and the capacity for creative responses, we are also constrained by cultural discourses of gender which frame our very desire (1994, p. 129).*

Teachers and students, along with researchers, need to look carefully at how desire is produced and how it can be deeply implicated in the maintenance of sex-based harassment.

### **Moving the agenda forward**

It is important to begin to see how interpersonal and social dynamics can subtly contribute to the maintenance of sex-based harassment. But subtleties and blatant technologies of power sit side by side at school as elsewhere. Students who choose to harass others also have access to erosive tactics of intimidation as well as more blatant, brutish strategies for coercing compliance. At the same time, it would be naive to keep the spotlight exclusively on what a perpetrator does to a target in instances of sex-based harassment. We now have sufficient knowledge and insight to look at the ways that sometimes, we unintentionally maintain that which we seek to eradicate.

The reflections offered here are aimed at coming to terms with how schools are constructed as another site for the production of gendered relations and the maintenance of sex-based harassment. Clearly, if our plan as educators is to transform gender relations and eliminate sex-based harassment then we must become increasingly aware of the complex dynamics. If schools are to provide children with emotionally and physically safe environments, then the "naturalness" of violence and harassment must be challenged. Teachers must learn to refuse the "it's only natural" and "just kidding" explanations that rationalise anything from mildly discomfiting interactions to outright brutish and

belligerent attacks based on issues related to gender and sexuality. The inaction of teachers on these matters must surely be read as authorisation by the system for some groups to oppress others. Where teachers do not take action, perpetrators of harassment and violence will be seen as having more rights within the school grounds than the targets and victims of their actions. At the same time, students deserve to know how to unpick the psycho- and social-dynamics that hold sex-based harassment in place.

In moving towards reform, teachers must help girls and boys denaturalise the natural, contest the taken-for-granted, problematise the self-evidential and refuse discourses and practices that limit what they might be. Ultimately, teachers and children must understand that for as long as inequities of power based on gender and sexuality are spoken of as "natural", then sex-based harassment will pass as an acceptable way of interacting in a supposedly civilised society.

## **Summary**

This chapter provides everyday examples of how gender is spoken about and practised in ways that make sex-based harassment seem unremarkable. When teachers can see the dynamics that underpin sex-based harassment they can offer students the kind of leadership that will allow them – teachers and students together – to transform inequitable gender relations into more democratic relations. Until this happens, victims of harassment will find little solace in school systems.

Teachers can take the lead in showing children how to critically read gendered discourses and practices that set the parameters of what they can and cannot be, and of how they can and cannot relate. Ultimately, students must come to understand how they take up the discourses and practices as their own and how they begin to regulate themselves and to regulate one another in relation to gender.

By way of illustrating how this might be achieved, the following chapter highlights teacher-directed, school-based projects that have attempted to make these kinds of understandings available to students from pre-primary through to secondary grades.

## CHAPTER 4 Teachers as researchers and agents of reform

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*Teachers are among those who have the authority to know – that is, to construct "capital K" knowledge about teaching, learning, and schooling. And what is worth knowing about teaching includes what teachers, who are researchers in their own classrooms, can know through their own systematic inquiry (Lytle and Cochran-Smith, 1992, 447-448).*

Classroom teachers represent one of the most significant resources for the production of knowledge about what currently happens, and what imaginably might happen, within the context of schooling. While this is so, many opportunities are missed when it comes to showcasing knowledge that some teachers produce through critically informed, systematic and intentional inquiry. While academic researchers and educational policy makers are expected to publish and disseminate the products of their intellectual labour, this is less often the case for school-based educators, even when they have participated in research, generated a wealth of ideas, trialled approaches to reform, and proceeded with a sense of integrity and commitment to their research projects. In recognition of the critical intellectual labour that goes on in many schools, this chapter highlights recent school-based research projects that focussed on student-to-student sex-based harassment and aimed at producing safer and more equitable living and learning spaces for students.

Since eliminating sex-based harassment was identified as a priority area for school reform (Australian Education Council, 1993) and was recommitted as a strategic direction for achieving gender equity (Gender Equity Taskforce, 1997), schools across Australia have to varying degrees accepted the challenge of determining how best to achieve that goal. As one response to prioritising this area for reform, the New South Wales education system provided funds for four school-based projects aimed at eliminating the many forms of sex-based harassment among students. Still other schools have initiated efforts in developing and trialling programs responsive to the perceived needs of their school community. This chapter draws on several of these kinds of research projects that set out to inform students and have them contest with their teachers the legitimacy of sex-based harassment. The research projects showcased in this chapter demonstrate the ways in which school-based educators who position themselves – and usually their students – as researchers have much to offer others in terms of sharpened understandings, practical strategies, and keen-witted insights into the possibilities of reform.

## Four schools and an Education Department

As a case in point, in 1994 four Sydney primary schools accepted an invitation to work on issues related to sex-based harassment in their schools. The invitation came as an initiative of what was then the New South Wales Department of School Education, configured since 1997 as the Department of Education and Training. As the agency through which the research was to be funded, coordinated and supported, the State Department responsible for schooling set the critical parameters for participation. At the same time as setting the parameters and identifying the framework for the research, the Department encouraged participating schools to contextualise their research and to respond to the special features of the students and communities they served. This meant that, while working within the given framework, each school was expected to design school-specific approaches to the topic. The schools that participated in the project were Barnier Public School, Samuel Gilbert Public School, Hassall Grove Public School and Fowler Road School for Specific Purposes.

In order to establish the first parameter of working within a common framework, several staff from each of the four schools attended a professional development day at the beginning of the project. Here I was engaged to talk with staff about the kinds of issues I have written about in the first three chapters of this book. As elaborated more fully in the following section, the professional development day focussed on negotiating shared meanings about what constitutes sex-based harassment, how it is produced and maintained through social practices, and how schools might begin to work with students toward its elimination. Staff selected by their schools to attend these sessions were expected on their return to provide leadership within their schools and to disseminate information to colleagues and to parents who volunteered to work with them.

As another set of parameters determining inclusion in the project, staff at each school were expected to:

- gather data on the nature and extent of sex-based harassment at their school;
- identify areas that needed attention;
- draw up implementation plans for improving the situation throughout the school;
- enact those plans; and
- track and document the processes in which they engaged and the observable outcomes for staff and students.

## Determining a common framework

It should be indicated from the outset that this project on eliminating sex-based harassment was based on current thinking about how gender and gendered patterns of behaviour are produced through social practices. In working with the term "social practices" teachers were expected to talk with students about a range of everyday practices including their "language practices" – that is, how they, students and wider communities so often talked about sex or gender and about sex-based harassment with the effect of naturalising and legitimising harassment. Here they could draw on examples like those presented in Chapter 3 from home, school, popular culture, sport and other significant areas where meanings – and in this particular instance, meanings about being a boy or a girl – are produced. The challenge was to select potentially engaging, age-appropriate examples that connected with students' experiences and knowledge. Teachers also needed to talk with one another about pedagogical practices that apparently permitted what Stein (1995) refers to as the "public performance of gendered violence" at school (see Chapters 1 and 2). Ultimately, they had to plan together to identify the best practical strategies for working with students and reshaping understandings about sex-based harassment.

In brief, within this project, the State Department undertook an innovative approach to eliminating sex-based harassment by having teachers, together with their students, challenge the ways they talked about and practised gender in their everyday lives. In the past, the most common approach to sex-based harassment had been to address the symptoms: How can harassment be contained? How can "perpetrators" be managed in a supportive school environment? How can "targets" and "victims" of harassment be protected? How can the acutely experienced, emotionally draining ripple effects of harassment be compensated for at school? In sum, how can schools set up effective systems surveillance to curb the tide of harassment and violence among students?

Rather than focus exclusively on what could be done through systems and management of students by the staff, the New South Wales project focussed on the understandings on the part of students and staff of gender based behaviours as lived out and practised on a daily basis. The decision was to go beyond treatment at the point of symptoms to a more challenging approach to the origins and bases of sex-based harassment. And so the questions became more profoundly ambitious, more disruptive of taken-for-granted truths about what it means to be a male or a female at school and in society. To achieve these ends, teachers introduced students to the kinds of thinking embedded in alternative kinds of questions: Through what processes is sex-based harassment made possible? How can it go unnoticed? How do our understandings of what it means to be a female or a male permit the public performance of sex-based harassment and

violence? How can there be such confusion, such controversy among teachers and students about sex-based harassment constituting a violation of civil rights in schools?

Given this framework, teachers and students wrestled with ideas of how they participated – sometimes actively and sometimes unwittingly – in the production and maintenance of sex-based harassment. They struggled with concepts of agency (how on occasions they were responsible for determining the direction of action) and complicity (how on other occasions they could be read as silent partners or accomplices). They were encouraged to recognise the possibilities of positioning themselves as active agents in resisting and refusing sex-based harassment, and alternatively, of being positioned by default as complicit in doing nothing, or in failing even to see what was happening.

In this project there was no suggestion of abandoning successful strategies that had previously been trialled and tested in modifying students' harassing behaviours. Rather, the project attempted simultaneously to incorporate and to transcend a behaviour management model. In moving beyond the treatment of symptoms, the project centred on staff and students grasping how sex-based harassment is deeply embedded in socio-cultural understandings of "normal" gender relations. In drawing on ideas like those presented in Chapters 2 and 3, the project adopted a theoretical framework that attempted to make visible the following:

- Gender and gendered patterns of behaviour are socially constructed, and therefore fluid and transformable, as opposed to being fixed, immutable biological givens.
- Inequitable gender relations are normalised through everyday discourses and practices to the point where they become socially acceptable, desirable, and sometimes even highly eroticised ways of relating.
- Sex-based harassment originates in understandings about how girls and boys, men and women should live and enact gender. As part of their shared social understandings about gender, boys and girls, men and women, may participate in sex-based harassment as a means of regulating one another's enactment of gender.
- Gender relations are commonly underpinned by asymmetrical relations of power. In a wide range of contexts, this means that boys and men who live and embody dominant versions of masculinity hold ascendant positions in relation to "other" boys and men, as well as to girls and women. The inequities in gender relations normalise sex-based harassment and help

explain the disproportionate representation of men and boys as perpetrators of harassment and violence.

- Sex-based harassment associated with emotionally and physically harassing, violent and heterosexist behaviours has the potential to subordinate the interests of those who are targeted.
- Although this is not possible under every condition, targets of harassment can learn how to contest, resist and refuse "victim" status in the face of sex-based harassment.
- "Normalised" practices among students that materialise in sex-based harassment can be disrupted.
- Teachers and students together can challenge their understandings about gender and together they can (re)construct the possibilities of a more equitable gender order.

In summary, the project was driven by current thinking on how gender is socially constructed and how gender relations might be re-constructed in more equitable ways. In order to engage in this kind of work, it was important for participants to understand how gender is constituted through the ways we think and speak (discourse), through the things we do (social practices), and through the ways we begin to want (desire) gender as difference. In emphasising discourse, social practice and desire, the theoretical framework suggested how we come to take inequitable gender relations for granted and to see such relations as normal.

### **Implementing the project at the school level**

Given the common framework, each of the participating schools agreed to adopt the specific aim of addressing sex-based harassment and reducing its incidence through better understandings of gender relations. Schools accepted the goal of making visible and challenging with staff and students processes and practices that normalise inequitable gender relations. Because the schools also agreed to document their actions, it is possible to glean collective insights about what was entailed in participating in a State project of this kind.

The following sections draw heavily from documentation provided by each of the primary schools on the strategies they adopted and the outcomes they associated with their work. In discussing the efforts of the four schools, there are some common themes that emerge from the independent documents they supplied. In these instances, it has been more efficient to distil emergent themes and to draw their achievements into something of a textual collage rather than to indulge in repetition. In other instances schools have made unique contributions that have

been cited separately. The following sections offer a mix of thematic collage-style presentation and extracts from independent reports.

### **First steps at school**

While schools worked independently at their own sites, there were some shared wisdoms that may prove helpful to those thinking of implementing similar projects in their schools. For instance, to kickstart their projects, schools took combinations of the following steps, most of which were shared in common, and variations of which were understood to be indispensable to successful implementation and trialling of plans:

- Initially, a project team willing to assume responsibility in terms of organisation and leadership within the school was identified.
- Awareness-raising sessions with the whole staff were planned and information to parents about the school's focus was disseminated.

For some of the schools this step involved issuing questionnaires to staff, parents and students to gauge the nature and extent, as well as the level of understanding, of sex-based harassment as practised among students. In some of the schools, parents were invited to be part of the project development team, and at Hassall Grove Public School, senior student council representatives were also invited onto the team.

- Specific action plans were developed, taking into account how the issues could be integrated through curriculum planning. Adequate time had to be allocated to ensure satisfactory coverage.
- Appropriate lesson plans and teaching and learning strategies for K-6 students were discussed.
- Teachers were supported, sometimes through the identification of a buddy system, to ensure the enfranchisement of the greatest number of teachers and a systematic school-based approach.
- Systematic whole-school inquiry and documentation of outcomes were undertaken.

What was clear at the beginning of the project in each school was that students were concerned about sex-based harassment. Many expressed frustration at not being able to produce the changes in interpersonal dynamics they would have liked. Parents who responded to the questionnaires were generally aware of the harassment experienced by their children and wished it were otherwise.

Significantly, in each of the schools, the project teams responsible for the research noted a wide range of understandings among staff about student-to-student sex-based harassment. The schools reported varying levels of initial resistance among staff to naming sex-based harassment and accepting that they, as teachers, were responsible for ensuring that schools represented harassment-free zones. Most teachers enthusiastically embraced the opportunity to work collaboratively towards more liberating solutions than systems surveillance models allowed. Others needed more confronting evidence – sometimes in the form of questionnaire responses revealing the nature of students' experiences – before they considered that their students were ever the brunt of the kinds of sex-based harassment that wound, humiliate and offend.

Some students, too, were resistant to having their behaviours named as harassing. Indeed, while the projects were under way and students were discussing the issues, some of the older boys were reported as intensifying behaviours that other students had agreed constituted sex-based harassment. While backlash of this kind can be anticipated from those threatened by the thrust of reform, most students were described in the reports as willingly appropriating ideas and language that identified harassing behaviour as discriminatory and unacceptable. Most students, like most teachers, saw the benefits of working towards more equitable peer relations.

### **Trialling strategies to make a difference**

Each of the schools trialled a variety of strategies aimed at enhancing students' knowledge and allowing them to articulate concerns about sex-based harassment, as experienced at school.

One example of a whole-school, generic approach to the issue is illustrated in the efforts of staff at Barnier Public school. To achieve their goals, the school decided to run weekly personal development sessions of 30–45 minutes' duration over a six-week period. Two lessons each were devoted to three critical questions as described in their report.

## Extract from Barnier Public School report

### 1. *What expectations are associated with being a boy or a girl?*

The focus here was on gender stereotypes, how they are developed in social contexts and what they mean to students. During these lessons students were also asked to list and to demonstrate behaviours that they had seen at home or at school that *challenged* rigid stereotypical ideas about gender.

### 2. *What is sex-based harassment?*

During these lessons, definitions of sex-based harassment were explored and explicit links were made between sex-based harassment and gender stereotypes, as discussed in the previous two lessons. The children were involved in role-playing situations that either demonstrated incidents of sex-based harassment that they had experienced or that demonstrated strategies for dealing with sex-based harassment.

Much discussion and analysis of role-plays took place in order to ensure that students clearly understood what constitutes sex-based harassment and its links to social understandings about gender.

When discussing sex-based harassment, teachers constantly asked children: *Is this fair behaviour?* (Fairness is a concept young children have little difficulty understanding and about which they become quite passionate!)

### 3. *How can we deal with sex-based harassment at school?*

These lessons focused on the presentation, explanation and discussion of grievance procedures for reporting and dealing with sex-based harassment at school. A *Charter of rights and responsibilities* regarding sex-based harassment was developed and presented in conjunction with clear consequences for infringing the rights of others. In the final lesson, students were asked to record their understandings of sex-based harassment and the procedures for dealing with them.

By comparison with Barnier, the Samuel Gilbert project team took a more issue-specific approach in their identification of the kinds of sex-based harassment experienced by students in the playground. While some teachers in this more affluent school were initially unconvinced, closer monitoring of playground behaviour, along with students' testimonies, convinced them that sex-based harassment was a problem for many students at the school. According to teachers' observations, on the playing fields boys were more frequently the perpetrators, and girls the targets of harassment. Girls at the school were very conscious of the ways that boys limited their access to robust games and equally conscious that their protests could exacerbate the situation between them. One girl explained the complexities of extracting justice at school:

If you report anything it gets worse, so nobody's prepared to do them [the boys] in because they're too scared and they're going to get hurt. It happened to me, I tried once and it just got worse. So they know they can get away with it.

After taking the time to examine playground interactions between girls and boys, teachers began to see a variety of harassing strategies used by boys that previously appeared unremarkable to them. According to the report, teachers began to identify and talk about the following kinds of harassing and discriminatory tactics used by boys to ensure that girls would eventually "choose" to abandon any attempt at cooperative play:

## Extract from Samuel Gilbert Public School report

- intimidation: bowling or throwing balls too hard to be hit, resulting in the girls eventually moving out of the way.
- ganging-up: combining their efforts to get the girls out of the area and shouting in celebration when they succeeded.
- systematic take-overs: employing systems like "reserves" to ensure their ownership of playground territory.
- interference: taking balls which girls were using and getting in the way to disrupt their game.
- ridicule: mocking: *You can't play; you're a girl.*
- claiming ownership: protesting *This is a boys' game.*
- diversion: taking possessions; while girls retrieved the items, their games were taken over.
- persistent interruption: repeatedly kicking balls away from the girls until the girls finally gave up.
- verbal abuse: name calling and swearing.

The Samuel Gilbert project team reported that even their youngest students were able to discuss the issues openly and frankly and were willing to talk at length about their experiences. Girls and boys talked freely about the kinds of harassment that concerned them and commented on the inconsistency of teachers in dealing with their complaints. Some students argued that verbal warnings were inadequate deterrents in the face of sex-based harassment. And in an echo of research results reported in Chapter 2, students who had found themselves to be the targets of sex-based harassment complained that the school took insufficient action to protect their rights. Overall, the project team reported that staff were surprised at the level of harassment that they began to see, their own insensitivity to what had presumably been happening before their eyes, and students' eager concern to challenge the taken-for-granted nature of sex-based harassment at school.

The project team from Fowler Road SSP also documented specific practical strategies aimed at interrupting students' conviction that sex-based harassment of one another was acceptable. The school draws a population of students, mostly

boys, who are removed from other schools because of the extent of the behaviour management problems they pose. Given the special difficulties of teaching in this context, the project team decided that they would work on a whole-school basis with respect to staff awareness, and on an individual basis with students as instances of sex-based harassment arose. The individual approach to specific incidents minimised the risk of already resistant students, in solidarity, intensifying their resistance to teachers' attempts at further regulating their behaviour.

One critical incident documented in the report came to a teacher's attention as a result of a girl's concern. The student recounted that boys at the school frequently grabbed at their crotch and contemptuously threatened, "cop this", as they spoke with her. The girl reported that she was intimidated and embarrassed by the boys' actions. When the teacher subsequently witnessed one such episode, she worked with the offender so that he could be in no doubt that his behaviour constituted sex-based harassment, that it was an act of violence toward the girl, and that it was unacceptable.

Teachers were committed to seizing on instances like these. They were committed to identifying sex-based harassment, naming it, challenging it, and working with students towards better understandings of what was happening between them. In this particular instance, it was as important for the girl to understand her rights, to have her voice authorised, as it was for the boy to understand his responsibility for curbing his behaviour. Teachers were committed to unpicking the dynamics of sex-based harassment, having students take an up-close and intimate look at what was happening, and guiding students through discussions that they may previously not have had the opportunity to do.

The skilful way that teachers worked with students, through even low level offences, is obvious in the following extract of a conversation between a teacher and two Year 3 boys. The boys had been involved in a violent brawl that intensified when one called the other a "girl".

## Extract from Fowler Road School report

*Teacher: The other issue I wanted to raise with you was when you were calling each other names, you both called each other a "girl". I'm wondering why being a girl is such an insult.*

John: Well it wasn't meant to be...we didn't mean...

Teacher: What does being a girl mean?

Bill: It means being weak.

John: Well, that's not what I meant. I was angry with Bill.

*Teacher: I realise you were angry but I'm concerned that by calling each other a "girl" you were saying that being a girl was not OK. I find that insulting.*

John: Well I didn't mean that... well I guess we did... that doesn't ...

Teacher: When you say that, you're not being respectful to others. You're not being respectful to girls and I find that a problem. What do you think we can do about this?

Bill: Not fight.

John: I think she means... what we said about girls... I think girls are OK... I don't think...

Teacher: I mean that I believe that it is not a problem to be a girl and I find it insulting that you think that it might be.

John: I'm sorry... I didn't mean that girls aren't OK.

Teacher: ... I'm also concerned that you are saying that being a boy means being violent. What do you think it says about you?

John: I don't know. That I should think this through?

Teacher: I can see that you are thinking things through. I'd like you to think some more about this and talk about it some more. I can't have one group of people in the school being insulting to another group. It's violence too, and we don't tolerate violence in the school.

John & Bill: OK.

This extract from the report illustrates the teachers' intent to challenge normalised thinking about gender relations. Teachers at the school would not let pass without contest outright instances of sex-based harassment, or instances that could be read as antecedents to the performance of such behaviours.

## **Outcomes associated with school-based efforts**

The project team at each school reported varying levels of success associated with their efforts at working with staff, students and parents. As is often the case, teachers in this project displayed varying levels of openness to new ideas that set the parameters of what was possible within their given context. Nevertheless, it is true to say of all the project teams that they moved their respective agendas forward in terms of awareness raising, opening out debate, contesting taken-for-granted thinking about gender relations, and bringing the social and legal consequences of sex-based harassment before the eyes of the schools and wider communities.

It is important to recognise that teachers, like other professionals, represent a mixed collective. Some are open and welcoming of reform, others are sometimes resistant and fearful. Given the nature of this project, it was reasonable to expect that there might be an initial measure of conflict with respect to its implementation. Indeed, at the beginning of the project some teachers were undoubtedly confronted by the thought that they might not recognise sex-based harassment when they saw it, that their inaction might contribute to the production and amplification of personally distressing situations among students, and that they were expected to assume responsibility for ensuring in the long term that incidents of sex-based harassment were eliminated at school. Not unexpectedly, these teachers made their voices heard in group meetings and protested at the wrong-headedness and futility of projects like this one. They were the first to claim that there were other priorities that needed attention at school and that a focus on gender and harassment was extraneous to the curriculum. They saw issues like student-to-student sex-based harassment as outside the ambit of their teaching brief and as outside their responsibilities. At least one complaint was articulated as concern that the priority given to eliminating sex-based harassment was a feminist plot aimed at turning boys into "pansies".

When such situations arose, the project team at the school persisted with providing verbal and written information so that misperceptions about teachers' responsibilities were corrected and every teacher was privy to the official Departmental and legal position. Just as importantly, school-based staff forums enabled disagreement to be voiced, meanings to be safely contested, and common understanding to be renegotiated with updated information and under the leadership of the project team.

While some teachers initially protested, the vast majority of teachers were committed to working collaboratively and producing more equitable and respectful relations among students. In their reports, teachers talked about

working through issues together, determining what constituted sex-based harassment, and having students research the situations and the resolutions with them. Staff talked about feeling more comfortable confronting the topic when they could see how sex-based harassment was not grounded in "natural tendencies" based in biological givens. Rather, they reported beginning to see how gendered and homophobic relations are constituted as normal and desirable through language use, how particular meanings associated with gender are socially and culturally determined, and how sex-based harassment, in all its manifestations, is silently endorsed by those who fail to contest its legitimacy. According to the staff reports, sex-based harassment was not to be accepted as "the way things were" but as socially determined practices that could be differently determined given effort, skill and leadership by teachers.

Apart from documenting their whole-school approach, Barnier Public school, for instance, documented some specific changes in teachers' behaviours. It seemed that, as teachers recognised the seriousness of the issue, they were less likely to dismiss any reported incident as inconsequential and more likely to work towards enhanced understandings and negotiated outcomes with students. Teachers agreed that it would not be complainants' responsibility to collect alleged perpetrators and bring them back to teachers. Neither would the onus be on complainants to attempt to modify perpetrators' behaviours, for example by ignoring them. It is well documented in behaviour management literature that ignoring behaviour can reduce its frequency. However, teachers considered this strategy inadequate in terms of having students recognise the kinds of power games that they were producing and maintaining. For teachers and students the focus of attention was on laying bare and contesting the gender dynamics that supported sex-based harassment rather than simply "managing" the behaviour at its point of display.

Reports from schools also centred on changes in students' understandings and behaviours during the course of the project. What emerged most impressively from the collation of reports was the enthusiasm with which students themselves embraced the challenges set before them. Most students who were offered the opportunity to discuss gender relations and harassment did so earnestly. For the most part, students experienced little difficulty in offering examples of sex-based harassment as experienced by them in classrooms, in the playground, in the toilet blocks and in the corridors. They were equally willing and able to contribute to discussion about the legitimacy of gendered relations and about how they could challenge sex-based harassment. In some instances, it was the younger primary students who demonstrated the greatest eagerness to modify gendered patterns of relations and the older boys who were least willing to accept that there was any justification for changing the ways that gender was acted out in inequitable ways at school.

As another example from Barnier Public School, the project team talked about the ways that students had begun to adopt a much more questioning attitude, even towards teachers' behaviours, with respect to the meanings attributed to gender. On one occasion highlighted in the report, a group of students complained to their classroom teacher that another teacher had engaged in inappropriate behaviour by insisting that a rowdy boy sit next to a quieter girl as a form of punishment. The teacher explained to the children how all the teachers, as well as students at the school, were learning to see through their own practices and to understand that, in drawing on such an accessible behaviour management strategy, they too unwittingly reproduced inequitable gender relations.

While students were generally described as astute and quick-witted in their uptake of ideas about gender relations and sex-based harassment, they nevertheless sometimes missed the mark. One teacher at Barnier related an incident that occurred in a Kindergarten class where the children were engaged in colouring a stencil. On this occasion the girl approached the teacher and complained that one of the boys had "just done sex-based harassment. He said that girls were much better at colouring than boys". While accepting that the girl was off track and that some more fine tuning with the Kindergarten group was in order, the teacher was gratified that her students had begun to contest the appropriateness of meanings so often slickly and thoughtlessly associated with gender. The young girl was seen to be positioning herself as one who would question, rather than accept, any gender order that subordinated one group's interests to another.

When it came to parents, each of the schools attempted varying levels of engagement through questionnaires, parent evenings, special information bulletins, newsletters and offers to parents to participate directly in school planning and information-gathering exercises. But apart from these more general approaches, occasions arose where parents' involvement in resolving issues was essential. In one reported incident of sex-based harassment, a boy claimed to have seen one of his female classmates naked and described her body in a sexually explicit way to another boy. The story spread quickly throughout the school and the grade six girl was described as "devastated". The school's grievance procedures were implemented through the levels of the student welfare system and a parent was asked to be involved.

According to the school's report, a difficult and emotional interview was held with the mother of the boy who believed that her son had merely engaged in normal "boy" behaviour. Initially she was adamant that her son should not face any consequences and that to apply the school's grievance procedures in this context would be unfair and unjust. The grievance officer was unable to

convince the mother that the girl had suffered as a result of her son's behaviour or that her son should be involved in any form of reconciliation for his behaviour. However, the mother was eventually willing to countenance that it was in her son's interests to understand the boundaries of acceptable behaviour. She was willing to contemplate that her son's future employment opportunities – like the state politician who had recently been dismissed for sex-based harassment in the workplace – could be impeded by inappropriate behaviours of these kinds.

Overall, it seemed that parents who participated in the project were aware of sex-based harassment at school and were willing to support teachers' efforts at eliminating incidents. At the same time, like teachers and students, parents benefited from supportive forums where they could talk about their children's behaviours and contest the boundaries of acceptable gender relations. For some parents, schools were offering very different ways of viewing gender relations and sex-based harassment from before. But for most parents the solution was simple. Parents needed to be convinced that their child would eventually be a winner as a result of engaging in such school-based projects.

## **Reflections on the project**

When the school reports were drawn together some common insights became apparent. As the insights are not necessarily connected, they are listed numerically for ease of reference and for ready accessibility as a summary.

- 1a. At the outset, the New South Wales State project enabled teachers, staff and willing parents to participate in invaluable exercises aimed at eliminating sex-based harassment at school. Participation in the project offered opportunities for those involved to challenge and update their thinking about gender relations and sex-based harassment.
- 1b. Some staff, students and parents were initially unaware of the kinds of behaviours that constituted sex-based harassment. It was critical that schools offered supportive forums where, without fear of ridicule, all involved could safely voice their fears and resistance and learn about the issues.
- 1c. Nevertheless, there was a real tension between accepting and contesting opinion. Schools had to offer strong leadership in moving the agenda forward in an informed way. In the end, everyone needed to recognise that schools could not accept ignorance as an excuse in incidents where others' rights to be treated respectfully in relation to sex or gender were violated. Neither would a plea of ignorance count in a court of law when legal proceedings were instituted.

- 1d The experience of this project suggests that no employing agency can assume that its staff members are conversant with or comfortable in dealing with sex-based harassment. Professional development opportunities like those provided through the project help explain both the equity principles and the legal requirements that prohibit discriminatory behaviours.
2. As well as acknowledging some initial difficulties at the implementation stage, real successes were associated with fully fledged engagement in the project. Project teams reported genuine shifts in understandings about sex-based harassment amongst staff, students and parents, along with identifiable positive shifts in teachers' and students' behaviours in dealing with incidents at school.
- 3 Primary-school-age children in this project were eminently capable of contributing to discussions about sex-based harassment and about how it is produced through social practices. For the most part, they were eager to discuss the issues and to contest strategies aimed at eliminating incidents amongst them. Overall, teachers seemed to be surprised at how deeply students felt about sex-based harassment as practised at school. With the skilful supervision of committed teachers, students were willing to debate and negotiate meanings and solutions.
- 4 Schools had to strike a balance in working on understandings and on consequences associated with sex-based harassment. Clearly, participants needed to understand how socially produced meanings associated with gender are deeply implicated in the ways that sex-based harassment is practised in its many forms. They also needed to be conversant with the consequences of engaging in discriminatory behaviour of that kind.

It was agreed that being able to see the dynamics that legitimised sex-based harassment was a profoundly important step in addressing the issue. This step enabled participants to see the potential for their own agency. It also enabled schools to avoid adopting an authoritarian and punitive position, where arguments related solely to consequences held sway.

5. In achieving the aim of eliminating sex-based harassment, it was recognised that a win-win situation for everyone needed to be clearly articulated. Teachers needed to be quite clear that boys as well as girls were the targets of sex-based harassment and that everyone would benefit from the elimination of incidents. This meant that teachers also had to think through and articulate the benefits for the perpetrators of desisting from their harassing behaviours. To be successful, teachers had to be constantly conscious of win-win arguments and strategies.

6. In looking to the future, the project team at Hassall Grove Public School urged that programs begin from kindergarten; that parents be involved as fully as possible from the planning phase; and that teachers employ the talents of senior student council representatives in working with the student body. All of the schools endorsed a whole-school approach so that students could experience consistency of approach and solidarity of purpose.

## **Teachers are doing it for themselves**

Apart from State-funded projects like the one discussed above, imaginative teachers sometimes develop projects of their own to address sex-based harassment. The following section documents an initiative of Sue Broham and Victoria Hay, two secondary teachers who engaged their school in a program specifically to combat homophobic harassment. It is interesting to note in the account how teacher-initiated activity can set wheels in motion at the school level and how professionals who have trialled particular approaches are often ready to share with others what they have learnt. The account of the teachers' actions appeared in the October 1998 edition of *Education* and is reproduced here with the permission of the authors and the publishers of the journal, the New South Wales Teachers Federation.

### **Dealing with homophobia**

**One school has developed a program for dealing with homophobia.**

*Sue Broham and Victoria Hay report.*

Last term we attended a homophobia course at Wollongong District Office. We found it very informative and thought provoking and felt it was an area that needed to be dealt with in schools. Homophobic attitudes are evident in both staff and student bodies in our school; however, it is not an area of discrimination that is usually dealt with as explicitly as others, if at all. We therefore decided to consult with the principal, executive staff and the welfare committee at our school who strongly supported the idea of developing a program for dealing with the issue of homophobia in our school community.

On day 1 of term 2 we conducted a two hour session on homophobia as part of our staff development day. We discussed the issue of homophobia and how it was currently dealt with at our school, highlighting the need to make anti-homophobia a part of our anti-discrimination policy and looking at ways we could make students aware of this. We showed a film called "Out in the Bush" which demonstrates the prejudices suffered by many gay and lesbian high school students and the drastic effects of this on their whole school experience. The feedback from this session was generally positive although many staff found it quite confronting personally and professionally.

Following this the welfare committee set up a sub-committee to develop a program to deal with this issue with students. We spoke to a representative from the Lesbian and Gay Anti-Violence project who registered our school for "Campaign week – What are you scared of?" which was designed specifically to deal with the issue of homophobia in schools and other institutions. This provided a focus for our school to deal with this issue.

During the campaign week (May 11 to 17) we conducted whole school activities involving all staff and all students from years 7–12. Vertical roll group meetings were held, each led by two teachers, where students participated in various activities. These focussed on discussions about various types of discrimination, defining homophobia and increasing awareness of homosexual vilification, and conducting a "step ahead" activity which highlighted the limited access to social services and lack of privilege experienced by people who are "different". In year meetings later in the same week students considered homophobia in the context of other types of discrimination and came up with ideas for a code of acceptable behaviour for our school. We also displayed posters around the school and the school captain spoke about the issue at our assembly. Parents were informed about the program through the school newsletter. (A parent session in this area may be offered in the future.)

Overall we found our approach of dealing with the issue of homophobia successful in increasing awareness of the existence of homophobic attitudes in schools and the fact that it is as intolerable as any kind of discrimination. Comments and behaviour of students have indicated positive changes in awareness of acceptable and fair behaviour towards those who are different. Students have become more open in talking about these issues.

The welfare committee is currently in the process of planning further activities to continue the development of student awareness in the area and encourage practical behaviour changes towards non-discriminatory behaviour in our school. This is a challenging but worthwhile area of student and staff development to be involved in and benefits all members of the school community.

If other schools are considering organising a program about homophobia and would like to contact us we would be happy to discuss our approach with them. One resource which we found particularly useful was "Resources for Teaching Against Violence", which is available in all schools.

*Sue Broham and Victoria Hay teach at Smiths Hill HS.*

*Education, October 26, 1998, (320) p. 24.*

## Summary

Staff involved in the school-based projects showcased in this chapter set out to create and implement strategies compatible with the theoretical framework they adopted to guide their research. A collation of the project reports indicated that, for the most part, students of pre-primary through to secondary age regularly demonstrated competence, maturity and plain raw wit in dealing with the complex social and interpersonal issues manifest in incidents of sex-based harassment. Positive results were achieved when teachers engaged with one another, students and willing parents in "hard talk" about "hard issues".

The value of school-based research by teachers should not be underestimated. Teachers' systematic and purposeful approaches to the elimination of sex-based harassment, like those cited in this chapter, generate a range of insights from which other interested professionals can draw. As Lytle and Cochran-Smith (1992) argue about teacher generated knowledge: "As a way of knowing, then, teacher research has the potential to alter profoundly the cultures of teaching – how teachers work with their students toward a more critical and democratic pedagogy, how they build intellectual communities of colleagues who are both educators and activists, and how they position themselves in relationship to school administrators, policy makers, and university-based experts as agents of systemic change" (p. 470). As undeniable agents of change, teachers in these projects drew their students into discussion about issues like those raised in the first three chapters of this book. They utilised human and physical resources from inside and outside their schools. They supported one another and have offered their collective insights for others to trial and adapt to their own unique contexts.

The following chapter looks at future directions for school-based research, strategies for working in schools, and resources available to teachers who wish to investigate this area further.

## CHAPTER 5 Moving the agenda forward: Steps and recommendations

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*How gender is created and sustained, in what contexts, within what power relations and with what effects on the minds/bodies of each of us, is something we can begin to make visible to ourselves and to our students in our interactions with them (Davies, 1994, p. 19).*

Schools and individual teachers showcased in Chapter 4 illustrate how Davies' words can be translated into action. Dedicated teachers have shown that we **can** begin to clarify how gender is made relevant with powerful effects on our minds and bodies and, more specifically, how inequitable gender relations and sex-based harassment impact on one another.

Teachers who have taken up the challenge of eliminating sex-based harassment at school recognise the value of working on these kinds of issues with one another and with students. The commitment to a reform agenda is often intensified when teachers begin to see how, when left unchecked, student-to-student sex-based harassment can progress through a range of behaviours associated with increasingly damaging outcomes for those targeted, those who practise it, and those who witness the interactions. Otherwise reluctant teachers are often persuaded to action by the compelling links between sex-based harassment as practised at school and later instances of violence against women, sexual harassment at the workplace, date rape, gendered violence, homophobic harassment and hate crimes. And so a dialogue has opened between researchers and staff in education systems across the country about how best to address sex-based harassment. At this point in the evolution of the dialogue, there is general consensus that time, energy and resources need to be invested at school. Nevertheless, there are still debates about the most effective directions to follow if reform is to be achieved.

Given the flavour of the current dialogue, the remainder of this chapter synthesises the arguments for continuing the struggle to uncover the links between the social construction of gender and social practices of sex-based harassment. In so doing, it highlights arguments for pushing the borders of thinking about sex-based harassment beyond inquiry located in behaviour management programs and legal redress – lines of inquiry which may be needed, but which will almost certainly be inadequate when it comes to eliminating sex-based harassment at school. The chapter also looks at facilitating teachers' movement through layers of response to student-to-student sex-based harassment

and at mobilising students so they refuse "victim" status. In drawing these threads together, the final section of the chapter provides a set of recommendations that could prove helpful for teachers taking up the challenge of working with colleagues and students to find imaginative solutions. A selection of resources that may be helpful in getting started is referenced in the Appendix.

### **Shifting gear—recognising the circuitous twist**

As mentioned in Chapter 3, recent Australian education policies aimed at guiding the responses of systems and schools to sex-based harassment have stressed the importance of addressing the construction of gender. The emphasis on interrogating gender as a social construct signals a shift from a position where teachers have to monitor and regulate students' actions, to a position where students themselves may begin to recognise and refuse inequitable gender relations as lived out through harassment.

The move here is a profound one and should not be mistaken for a superficial change in official language dealing with these issues. The shift in gear is from treating harassing behaviours as acts of individual volition to understanding the profound ways in which gender is implicated in the production of sex-based harassment and simultaneously, how sex-based harassment is similarly implicated in the production of gender. That is, inequitable gender relations and sex-based harassment are co-productive of one another. Herein lies the circuitous twist: as long as teachers allow sex-based harassment to thrive, inequitable gender relations will be sustained; while inequitable gender relations are allowed to flourish, sex-based harassment will prosper. Understandings about gender and sex-based harassment are inextricably interwoven. It has become increasingly apparent that it is almost impossible to understand sex-based harassment without coming to terms with the ways that we speak about, practise, and even come to desire inequitable gender relations (Walkerdine, 1990; Davies, 1989, 1990, 1994, 1996; Flax, 1990; Fine, 1993; Gilbert, 1994; Alloway, 1995; Gilbert and Gilbert, 1995, 1998; Jeffreys, 1996). To address sex-based harassment as separate from gender, as though there were no connection, is to miss a critical possibility of transformation.

Given this approach, reform agendas need to incorporate processes that allow students and their teachers to unravel the threads that bind seamlessly together social understandings about gender and sex-based harassment. As Ring argues<sup>3</sup>, the possibilities of reform are made apparent once the processes that produce gender and harassment are laid bare:

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<sup>3</sup>Ring uses the term "sexual harassment" to describe the kinds of behaviours referred to throughout these chapters as sex-based harassment.

*Sexual harassment is a social exchange in which the very meaning and embodiment of gender identity are [sic] at stake. If we can dissect this moment – if we can unravel the threads that embroil subjects in relations of gender domination, we might discover points of possible disruption to the production of gender (Ring, 1994, p. 130).*

When the connections become apparent, teachers and students can begin to destabilise the taken-for-granted nature of behaviours that privilege the rights of those who harass, and subjugate the rights of those who are harassed. Sex-based harassment, as practised at school, offers a specific situation where skilful teachers, together with students, can seriously contest gendered interactions that too often pass as normal relational expressions.

While this particular model is sometimes criticised as being politically motivated, it is naive to think that doing nothing and preserving the status quo are inherently apolitical acts (See Alloway, 1995). Teachers can encourage students to challenge the bases of sex-based harassment, or they can deny them the opportunity to do so. Both the giving and the withholding of information can be understood as politically motivated acts, although the first is potentially more disruptive and more openly honest in its intent than the second. When teachers allow students to examine gender as a social construct, they open out possibilities for students, even those in the early years of schooling, to interrogate the language and social practices that underpin sex-based harassment; they encourage students to question why some of their peers are treated as inferior because of sexist and heterosexist presumptions. Such pedagogical practices offer students opportunities to look afresh at ways of negotiating "difference", of recognising their common humanity, and of valuing their equal worth and dignity.

## **Incorporating and transcending behaviour management approaches**

The national move to looking at the links between the construction of gender and the enactment of sex-based harassment has been partly motivated by the perceived limitations in behaviour management approaches favoured for so long by education systems and by schools. As argued in this section, it is important for teachers to recognise the weakness in any program that they adopt, to capitalise on its strengths, and ultimately, to transcend current practices by incorporating the best of the comfortably familiar and the challengingly new. The following arguments highlight the reasons for not resting solely with comfortable models but for continuing to struggle with more complex and intellectually demanding insights in relation to reform.

For many teachers the most familiar approach to controlling instances of sex-based harassment among students has been to employ their well developed skills in behaviour management. Most teachers can comfortably draw on a repertoire of strategies that may have an immediate effect in terms of dampening students' unacceptable behaviours, particularly when teachers and others who regulate students are in full view. It is true that while teachers are vigilant and persistent in monitoring particular behaviours, instances of the behaviours are likely to be reduced. Nevertheless, the critical point is that control of the behaviour lies within adult power-authority structures – with staff who can enforce students' compliance with school policies and rules through deterrents and punishments, and through unrelenting surveillance. Clearly, the imbalance in teacher-student power relationships enacted in these instances reflects the kind of imbalance in relations of domination and subordination embodied in student-to-student sex-based harassment. Punishment, for instance, can be invoked as a spectacle to show who is in control and who is to be regulated, just as sex-based harassment is used to establish relationships of control and regulation.

The paradox here is that, while some behaviour management strategies may be effective in the short term, they often rely on establishing between teachers and students the kinds of relationships that they seek to eliminate among students. At close inspection, it seems strange pedagogical practice for teachers to call upon imbalances in power between themselves and students with the dedicated purpose of eliminating imbalances in power among students. As well, the long-term effectiveness of such strategies is also in question when teachers are not available to monitor student relations, negotiate settlements, and insist on resolutions.

Issues of control, regulation, compliance and enforcement raise doubts about the viability and efficacy of behaviour management programs when it comes to students acting independently, outside the ambit of surveying adult eyes. It seems that many of these programs may be inadequate in refashioning long-term relationships among students because too often they fail to recognise the ways in which gender is deeply implicated in the behaviours they seek to address. Because they are designed to respond to observable behaviours, behaviour management strategies most accessible to teachers are often reactive rather than proactive in their effects. Furthermore, the programs are often mute when it comes to accounting for the politics of gender as played out among students in teachers' full view and behind closed doors – inside the classroom, in the toilet block, in the canteen queue, on the sports fields, in the school yards and beyond. For programs to reach beyond the radius of the teachers' gaze, students themselves need to understand what constitutes sex-based harassment and take responsibility for forging more equitable and more respectful social contacts.

Even more sophisticated behaviour management strategies sometimes leave teachers short of understanding the gender politics implicit in sex-based harassment. Where teachers have been encouraged to be proactive in these matters, it has commonly been the practice to provide students with conflict resolution skills, or assertiveness training, or courses to raise levels of self-esteem. But these solutions focus on individual actions and reactions and so fail to challenge the “big picture” patterns of harassment. Because of this, the solutions offered are unlikely to render gender relations suspect in the generation of sex-based harassment.

As argued in detail elsewhere (Gilbert, 1990; Kenway and Willis, 1990; Hinson, 1995; Alloway, 1995), reform models that focus on individuals' self-esteem or assertiveness, for instance, are generally based on suppositions about deficits and pathologies. Specious arguments evolve that if the particular individuals – sometimes harassers, most often the harassed – had higher levels of self-esteem or were more competent communicators, or were less lacking in some other personal attribute, then instances of harassment would automatically abate. But it does not follow logically that those involved in harassment begin with deficits or pathologies in communication or interpersonal skills. More particularly, where there is no challenge to the (hetero)sexist foundations that legitimise sex-based harassment, it is unlikely that girls, boys or students who identify as gay will find themselves to be the targets of sex-based harassment or gendered violence any less frequently, simply by polishing their interpersonal skills.

The challenge for teachers is to recognise the strengths and weaknesses of behaviour management programs, and to reflect on their pedagogical practices. Some strategies clearly make sense in terms of having harassers pause long enough for teachers to begin on programs that destabilise the bases of privilege upon which sex-based harassment is built. The same strategies may also offer immediate and welcome respite to those who are harassed. Other strategies may be personally edifying but, because of their tangential relationship to sex-based harassment, may have little effect on its reduction.

In brief, behaviour management strategies may be necessary in the short term but inadequate in the long-term elimination of sex-based harassment. Informed teachers can make critical choices about what makes sense and what does not – which strategies create spaces for them to encourage students to contest gendered patterns of behaviour and sex-based harassment, and which ones pre-empt open dialogue. It seems that, to move the agenda forward with colleagues and students, the foundations that legitimise sex-based harassment must be opened out and contested as the basis of discriminatory relations and as the cause of potential humiliation, intimidation, degradation and pain for those targeted.

## The last gasp of the law

As reported in Chapter 2, the law is emerging as another model for redressing sex-based harassment, particularly where systems and teachers do not take reasonable action to educate and to protect students at school. But those who have been involved in such last-gasp efforts at achieving justice know the human and financial costs of proceeding along a route of litigation.

Following the resolution of the Nabozny case cited in Chapter 2, the Lambda Legal Defense organisation provided written legal advice to public schools in the United States recommending that every avenue for change be explored before litigation is pursued (Buckel, 1996). The document advises schools that other avenues "are preferable to litigation because they involve informing, debating, and persuading, which can achieve faster results".

*Litigation takes time and involves force, which is less likely to truly persuade people because they must respond to power rather than to reason (Buckel, 1996, p. 3).*

The advice carries a caveat:

*Nonetheless, if assertive and respectful reasoning does not prevail, litigation is an important tool for ensuring students safe environments in which to get an education (Buckel, 1996, p. 3).*

As I write this chapter, all of the debates about the liability of staff, schools and education systems for student-to-student harassment are being resurrected in the case of *Davis vs Monroe County Board of Education* in a Supreme Court action in the United States. In January 1999, Aurelia Davis, mother of LaShonda Davis, continued legal action against the local board of education for alleged indifference to the pain and humiliation suffered by her daughter at the hands of a 10-year-old boy. When the family could get no satisfaction from the school, they brought a criminal case against the boy who pleaded guilty. LaShonda, who was also 10 at the time, was apparently subjected to months of pervasive harassment where the boy grabbed at her breasts, rubbed against her in hallways and plagued her with suggestive talk (Leonard, 1999; Biskupic, 1999). Aurelia Davis claims that she was left with only criminal proceedings to pursue when the school failed to respond to her solicitations to protect her daughter. She is now suing the school board for damages.

The Davis case, first filed in 1994, was dismissed by a district court. It then went to an appeals court, where the original judgment was reversed. It is now with the Supreme Court. The case has involved Clinton administration lawyers and the

National Women's Law Centre pressing their interpretation of Title IX, that schools must take reasonable action to prevent sex-based harassment among students at school (Leonard, 1999). The case has subsequently generated divisiveness amongst professionals with the National Education Association, the largest teachers' union, siding with LaShonda, and the National Schools Board Association lining up behind the school board at the centre of the litigation action (Richey, 1999). Judges and attorneys are churning out arguments about the lines between teasing and harassment, about what boys do "naturally", and about what students can expect from staff and schools. Justices are questioning whether professional educators are not better equipped to deal with such issues than courts of law. Justice Breyer, for instance, cautioned about the potential proliferation of cases like LaShonda's: "Let's be careful ... do you want to remove the problem in school from teachers, psychologists, and counsellors and give it to a judge?" (quoted by Leonard, 1999). And civil rights activists have shot back that, where schools are indifferent to students' rights, then courts must ensure that justice prevails.

This case, regardless of the Supreme Court's final decision, illustrates anew: the complexity of the issues; the lack of clarity among professionals as to what constitutes sex-based harassment; the entrenched conservatism as to what passes as everyday acceptable gender relations; and the human and financial resources expended and the time invested when these issues are not dealt with early at school.

The spectre of litigation poses one more compelling reason for teachers and students to work towards clearer understandings about sex-based harassment. In this respect the Lambda Legal Defense organisation cautions teachers against simplistic responses like changing the class schedule or seating placement of the abused student – as though the target of the harassment was the source of the problem – as though serious and pervasive harassment is somehow grounded in incidentals like seating arrangements (Buckel, 1996). Tinkering at the edges with permutations of seating designations may prove no more effective in raising student consciousness than ignoring student and parent complaints about sex-based harassment. By contrast, turning grievances into federal court actions may help turn the tide of public opinion about the acceptability of sex-based harassment at school, but at unmistakable financial and human cost. Again it appears that the task for teachers is to open up a dialogue and to engage students in the long-term project of contesting sex-based harassment at its very foundations.

## **So what do we make of this? Bottom line thinking and beyond**

As school-based educators work their way through these kinds of arguments, they might well ask, "So where do we start? What are we expected to do?" The quest to eliminate sex-based harassment among students is certainly complex and deserves time for educators to read and think and debate and imagine. Perhaps the easiest way to work through the challenge is to locate bottom lines and to identify goal posts so that thinking can move beyond those lines. The following steps attempt to produce some order in the way that successive goal posts might be reached.

### **Step 1. Understanding that there are no acceptable victims**

It is difficult to think of a more bottom line statement than this: There are no acceptable victims of sex-based harassment. Educators need to recognise that student-to-student sex-based harassment in all its manifestations is unacceptable and, in many instances, unlawful. As reported in Chapter 2, education systems, schools and staff may find themselves to be vicariously liable for student-to-student harassment unless they can show that all reasonable steps have been taken to eliminate it. All children deserve access to harassment-free environments at school, regardless of their biological identity, or of how they embody gender or signify their sexuality. No student at school "deserves" to be harassed by others. Staff have a duty of care and child protection obligations towards all students.

It is possible, on occasions, that educators may find satisfaction in having their personal politics – their deeply committed convictions – played out through students' regulation of one another. For instance, teachers may find themselves judging students' action through the lens of their personal gender politics: "She should appreciate their sexual attention, not complain about them. They are just being boys". Or they may judge on the basis of their committed beliefs about sexuality: "They have to expect to be treated like that at school if they identify as gay". Insidiously, such convictions can lead to the erroneous assumption that some students are more acceptable victims than others; for example, it is "understandable" that girls are often the target of humiliating sexual innuendo and lewd graffiti or that those who refuse mainstream versions of gendered behaviours can be subjected to homophobic jibes and featured in hostile graphic material. On these occasions, diminished concern about the violation of a harassed student's rights, coupled with a rationalisation of the harassment, may result subsequently in failure by the teacher to take action. Unless educators are consciously aware of suspending these kinds of judgments, they will not be in a position to ensure that every student does have equal rights at school.

This argument finds support in legal precedent. For instance, in passing sentence on the eight New South Wales youths involved in the gay-hate murder of Richard Johnson, Justice Badgery-Parker ruled:

*It is important that the court should, by its sentences, make clear that every group in the community, whether defined by age, gender, race, religion, political viewpoint, sexual preference or otherwise, is entitled to and will receive the full protection of the law (quoted by Curtin, 1991).*

Similarly, when Jamie Nabozny won his case against school staff in the United States, Patricia Logue, an attorney for his appeal, claimed the court's decision represented a victory for all students at school:

*The court held that all schoolchildren have to get the same protection, regardless of their gender or sexual orientation. ... Finally a court has said that gay people cannot be abused simply because they're gay, and you can't excuse anti-gay violence simply because you don't like gay people (quoted by Wilson, 1996).*

Like wise judges and juries, educators need to uphold the rights of all students to be treated fairly at school. There can be no acceptable victims of sex-based harassment at school.

## **Step 2: Activating grievance procedures**

When students have been the targets of sex-based harassment at school, they need to know that systems are in place to support them. They need access to a user-friendly system that allows them a voice, offers them consultation, provides them with easy-to-apply complaints procedures, and ensures them principled follow-through. From the early primary grades, students are entitled to be clear about who they should go to with their concerns as well as the processes and procedures for dealing with their grievances. Students are most likely to activate these systems when procedures are well publicised and where they and their families feel confident that conflicts will be dealt with fairly and without fear of retribution or of further intimidation or humiliation. In addition, grievances are most likely to be resolved "in house" when step 1 above is in place. Where this is not the case, parents may continue to seek redress through civil or criminal proceedings outside the school.

Most education systems offer guidelines and allow individual schools to tailor their own grievance procedures for student and community access. A case in point is the state-wide distribution to schools in New South Wales of the *Procedures for Resolving Complaints About Discrimination Against Students*

(NSW Department of School Education, 1995). Each State also has an anti-discrimination or equal opportunity board, tribunal or commission that offers advice to schools and to the community. Documents like *Unlawful Harassment in NSW* and *Your Rights to a Fair Go at School* are available through lawlinks on the Internet (see Internet sites, Appendix). In the event that schools have such guidelines, the issue is less likely to be one of compliance with the requirement of making public their policies and procedures than the creation of a climate in which students are able and willing to activate them. Clearly, the emphasis needs to be on "activating", as well as on "having", grievance procedures in schools.

It is worthwhile noting that there are choices to be made here about the spirit that pervades a school with the introduction of policies and procedures. Staff can create an identifiable spirit that will pervade a school depending on the approach to implementation. For instance, a school's grievance procedures can be conceptualised as part of a "get tough" policy, as a "zero tolerance" scheme to crack down on offenders. Alternatively, a school can seek to establish systems of democratic governance, humane communities where students work together with staff to stop sex-based harassment within its student body. A school can choose to run a punitive line with students or to introduce its procedures in a step-wise progression so students better understand the dynamics of sex-based harassment, as well as its consequences.

The anomaly in adopting a "get tough" approach with offenders is that, like litigation, it involves force, which is unlikely to leave those involved persuaded about the integrity of the lessons they are meant to learn. Sometimes the lessons learnt mean that the enactment of harassment moves from one precinct to another, from visible to less visible sites. In Noguera's (1995) words, the approach "fails to create a safe environment because the use of coercive strategies interrupts learning and ultimately produces an environment of mistrust and resistance" (p. 189). Instead, the opportunity is available for educators to adopt alternative strategies "for humanizing school environments, encouraging a sense of community and collective responsibility" (Noguera, 1995, p. 189).

At this point it would be wise for educators to consider the options of positioning themselves as law enforcement officers cracking down on unacceptable student behaviour, or as leaders of reform encouraging students into apprenticeships in democracy (Slee, 1995). These options become apparent in the ways that schools go about implementing procedures.

### **Step 3: Disrupting the foundations of harassment**

Step 3 represents a wide departure from the first two steps outlined above, in that it involves all students investigating and challenging the foundations that support harassment and that maintain prejudice and intolerance in wider communities. In

this respect, the document *Gender Equity: A framework for Australian schools* urges educators at all levels of schooling to "provide girls and boys with opportunities to acquire knowledge and understanding about, and skills to deal with violence, sex-based harassment (including homophobia), and gender-based power" (Gender Equity Taskforce, 1997, p. 17). As with most learning experiences, students can gain worthwhile knowledge and understanding about these complex relational events only when they are allowed to dig deeply into the issues.

The focus here is less on developing codes of civility than on contesting gendered, sexist and heterosexist presumptions that underpin sex-based harassment in all its manifestations. In taking this step, teachers and students commonly engage in critical examination of texts, talk and social practices. This step offers the opportunity for teachers and students to inspect the dynamics that bind together inequitable relations and sex-based harassment, to look at the ways that gender and harassment are produced and reproduced in the micro-politics of everyday life. Chapter 3, while aimed at a teacher audience, provides some examples of how this might be done. Other resources are also available for teachers to begin taking texts apart and exploring their ideological foundations in age-appropriate ways. For instance, there are resources aimed at students from preschool through to post-secondary levels (Alloway and Gilbert (Eds), 1997a), primary age students (ILEA, 1984), secondary students (Martino with Mellor, 1995; Mellor and Patterson, 1996; Fraser (Ed), 1995; Martino and Cook, 1998), mixed age groups (Zipes, 1986) as well as teacher professional development (Alloway and Gilbert (Eds), 1997b). Teachers who adopt these kinds of critical literacy approaches and practices can encourage students to "leave the page", to understand how the texts of their lives, like printed texts, can be written otherwise. Imaginative teachers invariably find the pedagogical keys to assist students in doing this.

Notably, when teachers and students take a critical investigative approach, they are inescapably confronted with the fundamental contradiction involved in maintaining a social order built on sexism and heterosexism at the same time as maintaining a belief in the intrinsic worth and dignity of human beings. Recognising this fundamental anomaly, interest groups deeply affected by inequities commonly call for the rewriting of social texts and practices that support sex-based harassment. Women's groups, for instance, have agitated for the rewriting of various texts, including laws, with a view to upholding the equal dignity and worth of women and men, girls and boys. Gay-identified groups are currently asking for the same understanding of their human dignity and worth. The reasonableness of these requests has resulted in further amendments to anti-discrimination laws throughout Australia (see Chapter 2). As an extension of this argument there seems little doubt that the principle of equal human dignity will

be better supported when schools and other meaning-making agencies are less reticent about employing gay-positive images and resources, when they portray gay-identified people leading personally productive and socially contributive lives, and when they refuse to automatically pathologise, criminalise and demonise those who exist outside of the mainstream.

Some educators intransigently argue that it is politically intrusive to allow students to engage in such discussions. Others understand the inherent moral dilemmas in omission, of failing to challenge systems of belief that support harassment, hate and violence at school. After the suicide of her 17-year-old son Bill, Gabi Clayton argued strongly that harassment and bigotry thrive in a school's silence. Bill Clayton had been constantly harassed at school for identifying as bisexual and was bashed into unconsciousness by four boys in the school grounds. In addressing a Washington State Senate hearing on whether schools could discuss issues related to homosexuality, Gabi Clayton argued:

*I do not understand what is virtuous and ethical about silencing the positive about gay, lesbian, bisexual and transgendered people. I don't believe that we, as a society can afford that – because silence is where the hate grows that killed my son (Gabi Clayton, quoted by Clacher, 1997).*

Some teachers and community members resist interrupting the silence out of fear that teachers' actions will be interpreted as a marketing and recruitment drive to turn students who identify as heterosexual into gay-identified, students. In this event, Pallotta-Chiarolli advises:

*This resistance is greatly decreased or prevented if the emphasis in the work teachers do is on the broader themes such as social justice, marginality, prejudice and discrimination, and lesson plans and materials exemplify this integration through a variety of resources, methodologies and contents (1995, p.76).*

Educators need to make clear that their efforts are aimed at adopting non-discriminatory practices, challenging bigotry in all forms, and promoting the equal worth and dignity of every one of their students. There should be no mistake: step 3 does not represent a recruitment drive in any sense other than recruiting for deeper understandings and contestation of gender relations that legitimate the subjugation and degradation of targeted students. To draw a parallel: When teachers address issues of racism – issues of cultural hegemony and subordination – they do not recruit students into the subordinated group so that they become the "other". What they do try to do is to interrogate, destabilise, and ultimately eliminate the illegitimate bases on which one group is held in an ascendant position in relationship to the other. And so in attempting to eliminate

all forms of sex-based harassment, teachers work with students, not to recruit across borders – but to erase the borders – to have students unpick inherently unjust, inequitable and hate-producing bigotry and discriminatory practice.

For schools that espouse human rights, celebrate diversity and witness the intrinsic worth of each and every student that they serve, there will be nothing spectacular or special about engaging students in these kinds of exercises.

### **Straddling steps 1-3**

Steps 1 and 2 are essential in maintaining fair arbitration and civilised and respectful codes of conduct at school, but they do not necessarily disrupt the foundations of harassment. By accepting that there are no acceptable victims (step 1), educators are better able to act impartially in arbitrating disputes and taking action on behalf of all students who are harassed. Similarly, when students trust that they can activate grievance procedures and staff guarantee a principled follow-through of complaints (step 2), a measure of civility may be incorporated among the student body. However, no further disruption to students' understandings about the foundations of the harassment is implied. Most importantly, running a close parallel with a prison system, responsibility for student safety and comfort rests with teachers (wardens?).

By contrast with steps 1 and 2, step 3 results in students gaining a much deeper understanding of the ways that they are systematically located, and locate themselves, in hierarchal relations to one another through sex-based harassment. Step 3 is not about the maintenance of a "fictive harmony" (Giroux, 1984) or the production of superficial niceties among students. Rather, it is about students challenging and dismantling inequitable relations and sex-based harassment. It is also about moving beyond systems surveillance and coercion – beyond student fear of consequences of non-compliance with school regulations. The goal is to open out explicitly the possibilities of students' commitment to more equitable ways of being and relating.

It seems that the interests of students will be best served if schools straddle simultaneously all 3 steps. While students engage in discussion about gender relations and sex-based harassment, they will need to know that grievance procedures can be activated and that teachers will not allow discrimination based on sex, gender and sexuality to thrive. Without the assurances of steps 1 and 2 being in place, step 3 could be quite a precarious one to take. Having said that, in the absence of step 3, teachers can be sure that all the time and energy invested will be theirs in monitoring and arbitrating injustices, facilitating reconciliation, and watching for refashioned manifestations of sex-based harassment as they erupt among students. To avoid this outcome, students need to be involved in the process of eliminating sex-based harassment and they deserve to understand the

mechanisms through which it is made possible. They also deserve to know that in an imperfect world, they have systems of justice to protect them.

## **Mobilising students: Targets or victims?**

While students may be the targets of sex-based harassment at school, there is no need for them to be its victims. There are many reports of tragedies like the 16-year-old girl who suicided after being raped by a 16-year-old school boy (Daley and Vigue, 1999) and the 15-year-old choir boy who hanged himself following prolonged homophobic ridicule at school (BBC News, 1998). There are also poignant recordings like those that appear in Chapter 2 of students' experiences of fear, pain, humiliation and frustration. And there are the suspected links between students' experiences of sex-based harassment and their loss of confidence, sense of personal integrity and worth; diminished academic output; withdrawal from particular classes; retirement from school social life; early exit from school; and ultimately, loss of career opportunities.

In schools, students should know that they need not be victims. While they may be targeted for harassment, in many contexts they can refuse victim status. As detailed in Chapter 4, staff at Barnier Public School reported that, through their involvement in the New South Wales project, students from the first grades learnt to reject victimisation and regularly demonstrated their efforts to do so. Through a whole-school approach to the issue, students began to name sex-based harassment and declare it invalid. They understood that on occasions they might find themselves to be the targets of harassment, but they knew they did not have to suffer victimisation. And at secondary level, girls like "Lara", interviewed in Gilbert and Gilbert's study (1995), often display the kinds of understandings about gender relations that can interrupt boys' experience of power and pleasure in harassing them. In the following comment "Lara" demonstrated her ability, and her willingness, to unmask the gender dynamics wherein the boys attempted to humiliate her. Equally, she demonstrated her unwillingness to assume an "ethic of care" for looking after the boys at her own expense, and an unwillingness to accept victim status:

*[The boys] went through a stage where they used to look through our bags and one day they found a tampon in my bag, and I said, "Am I abnormal?" They looked at me and I said, "If I found a condom in your wallet would I think that's funny? No." I said, "Yeah you can have a look in there, you'll find some pads and some more tampons in there. Is that anything weird?" And they all thought, "What – she's supposed to be really embarrassed." But I wasn't, because that's nothing for me to be ashamed of. I said to them, "Wake up to yourselves. It's not funny. It's normal." (Lara) (Gilbert, Gilbert and McGinty, 1995, p. 55).*

But these are not necessarily easy feats to achieve. Whether a student becomes a victim or not will depend largely on the levels of tolerance of harassment at school – whether schools develop cultures wherein harassment is clearly named, identified and outlawed, or whether instances of harassment are trivialised, dismissed and left to flourish as an integral part of school life. It will also depend on: the support structures available within schools; the ease of access to, and dependability of, grievance procedures; the willingness of schools to begin the dialogue with students about the co-production of gender inequities and sex-based harassment; and the breadth of distribution of knowledge amongst student, staff and parent bodies about laws, and equity principles, that determine everybody's right to non-discriminatory relations.

A Year 6 boy reminds us that students may still find it difficult to have their grievances taken seriously at school:

*We have to get our parents up here before anything will happen. The teachers just ignore everything (Year 6 boy) (Collins, 1996 p. 32).*

And Jamie Nabozny reminds us that where schools are indifferent to students' experiences of harassment, resorting to the law may be the only way to reject victim status and to reclaim a sense of self-respect and intrinsic worth:

*I hope the thousands of other gay teens forced to live through this kind of terror will be encouraged by my victory and will not give up. I feel like someone has finally recognized that it was the violence that was the problem, not me or my sexual orientation, and I am deeply grateful (Jamie Nabozny) (Lambda media release, 1996).*

It would be naive not to acknowledge that, for some schools, recognising the level of sex-based harassment amongst their student bodies may be tantamount to admissions of management failures. Under the pressures of managerialism and competition policy, some principals and staff may be loath to announce to their communities that sex-based harassment is an issue at their school and that staff and students will need to work together towards solutions (see Davies, 1996). But the personal and social costs of not taking action are great. Schools are likely to optimise success in eliminating sex-based harassment, not by denying its existence, but by mobilising students and staff, and enlisting community support, through projects and programs specifically designed to achieve that goal.

There is compelling evidence now to suggest that "harassment flourishes where children learn the art of doing nothing in the face of unjust treatment by others" (Stein, 1995, p.159). And there is sufficient agreement in Australia about the

goals of education to encourage active and informed citizenship among students, and to accommodate students' enactment of democracy. Where education systems endorse these goals, they will embrace opportunities for teachers and students to discuss sex-based harassment as "that-which-is" at the same time as "making it appear as something that might not be, or that might not be as it is" (Foucault, 1990, p. 37). The challenge is there for teachers to make a difference by making visible the constructed nature of gender and sex-based harassment, and developing with students the intellectual tools to reinscribe their lives and their relations.

The following section draws on the arguments presented in this chapter in developing a set of recommendations aimed at eliminating student-to student sex-based harassment.

## **Recommendations**

Given the complexity of the issues covered in these chapters, systems, schools and staff may find these recommendations a helpful synthesis in attempting to eliminate sex-based harassment among students:

1. Staff responsible for students at school need to understand that there are no acceptable victims of sex-based harassment. At a professional development level, this will involve educators reflecting critically on the way that beliefs about gender and sexuality underpin sex-based harassment. At the level of interface with students, it will mean that educators refuse to trivialise or dismiss particular incidents of harassment as "understandable". Staff need to clearly convey the message that every student's rights will be honoured at school. This will be a critical first step to ensuring that every student has the right to a harassment-free learning environment at school.
2. Systems need to ensure that grievance procedures are disseminated to all schools. Schools and staff need to move beyond "having" procedures to creating a climate where procedures are comfortably activated by students or parents or guardians when necessary. Such a climate is likely to be achieved where students and the community know about the procedures and are sure that grievances will be dealt with fairly, without any further emotional expense to the aggrieved.
3. Schools are advised to enable staff to work with students towards better understandings of how inequitable gender relations and sex-based harassment are inextricably intertwined. In this event students will be encouraged to challenge the ways that student relations are often constrained by (hetero)sexist presumptions. Systems and schools can facilitate the

accomplishment of this goal by offering research opportunities and professional development to staff and by supporting whole-school approaches to projects aimed at unravelling the dynamics that support student-to student sex-based harassment. This may be best achieved in schools by action research projects wherein teachers work collaboratively through progressive cycles of planning, acting, reflecting, and refining their actions in relation to students' responses.

4. Schools may need to be supported by systems in uncovering the nature and extent of sex-based harassment in the student body. Schools will find it useful if they have systematic research data showing trends in the frequency and nature of incidents and in the reporting of sex-based harassment. The compilation of data will be critical for gauging the effectiveness of approaches, strategies and procedures and for identifying areas that need further support. Furthermore, staff who are otherwise reluctant to participate in whole-school projects are often committed to take action when faced with evidence of harassment at school.
5. Teachers may need to draw on behaviour management strategies that create spaces for them to begin longer-term projects, enabling students to challenge the production of gender inequities and sex-based harassment. At the same time, they will need to be mindful of the shortcomings implicit in models that assume that it is the target of the harassment whose behaviour and personal qualities need to be modified.
6. School staff and students deserve to know how they are implicated by law. Staff need to understand that, in the event of their inaction or indifference to incidents of student-to-student sex-based harassment, they may be held vicariously liable for the harassment if legal action is taken. Students also need to recognise the possibilities of legal action being taken against them for the harassment of other students.
7. Schools and staff should be encouraged to utilise the variety of resources available to them. Print and digital-based resources are available through libraries and the Internet and through lists like those provided in the Appendix and the References. The potential should also be recognised for establishing networks of like-minded educators dedicated to the same goal of eliminating sex-based harassment among students. These networks can take hold within and between schools and across State borders. The networks are most likely to thrive where there is some central support by the system for those interested. Nevertheless schools can now establish chat groups and international e-mail connections at low cost.

8. Schools are most likely to be effective when they adopt a whole-school approach, providing a unified and systematic response to harassment among students. Staff benefit when they have collegial and system support. They should not have to struggle in isolation when working towards solutions or designing programs to address the issues. Likewise, students deserve a predictable response from the school to incidents of harassment. A whole-school approach will involve all staff and students and, where possible, community representatives. In adopting a whole-school approach, schools allow the possibility of integrating responses through the key learning areas. A whole-school approach also allows for the inclusion of student representatives on planning committees.
9. In tailoring schools' policies and guidelines on sex-based harassment, staff can draw on *Gender Equity: A Framework for Australian Schools* (Gender Equity Taskforce, 1997) which provides outcome statements, indicators of improvement and additional readings on the topic. The document should be readily available in all schools.
10. Schools and staff are advised to begin programs to eliminate sex-based harassment among students without undue delay. The (1996) nation-wide study by Collins et al. offers evidence that States that pay the most attention to the issue seem to have the lowest levels of harassment in their schools (p. xiv). It is evident that systems, schools and teachers who pay attention can make a difference.

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# Appendix

# Resources

## Print material, kits and videos

- Beckett, L. (Ed) (1998) *Everyone is Special! A Handbook for Teachers on Sexuality Education*. Sandgate: Association of Women Educators. [Print material only]
- Department of Education, Queensland (1993) *Says Who? Sexual Harassment – Students Explore the Issues*. Brisbane: Materials Development Services. [video]
- Department of Education, Queensland (1994) *Enough's Enough! Sexual Harassment and Violence. A Resource Kit for Primary Schools*. Brisbane: Publishing Services for Studies Directorate (Gender Equity Unit), Department of Education, Queensland. [Print material + video]
- Department of Education and Children's Services, South Australia (1996) *Girls and Boys Come Out to Play: Teaching about Gender Construction and Sexual Harassment in English and Studies of Society and Environment*. Adelaide: DECS. [Print material only]
- Department of Employment, Education and Training (1995) *No Fear: A Kit Addressing Gender Based Violence*. Canberra: Social Change Media. [Print material + video available for primary and secondary levels.]
- Gilbert, P. and Gilbert, R. (1995) *What's Going On? Girls' Experiences of Educational Disadvantage*. Canberra: DEET/Macmillan. [Print material + video]
- National Film Board of Canada (1997) *Unsuitable Actions*. Montreal: National Film Board of Canada. [video]
- National Film Board of Canada (1998) *Appropriate Actions: A Guide for Educators Dealing with Sexual Harassment*. Montreal: National Film Board of Canada. [video]
- New South Wales Department of School Education (1993) *Mates*. Sydney: New South Wales Department of School Education. [video]
- New South Wales Department of School Education (1995) *Procedures for Resolving Complaints About Discrimination Against Students*. Sydney: New South Wales Department of School Education. [Print material only]

- New South Wales Department of School Education (1996 revised edition) *Resources for Teaching Against Violence*. Sydney: New South Wales Department of School Education. [Print material only]
- New South Wales Department of School Education (1996) *Girls and Boys at School: Gender Equity Strategy 1996-2001 (Strategy and Resource Kit)*. [Print material only]
- New South Wales Department of School Education (1997) *Out in the Bush: An Australian Documentary about Adolescents and Homophobia in Country Areas (School Version)*. Rantan Productions. Licensed to NSW Department of School Education for distribution in NSW government schools. [video]
- New South Wales Department of Education and Training (1998) *Child Protection Education: Curriculum Materials to Support Teaching and Learning in Personal Development, Health and Physical Education, Stages 2-5*. Sydney: New South Wales Department of Education and Training. [Print material only]
- New South Wales Department of Education and Training (1999) *Exploring Gender: A Resource for Parents and Teachers to Explore Gender as an Educational Issue*. Sydney: New South Wales Department of Education and Training. [Print material only]

## Internet sites

- Internet Resources on Sexual Harassment* [Online]. Available: <http://www.feminist.org/911/sexharlinks.html> [1999, April 21].
- The PERSON Project*. Public Education Regarding Sexual Orientation Nationally [Online]. Available: <http://www.youth.org/loco/PERSONProject/> [1999, February 10].
- US Department of Education/ Office for Civil Rights* [Online]. Available: [www.ed.gov/offices/OCR/](http://www.ed.gov/offices/OCR/) [1999, February 10].
- LawlinkNSW: Unlawful harassment in NSW*. [Online]. Available: <http://www.lawlink.nsw.gov.au/adb.nsf/pages/harassment> [1999, April 21].
- Your rights to a fair go at school*. [Online]. Available: <http://www.lawlink.nsw.gov.au/adb.nsf/pages/fairgoschool> [1999, April 21].

## Internet documents

Buckel, D. (1996). *Stopping Anti-Gay Abuse of Students in Public Schools: A Legal Perspective. A Publication of Lambda Legal Defense and Education Fund.* [Online]. Available:

<http://www.youth.org/loco/PERSONProject/Resources/manual.html>  
[1999, January 10].

[Appendices to this document include lists of educational resources and materials, phone numbers and e-mail contacts for activist groups and community services, hotlines and school programs. The project is based in the USA but e-mail contacts allow for easy access and information retrieval]

Equity Branch, Tasmania Online and the Department of Library and Information Services (1998) *Construction of Gender - Overview.* [Online]. Available: <http://www.tased.edu.au/eddiv/equity/gender/> [1998, October].

Hillier, L., Dempsey, D., Harrison, L., Beale, L. and Matthews, L. (1998). *Same Sex Attracted Youth - Survey Results* [Online]. Available:

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Office for Civil Rights, (1997b). *Sexual Harassment: It's Not Academic.* [Online]. Available: <http://www.ed.gov/offices/OCR/ocrshpam.html> [1998, June].

## Legislation on the Internet

### Federal law

*Sex Discrimination Act 1984* [Online]. Available:

[http://www.austlii.edu.au/au/legis/cth/consol\\_act/sda1984209/index.html](http://www.austlii.edu.au/au/legis/cth/consol_act/sda1984209/index.html) [1999, January].

### State laws

*Anti-Discrimination Act 1977 (NSW)* [Online]. Available:

[http://www.austlii.edu.au/au/legis/nsw/consol\\_act/aa1977204/](http://www.austlii.edu.au/au/legis/nsw/consol_act/aa1977204/) [1999, January].

*Anti-Discrimination Act 1991 (Qld)* [Online]. Available:

<http://www.legislation.qld.gov.au/Legislation.htm> [1999, January].

*Anti-Discrimination Act 1998 (Tas)* [Online]. Available:

<http://www.thelaw.tas.gov.au:5760/scanact/ACTTITLE/F/AN> [1999, January].

*Equal Opportunity Act 1984 (SA)* [Online]. Available:  
[http://www.austlii.edu.au/au/legis/sa/consol\\_act/ea1984250/index.html](http://www.austlii.edu.au/au/legis/sa/consol_act/ea1984250/index.html) [1999, January].

*Equal Opportunity Act 1995 (Vic)* [Online]. Available:  
[http://www.dms.dpc.vic.gov.au/12d/E/ACT00904/3\\_0.html](http://www.dms.dpc.vic.gov.au/12d/E/ACT00904/3_0.html) [1999, January].

*Equal Opportunity Act 1984 (WA)* [Online]. Available:  
[http://www.austlii.edu.au/au/legis/wa/consol\\_act/ea1984250/](http://www.austlii.edu.au/au/legis/wa/consol_act/ea1984250/) [1999, January].

### **Territory laws**

*Anti-Discrimination Act 1992 (NT)* [Online]. Available:  
[http://www.austlii.edu.au/au/legis/nt/consol\\_act/aa204.html](http://www.austlii.edu.au/au/legis/nt/consol_act/aa204.html) [1999, January].

*Discrimination Act 1991 (ACT)* [Online]. Available:  
[http://www.austlii.edu.au/au/legis/act/consol\\_act/da1991164/](http://www.austlii.edu.au/au/legis/act/consol_act/da1991164/) [1999, January].