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**Master's degree in
European and Global Studies**



**Call me by my name:
challenges in protecting Gender-Nonconforming
Students and Staff in Higher education**

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ABSTRACT AND KEYWORDS

To be, or not to be, that is the question, is one of the most famous phrases in William Shakespeare's Hamlet. In the first scene of the third act, the prince begins his rant with this incipit, which has been the subject of countless studies and interpretations over the years. An existential question which, to simplify and limit the analysis as much as possible, can be traced back to a contrast: on the one hand, being, that is, continuing to live while suffering, and on the other hand, not being, that is, revealing oneself while risking death. A question to which the members of the LGBT+ community constantly try to find an answer. This path sees the unfolding of different stages and then, in many cases, finds full realisation in the external self-communication. Knowing oneself, accepting oneself and then revealing this to the outside world, to society, is a path that everyone is called to undertake, but which for members of the community sees a series of obstacles present to a greater extent.

In the complex journey of searching for their own identity and sexuality, gender non-conforming people still find it challenging to unfold as individuals. Stigma persists, and the analytical data presented in the central part of the paper confirm this statement. Therefore, analysis of the contexts in which transgenderism is still stigmatised is crucial to understanding the urgency of intervening to support those subject to intense discrimination by departing from social constructs about gender and assigned gender roles. Particularly essential is the university environment, the context in which the person forms their personal and professional identity, with which they will later access the world of work. For this reason, the focus is on this environment rather than on the other spheres. Still, to analyse in this regard, it is necessary to provide some tools of analysis. These tools are given in the first chapter of the paper. In contrast, in the second chapter, the situation in different European contexts will be analysed: starting with the Spanish, Italian and then focusing on the Hungarian context. The aim is to look at other realities to identify good practices and policies that can be implemented, primarily referring to European facts. All this will be guided by the question: *what are the tools for inclusion granted to the transgender community in the academic context?*

Keywords: gender non-conforming, Higher education, European context, policy

ABSTRACT E PAROLE CHIAVI

Essere o non essere, questa è la domanda, è una delle frasi più famose dell'Amleto di William Shakespeare. Nella prima scena del terzo atto, il principe inizia il suo sproloquio con questo incipit, che è stato oggetto di innumerevoli studi e interpretazioni nel corso degli anni. Una domanda esistenziale che, per semplificare e limitare al massimo l'analisi, può essere ricondotta ad una contrapposizione: da una parte l'essere, cioè continuare a vivere pur soffrendo, e dall'altra il non essere, cioè rivelarsi rischiando la morte. Una domanda alla quale i membri della comunità LGBT+ cercano costantemente di trovare una risposta. Questo percorso vede lo svolgersi di diverse tappe e poi, in molti casi, trova piena realizzazione nella comunicazione esterna di sé. Conoscere se stessi, accettarsi e poi rivelarlo all'esterno, alla società, è un percorso che tutti sono chiamati ad intraprendere, ma che per i membri della comunità vede una serie di ostacoli presenti in misura maggiore.

Nel complesso cammino alla ricerca della propria identità e sessualità, tutt'oggi le persone transgender vedono difficile il dispiegarsi della propria persona. La stigmatizzazione permane ed i dati che verranno presentati nella parte centrale dell'elaborato confermano tale affermazione. Pertanto, l'analisi dei contesti in cui il transgenderismo è tutt'ora stigmatizzato è cruciale per comprendere l'impellenza della necessità di intervenire a supporto di coloro che, discostandosi dai costrutti sociali sul genere e sui ruoli ad esso assegnati, sono oggetto di forte discriminazione. Particolarmente cruciale è l'ambiente dell'università, contesto nel quale la persona forma la propria identità personale e professionale, con la quale accederà successivamente al mondo del lavoro. Per questo motivo, l'attenzione si concentra su questo ambiente piuttosto che sulle altre realtà.

Tuttavia, per analizzare in questo senso, è necessario fornire alcuni strumenti di analisi. Questi strumenti sono forniti nel primo capitolo dell'articolo. Nel secondo capitolo, invece, si analizzerà la situazione in diversi contesti europei: a partire da quello spagnolo, italiano e poi concentrandosi sul contesto ungherese. L'obiettivo è di guardare a differenti realtà per individuare buone pratiche e policies che possono essere implementate, soprattutto riferendovi alla realtà europea. Tutto questo sarà guidato dalla domanda: *quali sono gli strumenti di inclusione concessi alla comunità transgender nel contesto accademico?*

Parole chiave: gender non-conforming, educazione superiore, contesto europeo, policy

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INTRODUCTION

Every individual is put in boxes by society, family, religion, historical moment, and even by their own body. Some people, however, dare to break free and break the imposed patterns. Playing a decisive role in this “game of boxes” is the university environment, encouraging the breaking or strengthening these patterns. This paper, therefore, aims to investigate the inclusiveness of gender non-conforming people within what appears to be an environment free of discrimination. Specifically, the attention is focused on the European reality, where the development of standard policies has led to an alignment of countries' positions on various issues, trying to identify whether this convergence has also occurred on the integration of the transgender minority in the university environment.

Therefore, the methodological approach is based on analysing the legal galaxy present in the European context, moving then to the national regulation of educational systems and, finally, looking at the specific realities of the various realities considered. The whole work is based on the research question: *what are the tools for inclusion granted to the transgender community in the academic context?*

The first introductory section will consist of a theoretical literature review, framing the area of research and putting the question in context. It will have two parts. First, a general literature review concerning the LGBT+ community highlights the studies already conducted and the issues addressed. This, then, constitutes the representation of the general framework that will be looked at later with a magnifying glass better to understand the gender non-conforming reality in academic environments. Secondly, the focus will shift towards explaining the transgender community and the literature's approaches to ensure the inclusion of minorities in academia. Diversity management is an approach to which increasing attention is being paid. It will be investigated to identify whether or not it represents a possible solution for the gender non-conforming community.

The second core section will focus on the specificities of the academic environment, identifying a series of epistemological, bureaucratic and symbolic barriers that are manifested within the university. This part identifies those mechanisms that may hinder inclusion and cause unequal treatment of students and workers in academia. The sub-question will guide the action: what hinders inclusion, and how can it be monitored in academia? Next, the general barriers present at the academic level are correlated with the transgender reality current in Europe. The role of context in shaping educational policy is emphasised here, and the broader legal and intellectual framework for the protection of transgender people is presented. The analysis of the set of international and European legal provisions are put concerning the evolving academic context, highlighting how the two are closely related. Finally, it is intended to highlight how protective measures are not sufficient for the educational environment. Specifically, in the current context characterised by the increase of online activity and promotion, a decisive role is assumed by the advertising and marketing that universities put in place. Therefore, the concept of social advocacy and the first preliminary studies on the representation and promotion of academic realities will be presented. The aim is to offer the necessary tools before analysing concrete cases of social promotion of educational realities.

The third section focuses on analysing two specific European academic realities, the Spanish and the Italian ones. In line with the previous work, this section aims to present the national legislative framework concerning the protection of gender non-conforming persons and then proceed to the specific analysis of the academic world. The research and presentation of results, in this case, moves on different tracks given the other legislative frameworks and management of the literary world. The objective is to identify patterns and good practices, trying to understand if the formation of these has played a decisive role in the action of the European Union. Finally, a comparison is made between the marketing activities implemented in the two national contexts. Specifically, two concrete cases are considered: Zaragoza in Spain and *Politecnico* in Italy. This last action aims to

present the concrete application of the theories presented in the first part of the paper.

In the fourth and last section, we focus on the Hungarian context. The aim is to underline the importance of the context in which policies are elaborated, trying to understand better how the situation evolves in those environments hostile to the topic. In this case, we try to understand the roots of the hostility towards queer theories, looking at the nation's socialist past and identifying the motives of such hatred in the current political discourse. Subsequently, we will try to relate the political and the academic context, showing the evolution of the protection of gender non-conforming people. Finally, thanks to the LGBT+ Háltér Society association interviews, the actual condition of transgender people will be presented, as well as the "resistance" actions carried out in the Hungarian context.

1. Safety and Acceptance of LGBT+ Students in the academic context

1.1. LGBT+ and Queer Research in Higher Education: The state and status of the field

Universities are spaces that students certainly struggle to access or where they find enormous obstacles to staying. Moving toward building universities where everyone can learn and participate with equal opportunity is an unavoidable task many institutions do not address. To better understand the possible pathways identified in the literature and identify new practices, it is necessary to take stock of the existing literature on inclusivity in the academic context. First of all, it is essential to identify the spaces that still require targeted intervention, focusing specifically on the inclusion of a particular minority, the LGBT+, or, more precisely, on those whose gender does not conform to social preconceptions. From a critical trans-feminist pedagogical perspective, this study aims to analyse the overcoming of specific academic barriers, shaping and supporting inclusion and valuing differences.

Despite an attempt to evolve over the years, the inequality and disadvantage of minorities continue to persist. Today's strategies of oppression take a variety of forms, including the re-assumption of sexist, racist, xenophobic and fundamentalist cultural paradigms aimed at reinforcing the exclusion of the "different". These mechanisms are more difficult to detect and find the collaboration of women themselves (Bourdieu, 1998). Gender, sexuality and ethnicity are categories in the making and should be considered as such. Therefore States and institutions should value them as such and not as banners to exclude, marginalize or neo-colonize. The continuous process of globalization that has led to a highly interconnected and interdependent world, causing the fusion of cultures, ideas and economies, has necessarily unfolded its effects also on the world of higher education. More precisely, a sort of democratization process of

higher education has been set in motion that has predisposed a growing need to create inclusive environments. That happens by establishing specific curricula or interventions at the architectural level and acting actively to avoid the reproduction of inequalities. The starting point for this analysis begins with the concept of inclusion itself. Inclusion can mean many things and change for different people. In academia, however, it is understood as the continuous process of transformation aimed at improving the educational system to meet the needs of people, especially those who are marginalized. The Oxford English Dictionary reports two specific definitions¹, the first more general, which defines inclusion as *"The action or an act of including something or someone (in various senses of include v.); the fact or condition of being included, an instance of this."* The second is more specific and applicable to this analysis, namely, *"The action, practice, or policy of including any person in an activity, system, organization or process, irrespective of race, gender, religion, age, ability, etc."* This is an action whose effects are not only manifested directly on individuals belonging to that particular minority affected by the discriminatory or exclusionary action but, as the studies of Fuller et al. (2004), Matthews (2009), Redpath et al. (2013) show, greater inclusiveness leads to a public benefit by improving integration into society as a whole. Inclusivity in academia, therefore, has many implications, but the term itself remains obscure and difficult to conceptualize, despite having received no small amount of attention (UNESCO (1994); Idol (2006); Shyman (2015)). For these reasons, in this elaborate, inclusion will be identified as present if *"all individuals, regardless of their particularities, have the opportunity to be included in a regular academic environment while receiving the necessary support aimed at facilitating access to both environments and spaces"* (Shyman 2015). By focusing on the latter, much of the literature produced today refers to the campus environment and the US reality, but there is a growing emphasis on identity studies and its development.

¹ Retrieved (September 2021) from: <https://blog.govnet.co.uk/education/what-is-inclusion-in-higher-education>

Specifically, the study of queer and LGBT+ theories in academia focuses on different aspects of the university context, ranging from the student experience to the analysis of the various faculties, from organizations to the type of policies adopted by the university, and finally, the kind of teaching. The increasing attention to this field of study has occurred in tandem with the growing role played by liberation movements. Before social movements and the rise of homosexual pride, as indicated by the studies of Tierney and Dilley (1998), the line followed was that traced by Willard Waller in his 1932 book "The Sociology of Teaching." Within it, homosexuality was branded as a deviant and contagious disease that needed to be eradicated. For this reason, anyone within the schools who demonstrated attitudes considered homosexual, including "carriage, mannerisms, voice, speech, etc.", had to be removed. (Waller, as cited in Tierney & Dilley, 1998, p. 51). The same was true in university settings, where expulsion concerned anyone showing attitudes of interest towards a person of the same sex (Dilley, 2002; Faderman, 1991). The turning point is to be found in the social movements that ended up powerfully moving the academic sphere at the end of the 1960s. Tierney and Dilley (1998) specifically identify this moment as the event that led to the emergence of homosexual enclaves on campuses. The Stonewall mottoes of 1969 historically represent the starting point of that protest that would lead to a slow but inevitable cultural change. D'Emilio (1992) and Dilley's (2002) studies show how the birth of these movements on American university campuses was decisive for the organization and maintenance of a queer movement. Many of the activists were university students, and it was the college where they were trained in social activism. Once they achieved visibility, the next natural step was to focus their efforts on the campus experience. Many studies, including those by Hall and Sandler (1982), concentrate on what came to be known as the "*chilly campus climate*," that is, understanding the experience of minorities (women of colour, in this specific case) and how they accessed and succeeded in college.

With social movements came the affirmation of what is defined as "*sexual diversity*", which as Guasch (2016) points out is an achievement of the LGBT+ movement in response to the socio-historical process of normalization, classification and denial of daily, material, institutional and symbolic violence that society continues to perpetuate. The full equality and affirmation of the subjects that make up a community had its first significant development thanks to the social movements of the mid-twentieth century. Still, after a rapid flare-up of policies to eliminate inequalities, the world is becoming unequal again. Reference is made, specifically, to sex/gender binarism (Rubin, 1986) and the sex/gender/sexuality system (Westbrook y Schilt, 2014). Different issues can be identified from these two macro statements: sex/gender diversity and LGBT+ diversity. The first refers to the inequality that characterizes the sociocultural context based on a patriarchal vision, which imposes a dichotomous view of reality (man/woman, masculine/feminine), as well as sexist, as it systematically hierarchizes a position of the superiority of men over women, of masculinity over femininity. The other aspect is heterosexism. According to this view, heterosexuality is the norm and, as such, is the only legitimate way to manifest itself. In this framework, homophobia works to keep the sexist and heterosexist edifice standing (Pichardo, 2009). Furthermore, referring to the trans thought movement, it should be remembered that the culture is strongly radicalized on a cis-sexist view, that is, the thought that people's sexual anatomy coincides with the reproduction of generalized social roles that society assigns in tune with a dichotomous canon (Platero, 2014). And sexism and transphobia operate daily to protect this alignment between sex and gender. Homophobia and transphobia, therefore, are regulatory devices that materialize in the form of sanctions, aggression and violent discrimination that are revealed under different levels of intensity: from the sexist socialization to which boys and girls are forced to the construction of masculinity through homophobia, to the institutional pathologization of trans people. In addition, a note that deserves attention is the very use of the concept of diversity, which is usually adopted to refer to something that is

not part of normality but which should instead refer to the intrinsic quality of the human condition, namely its plurality. Moreover, the classification "other" often used to refer to a particular category of people, in this case, LGBT+, produces a unique attribution of quality giving rise to what is defined as "*differentiations homophobia*" (Welzer-Lang, 2002). Through these theoretical conceptualizations, it is easier to understand how homophobia and transphobia strongly condition the lives of all people and, in particular, those who identify with the LGBT+ collective.

1.2 Campus Climate

Therefore, an essential space within the already developed literature concerning transgenderism and the LGBT+ community in academia focuses on campus climate. The latter expression reflects "*the inclusiveness dynamics of the organization and the degree to which students, faculty, and staff feel included or excluded in the environment*" (Hurtado et al., 2012, p. 64). Several studies, including those carried out by Rankin S. (2013), have shown that an accommodating environment impacts students' performance and degree of satisfaction with the university. Specifically, this aspect remains of vital importance when referring to the LGBT+ community. In the academic (but more generally cultural) context, the prevalence of a heteronormative vision remains. Research ² shows that LGBT+ students perceive the campus environment more cruelly than their non-LGBT peers. They report experiences of aggression, intimidation and violence, and social exclusion on institutional and personal levels. Microaggressions are the most present in a series of actions that do not have the community's main target but that impact how the context is perceived. It refers to subtle and hostile actions that allow the environment of prevarication of hetero normative instances on homosexual ones. The reference here is specifically to anti-LGBT jokes, for example, slurs, hate

² Woodfrod MR, Kulick A, AtteberryB. Protective factors, campus climate, and health outcomes among sexual minority college students. J Diverse High Educ. 73-87. 20015 DOI: <http://dx.doi.org/10.1037>)

speech and a general climate of intolerance (Sue DW, 2010). Such actions, i.e. microaggressions, can override the achievement of a meaningful result such as academic success (Vaccaro A, 2012). The subject is the victim of a denial of his identity, which substantially affects his personal and professional development. It has also been shown that microaggressions based on orientation and gender identity lead to the consolidation of social structures of exclusion and reinforcement of the cultural message that violation of heteronormativity is unacceptable (Sue DW, 2010). Specifically, studies by Rankin S, Weber and Blumenfeld, and Woodford et al. (2014), highlight how heteronormative microaggressions are common on campuses and are far more pervasive than acts of physical violence. The presence of microaggressions could identify a possible explanation of this in the downsizing to which these behaviours are subjected, considered as mere taunting by the perpetrators.

Given the nature of the problem being analyzed, most of the completed studies are based on qualitative analysis, which shows how these behaviours impact the health of sexual minorities. Using *the stress model* is identified, for example, that individuals who are victims of these experiences are subject to chronic stress due to the stigma, prejudice, and discrimination that is constantly repeated in the environment they frequent daily. This can result in a marked mental health deterioration, but the impacts can also unfold on the subjects' physical health. The studies carried out by Woodford et al. (2014) underline how 87% of the students interviewed have heard the mockery of the LGBT+ community at least once in the last year: "*this is so gay*"(Woodford et al., 2014 p.18). Furthermore, the author points out how micromanaging in academia directly impacts the psychological distress of LGBT+ students in academia, regardless of whether they have been direct victims of victimization or not. Expressly, Woodford and Kulick (2014) point out that heterosexism on campuses is closely associated with lower academic engagement, lower grades, and lower institutional satisfaction (Woodford MR, Kulick A, Sinco BR, Hong JS, 2014). To date, few studies

examine the impact of heterosexism in social integration and its effects on students regardless of their orientation.

Norris and colleagues (2018) have demonstrated how microaggressions can significantly impact perceptions of one's safety, belonging and connection to academic staff, whether they are students from the community or not. At the same time, they point out that heterosexual students who directly witness discrimination by a member of the LGBT community are more likely to intervene because they are likely to believe they would receive the same treatment if they were in the same situation.

1.3 The increasing attention to the LGBT+ issues

To explain the increasing attention of the literature on this issue, four different factors can be identified. First of all, the de-pathologizing of homosexuality has led to greater visibility and the extension of theories and the beginning of the rupture of hetero-normative canons. On the other hand, a development of the literature focused on demonstrating that LGBT+ people were "normal", a term understood as fitting into the patterns imposed by society. Thus, there are three macro areas on which the study of the community in academia in the 1980s focused: visibility, the climate on LGBT campuses and, last but not least, the identity and experience of LGBT+ people. Concerning the first point, studies dating back to the early 1990s are essential, including those by D'Augelli (1992) and Love (1999) who analyse campus climate using the qualitative method. The growing number of this type of analysis and the formation of university associations led to the decision by universities to provide policies aimed explicitly at the LGBT+ community. At the same time, another line of research began to develop, which focused on LGBT+ members of academia, such as the studies by Garber (1994) and Mintz & Rothblum (1997). It should be remembered that this type of research was carried out during a period in which there was the HIV/AIDS pandemic that pushed many homosexual males out of the closet. Due to the lack of information at the time, although the stigma attached to

this aspect continues to persist in society, many of those who came out forcibly were subjected to discrimination and homophobia (McNaron, 1997). So, for those who came out academically, it was not an act without risk. Toni McNaron (1997), William Tierney (1997) and Estela Bensimon (1992) are just some of the names subjected to retaliation for their decision to stand up for the community. Even in an environment that thinks of itself as avant-garde and open-minded, they were taking certain positions represented (and continues to represent) a risky political act.

The literature has focused its attention on campus climate with the new millennium, including differentiating it according to the different identities that make up the LGBT+ community. It thus begins to diversify and consider the community from different perspectives. The campus climate literature itself specialises in three main areas: firstly, the perception and experience of LGBT+ people; secondly, the perception of LGBT+ people by non-members of the community; and thirdly, policies and programmes implemented by universities in favour of the LGBT+ community (Tierney and Dilley (1998). The impetus for the expansion of studies on this subject has come from the Internet. It is possible to carry out and disseminate online surveys, collecting valuable data for methodological research. These data allow authors such as Kosciw & Diaz and Greytalk (2008) to compare American higher education systems on a national scale. Windmeyer & Freeman (2001), for example, focused their attention on the experience of lesbians on American campuses, while Love, Bock, Jannarone & Richardson (2005) initiated studies dealing with intersectionality involving sexual orientation, identity and faith. Since then, academic institutions have made many reasonable attempts to adapt their policies. These will be analysed in the central chapters of this paper, but what is stressed now is the considerable importance that the campus environment still represents in the literature on the LGBT+ community.

However, despite the various studies that have been done, general problems and issues related to access, equity, learning and leadership remain. Queer theories seek to offer new insights into these issues that

arise from hetero-normalized binary social constructs: male/female, teacher/student, leader/follower. (Abes & Kasch, 2007). And, as Tierney & Dilley point out, "*queer theories seek to disrupt "normalizing discourses"*". Some studies, such as that of Lattuca (2001), highlight how the college context is less opposed to queer intercourse than the academic sphere, which tolerates queer theories but manifests a reluctance to globalise this view in academic programming. Therefore, the expression "*queer theory*" refers to a body of theories that "*critically analyze the meaning of identity, focusing on the intersection of identities and resisting the social constructivist oppression of sexual orientation and gender*" (Lattuca, 2001).

1.4 Toward Intersectional Identity perspective in Higher education

To date, a large body of literature has focused on LGB identity to the exclusion of or only partially addressing transgenderism, which is often marginalized by the community itself. Homosexual and bisexual identity to date appears effectively normalized and made visible at the level of college development (based mainly on the U.S. experience), as studies by Strayhorn, Blakewood & DeVita (2008) show. Otherwise, the identity of transgender students remains underestimated and under-addressed. This is also based on a mis-conceptualization of the LGBT community, which is often seen as a uniform whole with the same issues. Standard policies and programs are developed. An important turning point is a shift in the approach adopted by the literature from a traditional psychological and sociological approach to identity to one that incorporates queer theory as a framework for design, analysis and interpretation.

Over the last few decades, research focusing on the LGBT+ community has increased significantly, primarily due to the increasing focus on diversity in the population. Initial studies, such as those carried out by (Talbur S., 2014), focused on sexual orientation and the possibility of victimization in the school setting. A strand of analysis has developed from this type of research that has emphasized development and well-being, incorporating

the resilient approach (Mustanski et al. 2011; Saewyc, 2011). This is an attempt to overcome reflection on individual qualities to overcome potential obstacles (Masten, 2001). Identity development in LGBT+ people is centered on becoming aware of one's sexual orientation and/or gender identity, which is different from that imposed or perceived by others. This process differs from person to person, even if studies identify (Ryan et al. 2009) that it mainly occurs around the age of 14 or 15, during adolescence. The context in which this discovery is then externalized has a substantial impact on the person. A positive outcome helps to personal well-being and improved relationships with others (Benson et al. 2007; Erikson, 1959). Studies have shown that otherwise, an adverse reaction to the context leads to increased anxiety and worsened academic performance (D'Augelli et al., 2005).

A key concept is that of equity. Current thinking focuses on a mainstream conception of the concept of equality, reducing most considerations to inequity and a theorization of redistributive policies. On the contrary, the literature suggests a policy development with greater attention to cultural and social groups within a given context. What is evident in academia is adopting a *recognition approach* (D'Augelli et al., 2005), which produces a de-politicisation of the equality agenda and detaches thinking from necessary conceptualisations such as the notion of inequity at a societal level, which goes a little beyond the tolerance of students and staff. Interest in diversity based on sexual orientation and gender identity in universities, despite increasing attention, continues to be marginally addressed. The main barrier to achieving equality is to be found in widespread legal inequality, which leads to the persistence of formal and informal discrimination.

One possible way that the literature suggests to overcome this problem is that indicated by intersectionality. The term "*intersectionality*" refers to a theoretical, methodological approach to capture the plurality of identity belongings that cross each social actor in every era, influencing and shaping

their life experiences. The term was introduced in 1989/1991 by the American activist and jurist Kimberlé Crenshaw.

Referring to this definition, it is necessary to make a valuable conceptualisation for the analysis that will be carried out in the following pages. Like the term "diversity" itself, inclusion is closely linked to the context in which it unfolds. Then, the paper will focus on the European situation and how these two concepts have found practical and theoretical implementation in continental reality. The EU has long paid great attention to inclusion, especially equality between men and women, considering that every individual deserves respect and must be protected from discrimination. In the EU's approach, discrimination is detrimental to the individual and an obstacle to achieving economic growth and full employment. The need for individuals to express their abilities to the full and thus participate in economic, social and cultural life has been proclaimed in the first instance by the EU Charter of Fundamental Rights. This is a set of values that cannot be separated from that of solidarity and pluralism (Tomio, 2019).

The pillar of European thought is represented by the Charter of Fundamental Rights of the European Union of 7 December 2000, amended in 2007 in Strasbourg, and which has taken on the same legal value as the Treaties, represents a veritable "catalogue" of rights, freedoms and principles recognised by the Union. Specifically, the preamble to the document, commonly known as the Nice Charter, places the person at the centre of the action, establishing the citizenship of the Union and creating an area of freedom, security and justice. Glasso (2007) defines these values identified by the EU as the standard and historically shared root, a set of inherent values of the person not applicable only to the citizens and citizens of the Union.

Of particular interest for the present work are the articles of Title III, which range from 20 to 26 and have equality as their object. Specifically, Art. 21 sanctions the prohibition of any form of discrimination referring to sexual

orientation. Other articles refer to subjects because of the differences that characterize them, such as seniority or disability. Added to these is the need to achieve equality between men and women in all areas, including employment, work and pay. The preamble, therefore, aims to provide formal equality, but above all, an expression of it. Legal equality is to be understood as that situation that does not consider obstacles of an economic nature that stand in the way of the exercise of rights provided by law. Therefore, it must be remembered that people are not abstract subjects but are endowed with their own identity, different from the others, which can lead to the exclusion of some issues from participation in social, economic and cultural life, preventing them from making their potential available. The Charter, on the other hand, aims at an affirmation of identity, which thus becomes the framework of freedom recognised for each person.

In addition to these considerations, there is the need to make an effort to overcome the inequalities that still exist, such as social exclusion and poverty, thus giving universal value to the solidarity referred to in the Preamble and then declined in Title V of the Charter, where the individual dimension meets the collective one. It takes on a primary value in the European context, where discrimination is not seen merely as an element of social inequality but also of an economic nature. The European Commission itself underlines this last point in its Communication of 1 June 2005 in which it is stated that "*if certain categories of people are excluded from work and better prospects because they are discriminated against based on sex, disability, race, age or other grounds*"³, the certainty of achieving the objectives inherent to economic growth is lost. According to the document Equality and non-discrimination in an enlarged EU, the EU must enforce anti-discrimination provisions and introduce fundamental structural changes.

³ EU, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, *A framework strategy for non-discrimination and equal opportunities for all*. COM (2005) 224 final. (2005)

Another fundamental factor is the relational dimension of these rights, and they imply responsibility and duties towards the individual, both more widely towards the community and future generations. In the first place, the commitment and effort fell on the Institutions and, specifically, in the primary legislative document of the Italian order, in the Italian Constitution at art. 3 it says, "*the Republic is the subject to which is entrusted the task of removing obstacles of economic and social order, which by limiting, in fact, the freedom and equality of citizens, prevent the full development of the human person and the effective participation of all workers in the political, economic and social organization of the country*"(Tomio, 2019, p. 45). This is a consideration that can be extended to the entire environment of analysis of this paper.

Ultimately, the lens of intersectionality allows us to grasp the complex intertwining of identity axes that are put in place in relationships, outlining each time the connections in a different way the opportunities for development (De Vita, 2014). Roosevelt Thomas was among the first to propose the approach of Diversity Management, understood as the need to hinge action on the centrality of individual identity in the structuring processes of organizations. Therefore, the movement must be based on the personality, the distinctive competencies and motivations, and the formal and informal roles assumed by the subjects. De Vita (2014) underlines how Diversity Management policies can change as the workforce changes. Therefore, two dynamics are identified by the author: "re-knowing" and "learning to know". The last one is considered as giving a constitution to identity and recognizing the contribution of others to the achievement of results. The other, re-knowledge is identified in the professional and training experiences essential for forming a collective organizational actor. Therefore, to manage an organization, there is a need for recognition between professionalism and identity.

The attention to intersectionality and its implications can also be identified in a recent growing interest in this approach. The theme of inclusion and sustainability has entered powerfully into the modern public and political

debate, guiding public and private action towards a more equitable, just and respectful of the needs of individuals and future generations. However, after a rapid flare-up of policies to eliminate inequality, our world is becoming unequal again. The economic crises and the recent health crisis caused by Covid-19 make clear the need to adopt a different development method, one that considers the growth of individuals and respects the environment. The very concept of inclusion takes centre stage, and recent decisions at the European level underline the common desire to marginalise the inequality and unequal impact that the current system is having on society. The current political and social debate sees inclusion as pivotal for economic and social policy-making, not only at the national but also at the international level. Inclusion in the form of growing inequalities within countries is becoming one of the major problems worldwide. Among the many scholars who deal with this issue, we find Amartya Sen, Joseph Stiglitz, Banko Milanovic, Saskia Sassen. Exclusion takes shape in different facets. Therefore, for this operation, work, health, causing an increasing element of social division. Therefore, for this paper, the focus will be on inclusion in the academic sphere, referring to people whose gender does not conform to the social structures put in place by a hetero normed and cisgendercentric culture. A type of approach initiated by the jurist Kimberlé Crenshaw, referring specifically to the violence and discrimination suffered by black North American women, denouncing the inadequacy of feminist and anti-racial movements in addressing their conditions of disadvantage and oppression. The application of this methodology on the political-legal level is due to MacKinnon (2013). However, it remains largely relegated. This is mainly due to the lack of scientific rigour with which it is characterised and the total absence of a shared vision on the subject. In the last fifteen years, there has been an attempt to initiate an evolution that considers a socio-ecological perspective, considering the experience and the adaptive or maladaptive psychological functioning in the analysis. The use of this approach can be traced back to women's studies, from which it then spread to the various fields of human and social sciences (sexual and gender

minorities, migration, disability), which have recognised it as an important analytical tool. Specifically, the importance lies in considering gender, ethnic origin, skin colour, sexual orientation based on their interaction and the link with the historical and culture investigating the context of reference. As pointed out by Hatzenbuehler e Link (2014), the approach is useful for the investigation of psychological and social phenomena and the relationships that exist between different levels in which they are articulated (Hatzenbuehler and Link, 2014). In particular, based on the purpose of this paper, the application of intersectionality in the context of discrimination is identified. The various theoretical contributions already made are cited in this regard, including Earnshaw et al. 2013 and Thomas, Hacker and Hoxha (2011), whose work focused on the processes of stigma and discrimination about health disparities. On the other hand, Elizabeth Cole (2009) provides the necessary steps that must be followed to adopt the perspective of intersectionality concerning the research and analysis work carried out. At first, therefore, one must understand who is encapsulated in a particular category. For example, when analyzing the LGBT category, studies often adopt more of a youth perspective, excluding older categories. About the object of study of this paper, it is necessary to consider the extreme fluidity of a category that deviates from the rigid binary patterns proposed by a hetero normed culture. For example, Hines (2006) and Moradi et al. (2016) show how studies inherent to this topic have long focused on the FtM and MtF polarity. Having defined the category, it will be crucial to understand inequality, i.e. to highlight the influence that power systems related to gender, ethnic identity, sexual orientation and so on exert on the individual in terms of privilege and oppression. Identity is understood in this case from a constructivist point of view. They are constructs created by a society whose membership determines a different position concerning a condition. It all depends strongly on the historical, social and cultural context in which they are formed. In a final instance, there is similarity, that is, looking at other social groups that may be in a similar condition and with whom one shares values and needs, which may drive both to a common plan of action.

However, as Mohanty (2003) points out, rather than the ultimate intervention itself, the importance of the latter point is to be identified in the awareness of a common context of disadvantage. In conclusion, by highlighting the dynamics between the different factors (i.e. individual, institutional and discrimination factors) the intersectional approach directs the intervention towards those stigmatizing and discriminating factors to reduce their negative impact and lead to a positive increase in the well-being of people belonging to the stigmatized groups (e.g. Scandurra et al. 2019).

1.5 Queering the Diversity Management Approach

The man, by definition, tends towards what the Greeks called *Eurythmy*, which in **Rudolf Steiner's** theorisation at the end of the 19th and 20th centuries is defined as the perfect harmony between man, the Gods and the finite world. Linked to this concept is the intrinsic activity that organisations pursue. Organizations, in fact, for the entire achievement of the objectives, must perform their activities with perfect harmony between gravity and lightness. An essential step for the internal management of organizations, of which the university is part, is represented by the recent studies on Diversity Management, that is, the set of strategies that are put in place in the business context to promote a work environment dedicated to inclusion and complete expression of the identity of those who work there.

To better understand the concept and application of Diversity Management, it is necessary to focus first on conceptualising gender diversity. The diversity of individuals does not depend on their gender, male or female, but rather on a set of conditions that influence people's lifestyles, their roles in society, their expectations. It is a set of requirements that translate into an individual's behaviour, how they work, and influence their consumption choices. Therefore, they do not refer only to the biological nature of individuals but also include social and cultural identity, adopting an intersectional perspective including gender, age, sexual orientation, skin colour, geographical origin, spoken language and professed religion.

Valuing diversity, therefore, relates to all individuals, and these gender specificities/differences also have an economic value. As already mentioned, they guide consumption processes, and as a natural consequence, companies produce and distribute the goods and services requested by consumers. At the organizational level of the company itself, this aspect translates into the need to take diversity into account when planning, programming governance systems and organizational structure (Bonfiglio, 2019). In short, the company is committed to respecting diversity and different characteristics of individuals and leaving them room to unfold their specificities, gaining competence, image, and competitiveness. In addition, these factors should also be considered in the process of accountability, i.e. that process that gives a transparent understanding of the results achieved and the economic, social and environmental impacts in the reality in which they operate. It is in this context that the concept of Diversity Management plays a significant role.

Diversity Management has undergone an evolution over the years, shifting its focus from the attention of minority groups to the individual as a subject around which to develop the organisation's activities. This shift has led to a different theorization of the very concept of "diversity", now connected to a complex and multidimensional individual identity (Bonfiglio, 2019, p. 24). As a result of this change in the object of analysis, the very concept of diversity has been enriched by expanding its range of action. Specifically, there has been a turnover from primary and unchangeable factors (such as ethnic origin, age and physical abilities) to factors linked to life path choices (such as religion or political thought, for example). There is a further differentiation that needs to be taken into account. Scholars Loden and Rosener (1991) stress the need to differentiate between primary and secondary diversity. While primary diversity refers to natural heritage (age, sexual orientation, race), secondary diversity includes all the abilities acquired during one's life (education, family situation, income, religion, work style). The valorisation of these differences becomes pivotal in achieving a balance between the need for self-realisation. The concept of "need", and its hierarchy is based

on the elaboration made by Maslow, an American psychologist, who in 1954 outlined an order by placing physiological and survival needs at the base, while at the top were those of self-realization. Today's situation is ultimately the opposite. The individual sees their fulfilment as determining the other spheres of life, and work thus becomes a social status of legitimisation relative to personal identity (Bonfiglio, 2019).

Therefore, diversity management promotes work based on personal enhancement to ensure innovation in the product or business practice. This aspect is reiterated by Smith, who stresses how important it is to "*recognize the effective management of each employee following the specific uniqueness of their contribution, background and expectations, helping groups of employees to work together more effectively and profitably (...)* The problem then is not whether diversity is good in itself but how it is managed"(Cuomo, 2015 p. 42). Necessarily, the very concept of diversity can take on different nuances and is closely linked to the cultural context in which it operates.

The importance of differentiation and the involvement of a diversified number of people can also be identified in the positive impact of this choice from a productive point of view. Some studies, such as those carried out by Packer and Johnston (1987), show how a working environment based on Diversity Management benefits employee well-being and generates exponential growth in terms of creativity, productivity, efficiency, and competitiveness. The world itself is constantly changing, and the world of work is a mirror of it. Society is constantly evolving, and the demonstration of this aspect is also found in the considerable change involving the world of work. Among the many scholars who have analyzed the world of work and the change in it are Packer and Johnston (1987), whose objective was to make an analysis of the U.S. labour market in the new millennium, analyzing the social and economic changes taking place and that would necessarily affect the world of work until then dominated by the white male and heterosexual. The new way of working saw a greater diversity of women and immigrants in *primis* with different needs. In addition, there was an

inherent change in the world of work itself, with an increase in the working-age, the use of new technologies and the specialisation of production. Patrizia Tomio (2019), specifically, for the practical implementation of these principles, identifies four steps that need to be considered. The first consists of collecting statistical data that offer a realistic mirror of those who form part of the organization. It is, therefore, a type of quantitative research that aims to collect statistical data from which to elaborate an action. Secondly, interviews and focus groups are carried out better to understand the needs of individuals and their suggestions, to understand how best to enhance individuality to guarantee a benefit to the whole community. This information set is then used to plan the strategic objectives and, finally, start a phase of monitoring and evaluation of results. The last step will be to communicate the results to the various levels, and from them, we will start a new action within the organization.

1.6 The EU position on diversity management

The EU action also reiterates the need to achieve an inclusive and discrimination-free environment that in the decision to establish the European Year of Equal Opportunities for All (2007) indicates a series of principles that must shape the action. First and foremost, the Union suggests the obligation to combat all types of discrimination, including multiple nature. Closely linked to this is the concept of "representativeness", i.e. increasing the participation of minority groups and removing the veil of exclusion from social life that this concept embodies. A further step is "re-acknowledgement", i.e. valuing diversity and promoting equality between individuals. Finally, the respect necessary to promote a solidarity society can overcome the barriers posed by prejudices and stereotypes. All these points represent the cornerstones on which to base the management of diversity in the broadest sense of the society.

According to the study of Grant Thornton (2008), contained in the Report Diversity snapshot: ethnicity, age and gender, conducted in 2017 among two thousand five hundred companies located in thirty-five countries of the

world, sought to analyze what is the value that is given within the company for the three concepts taken into analysis. This research showed that only 38% of the companies consider gender in implementing their internal policies, an effect similar to that of ethnicity, which reaches 38%. On the contrary, more than half of the sampled companies consider age when drafting policies. Cuomo (2015) underlines how the lack of implementation of these policies is also linked to a wrong consideration that companies have of Diversity Management, often relegated to an idea related merely to a gender issue, underestimating the other aspects of personal identity, as well as relational in the process. In the Italian academic context, this takes shape with the institution of CUGs, but these will be analyzed in the specific chapter of this elaborate. Diversity management brings to attention the concept of equity. It underlines how it is not entirely fulfilled, and the action should not stop with the expression of the aspiration to achieve it but should be accompanied by social change. As Butler wrote in 1997: *well-being, in its most complete meaning referring to the physical, psychological and relational dimensions, remains an essential objective, which cannot disregard the consideration of differences and their becoming.*⁴

Despite an attempt to evolve over the years, the inequality and disadvantage of minorities continue to persist. Today's strategies of oppression take a variety of forms, including the re-assumption of sexist, racist, xenophobic and fundamentalist cultural paradigms aimed at reinforcing the exclusion of the "different". These are more difficult to identify and find the complicity of women themselves (Bourdieu, 1998). Gender, sexuality and ethnicity are categories in the making. They must be considered such, so states and institutions must believe them as such and not as banners to exclude, marginalize or neo-colonize.

⁴ Judith Butler, *Excitable Speech: A Politics of the Performative*, 1997

A total turning point is represented by the 1995⁵ Beijing conference, which marks a fundamental moment in affirming women's rights, considered human rights, on a planetary scale. Nevertheless, even today, gender inequalities and discrimination appear to be widespread, although benchmarks allow monitoring a decrease in gender inequality in educational and training contexts (UNESCO, 2019). Particular attention, especially in the current cultural context, assumes that the so-called Discrimination is invisible. It lurks in education, communication, language, in the knowledge we have of ourselves and the world. It is a domain of the social order and actions that unfold through men and women's imaginary feelings, emotions, and mental habitus. A possible break to this type of problem is identified by Nussbaum (2010) in need to ensure the resources and means necessary for the development of educational practices authentically emancipating and aimed at preserving human dignity through a new ethos as an antidote to the global crisis of education. A central role in changing the context is played by pedagogy as a critical and transformative discipline. It assumes a role in supporting and guiding cultural innovation and organizational change (Dato & Cardonem 2018). Phenomena such as gender discrimination and segregation are linked to gender stereotypes and originate sexist models firmly rooted in society, as well as the identity of individuals. The literature identifies a central role in schools informing individuals and the possibility of educating boys and girls to respect differences, challenging stereotypes. In this regard, it is pointed out that there is still school (as well as university) curricula with a binary and patriarchal vision negatively influencing the perception that young women have of themselves (Marone, 2019).

The approach put in place is that of seeking the transmission of neutrality of knowledge. Still, teachers and educators interact with embodied subjects, different in age, culture and personal history, making learning impossible with this aseptic approach. This is why, as Francesca Marone (2019) points

⁵ CN National Commission for Equality and Equal Opportunities between Men and Women (1995), *A new partnership between women and men: equitable sharing and participation - the European Community's priorities for the Fourth United Nations Conference on Women*, Beijing

out, educating about differences means considering the different ways and forms of reaction of boys and girls when faced with problems, when faced with study and nonetheless with life; but also having the courage to take a stand and denounce. Starting from these considerations, we can ask ourselves what the university's role in the path towards equality is. What role do educational courses play in the persistence or change of the gender roles transmitted and learned? From the very beginning, knowledge has been transferred under the banner of gender polarity, conveying sexist cages and outlining a culture that claimed to be neutral but which in reality did no more than "model" the female gender based on the male prototype, considered superior. A sexist education is detrimental to boys and girls, imposing an uncompromising vision of their interests and attitudes. A conformism reinforced by the media and whose impact is also on the world of study. The paths seem to have to be directed to one sex or the other. This is confirmed by the low presence of women in scientific and professional STEM paths, which is also linked to the impossibility of career advancement, as highlighted by ISTAT 2015-2019. This horizontal segregation then impacts the jobs that women obtain, which are generally precarious and lower-paid, with a substantial discrepancy between salaries.

1.7 Transgenderism and gender identity

While there are no in-depth studies on the actual number of transgender people in the population, the number of studies targeting the LGB and transgender community increases exponentially.

Transgender people, as is the case for most minorities, face significant oppression. This leads to a lack of social or medical, cultural and support. (Mallon, 2009). This neglect leads to substantial problems, both personal and social. Specifically, it is young transgender people who are most affected by violence and abuse, sometimes sexual abuse. In 2011, 221 transgender people were murdered worldwide (Blazer, 2011). In the same year, the Hate Violence Report reported that 40% of transgender women

were victims of discrimination (GLAAD, 2012)⁶. Due to the widespread discrimination in various spheres of society, an estimated 20 to 40 per cent of transgender people are homeless youth (Cochran, 2001; Ray, 2006). Closely related to these problems of employment and integration into social life are those of mental health. Young transgender people find themselves in a condition that puts a strain on their mental health, thus ending up being more prone to episodes of depression, anxiety and self-harming behaviour (Heck, 2011). All this leads these people to feel strongly marginalized or self-segregated not to suffer the intense pressure for non-uniformity to gender representation (McKinney, 2005). Individuals who reject the gender assigned to them at birth, the so-called gender non-conforming, usually encounter greater hostility because they fail to adapt to social rules on gender behaviour (Bornstein, 1994; Feinberg, 1996; Bilodeau, 2005). In comparison with members of the LGBT community, transgender people find themselves more marginalised and excluded, a strongly present factor within the LGBT community itself (Miller, 2011).

An important aspect that must be emphasised is that discrimination does not consist of a set of blocks that can be clearly distinguished from each other but is to be understood as intersectional discrimination as defined by Makkonen (2012). It occurs when discrimination is based on several factors that interact with each other so that they can no longer be distinguished and separated. Therefore, in this case, discrimination is the result of the convergence and mixture of several factors.

As far as transsexual people are concerned, higher education plays an ambivalent role, taking into account the specific characteristics of the subjects themselves. The path to be taken, that path of self-knowledge, can have different approaches, leading some to accept themselves first and others to come to terms with themselves only later. So, on the one hand, some have already received their transsexual being during the period before

⁶ GLAAD: *Gay & Lesbian Alliance Against Defamation*. (2012). Retrieved September 2021 from <http://www.glaad.org/>

enrolling at university and see this as a new beginning. In this case, the university can deter or reinforce the gender and transphobic treatment that many students have already experienced at school or in society, thus seeing their academic and psychosocial results drop dramatically. On the other hand, the university can play a crucial role for those still searching for their gender identity, exploring themselves. The university can provide the necessary tools to grow personally and professionally in a safe environment for these students.

First, the concept of transsexualism must be clarified. To take this step, it is necessary to call to mind the idea of gender, or what Tullia Russo and Valerio (2009), in brief, define as "*the perception that each person has of himself or herself as a man and/or woman*" (Russo & Valerio, 2019 p.4). In contrast, biological sex is identified by the two authors as "*assigned at birth and tends to be fixed - it is the set of all biological and physical characteristics that distinguish being female, male and intersex*". Therefore, according to the guidelines of the American Psychological Association and the Standards of Care of the World Professional Association for Transgender Health, the term transgender is to be understood as an umbrella term that includes all those categories of people who express a gender different from their biological sex. That is to say, the gender identity does not conform to the expectations related to one's biological sex, so who is born female does not feel only and always a woman, and vice versa who is born male but does not feel only and always a man. This non-conformity leads transgender people to a high level of stigma and discrimination (Hughto et al., 2015). Among transgender people, some decide to undergo medical and surgical treatment to adapt their body to their gender identity, but this is not a necessary condition to define themselves as transgender people, and this must be assimilated. Therefore, those who make their transition are referred to as FtM (Female to Male) transsexuals if, born female, they wish to see themselves recognized in their perceived gender, i.e. the male one. Differently, if born male, MtF (Male to Female) wants to see themselves admitted in the female gender (Vitelli et al., 2010). In

addition, in transgenderism, several categories experience dissonance between their biological sex and their gender identity. In addition to transgender people, there are genderqueer or non-binary people (those who do not recognize themselves in the gender binary and the male/female binomial, claiming to belong to a mixed or third identity), bi-gender people (those who perceive themselves as belonging to both genders), cross-dressers and transvestites (who adopt gender expressions and dress codes that do not conform to social norms), gender fluid people (who range freely between genders) and gender variant people (whose mode of gender expression differs from what would be expected of them based on their biological sex).

These are a series of terms that are still little known, little used and therefore not very widespread. The lack of knowledge about them leads to incorrect or reduced information and consolidation of preconceptions and stigmatization. Central to this first part, therefore, is the need to adequately highlight the concept of gender identity starting from the two primary documents: The International Classification of Diseases (ICD) and the Diagnostic and Statistical Manual of Mental Disorders (DSM), which assume an ambivalence in that, on the one hand, they lead to the permanence of elements of stigmatization on the subject, while on the other hand, they allow free access to hormonal treatments and surgeries necessary for the transition.

The first pioneering studies on the subject of transvestism and intersex states were carried out at the beginning of the 20th century by Magnus Hirschfeld (1910) founder of the first German homosexual Wissenschaftlich-humanitares Komitee (Scientific Humanitarian Committee). The aim of this committee was to put up with transgender and homosexual people and to initiate research on these issues. The first result of these researches is to be identified in *Die Transvestiten*, an essay on transvestism dating back to 1910. The term transvestism itself was coined with this essay, which, taking a sample of individuals, highlights that "*transvestism is neither a masochistic nor a fetishistic process, distancing*

the scientific community from the beliefs of the time, on the basis that fetishistic sexual interests are concentrated, without exception, on a specific part of the woman's body or even on a specific garment", as indicated by Krafft-Ebing (1894), but not on the whole body and certainly on the body of another and not on one's own. It is specified that Hirschfeld was not the first to address the issue of transgenderism per se. Several were made before, but none of which used the term "transsexualism". At the same time, it is pointed out that these studies considered the period more under a pathological lens rather than an inclusive one, focusing on psychiatric pathology or considering it a paranoid disorder. Among the studies carried out are Esquirol (1838) and Krafft- Ebing (1894), who spoke of paranoid sexual metamorphosis, and finally, Freud (1967-1980) with the Three Essays on Sexual Theory. Therefore, Hirschfeld is to be identified as a watershed in the literature on the subject after his contribution exponentially increases the analysis on the topic. The term "transsexual" thus ended up entering the academic vocabulary and more and more writings began to make use of it, including Caudwell (1949) in 1949. The latter was an American physician who, starting from Hirschfeld's observations, coined the definition of *transsexuals psychopathy*, or the obsessive desire to become of the opposite sex, to all intents and purposes, a psychological illness that leads the individual to appear as belonging to the opposite sex. Therefore, Caudwell was necessary to disseminate knowledge about transsexual people, but he did not collaborate academically in the de-pathologization and de-stigmatization of transsexual people. On the contrary, he was deeply opposed to sex reassignment surgery, considering it a "criminal" act to mutilate perfectly functioning organs.

The work represents one of the first scientific references on the conflict between the biological sex assigned at birth and their gender identity. Hirschfeld speaks of the early "manifestation of femininity," referring to those children who refuse to wear the cultural clothing appropriate to their biological sex. According to the author, in every individual, there exists from childhood a "heterosexual part", which when highly developed makes the

individual suffer from an early age and causes "a strong contrast between body and soul". Equally important is the "Theory of Intermediaries" that this work introduces, i.e. identifying the figure of "sexual intermediaries", i.e. individuals who, on a scale whose two extremes are represented on one side by a "heterosexual feminine woman" and on the other by a "heterosexual virile man", are positioned in the middle. According to the theory developed by Hirschfeld (1910), the sexual sphere of each individual consists of four sections that create independently of each other. These four sections are the sexual organs, the different physical characteristics, the sex drive and the emotional aspects. Based on these principles, Hirschfeld (1910) singles out as belonging to the sexual intermediaries the *pseudohermaphrodites*, that is, those who do not have only male and/or female sexual organs; those who have sexual characteristics that do not correspond to their biological sex; effeminate males and masculine females; masochistic males and sadistic females; and finally, bisexual or homosexual males and females. Assuming that the author is well aware gender identity develops independent of external factors, biological sex and sexual orientation, Hirschfeld, in writing the manual, is well cognizant *transvestism* is a natural phenomenon and is little known and needs further analysis. In the author's vision, the term transvestite focuses only on the outside of the person, the way of dressing, leaving out the emotional side. For this reason, Hirschfeld coined a new term, the "*Geschlechts ubergange*", which would later be translated as "transsexual" by Michael Lombardi and Paul Nash in 1991 in the first English-speaking translation of the work.

The decisive event for the diffusion of the theme in the media is to be identified in the first gender transition of George Jorgense, who became Christine, the first transition to be documented. The operation took place in Denmark and is described in the Journal of the American Medical Association (Hamburger C, 1953). Thanks to this event, the academic literacy production increased and led the following year to the publish Benjamin's essay *Transvestism and Transsexualism* (Benjamin H., 1966). This paper defined "transsexualism" the correct place in the sciences

through an adjectival opening towards a substantial one. This justified transition as the need "to be and operate as members of the opposite sex"(Benjamin H., 1966). And with this transition to subjectivity began important work within psychoanalysis, the first significant intervention of which must be identified in work produced by Robert J Stoller, *Sex and Gender: The Development of Masculinity and Femininity* (1968). The dialogue on the distinction between sex and gender is initiated; precisely, the author asserts that biological sex is exclusively linked to biological factors, while gender is related to psychological and cultural ones. Equally similar in this text is the distinction between gender and gender role. For Stoller the former is understood as *"the perception and knowledge that one belongs to this or the other sex"*. Differently, gender role is the behaviour one adopts in social contexts. Thus, with Stoller, we introduce a lexicon that has formed the basis of studies still being pursued.

1.8 EU action concerning transgender discrimination

Starting from these considerations, the importance of institutions is underlined by focusing on the actions of the European Union. An essential role in the achievement of equal opportunities in the continental context is played by the European Union, which has paid great attention to the issues of discrimination and the risks related to the social exclusion of entire categories of people, about the differences that characterize them and constitute their identity. Expressly, contrary to what might be thought, the EU underlines how discrimination is not only a personal limitation of the individual subject to action but a barrier to achieving the objectives of economic growth and full employment. This series of aspects is reaffirmed by a series of essential documents for the affirmation of rights within the Union, from the Charter of Fundamental Rights of 7 December 2000 to the Preamble of the Nice Charter. The latter, in particular, reaffirms that *"the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principle of democracy*

and the principle of the rule of law. It places the person at the centre of its action by establishing the citizenship of the Union and creating an area of freedom, security and justice (EU, 2016⁷: 393)'. The innovative element, identified by Galasso (2007) concerns the identification of specific values as inherent and proper to the person, universal and linked to the person regardless of whether he is a citizen of the Union or not. Articles 20 to 26 of Title III, which deal with the principle of equality, fall into this category. In particular, Article 21 lays down the prohibition of any form of discrimination. It identifies a series of possible factors that may lead to discrimination: sex, race, colour, ethnic origin, social origin, language, religion, opinion, national minority, birth, disability, age or sexual orientation. Therefore, the Nice Charter proposes to give expression to the principle of inequality by taking account of the differences between individuals, making them an asset to the community. The wealth that the Union does not consider only in cultural and social terms, but as expressed in the Commission's communication dated 1st June 2005 (EU, 2005), the very achievement of the economic objectives is subordinate to the complete valorisation of the individuals: the achievement of the goals cannot take place "if specific categories of people are excluded from work and better prospects because they are discriminated against based on sex, disability, race, age or other reasons. Psychophysical well-being will then be reaffirmed by the 2007 Commission Communication, which proposes a series of interventions so that each individual can express their potential. The solidarity necessary to guarantee social cohesion, sustainability, and inclusion of people is created.

1.9 Gender non-conforming experience in Higher Education

Returning to the transgender students and staff present in the academic environment, the lack of transgender students and staff in colleges and universities is highlighted (Beemyn, 2003). However, we are witnessing a

⁷ EU (2016a), *Charter of Fundamental Rights of the European Union* (2016/C 202/02). Official Journal of the European Union, 07.06.2016.

growth in the number of studies targeting students who identify as transgender and towards gender issues (Less, 1998; Beemyn, 2003) . One of the earliest studies on the lives of transgender people in the context of university campuses is that carried out by McKinney in 2005. According to this research, it is stressed that the campus by nature, as an expression of the culture in which it is present, produces a hostile environment towards transgender people, who thus end up being marginalized due to the lack of resources and educational tools. The academic climate itself shows that it is not very welcoming towards this minority. Beemyn's 2003 studies highlight how directors and deans have limited knowledge of the phenomenon and continue to perpetrate trans-exclusionary practices. These include inadequate university housing policy, medical support service and social support groups, a range of activities that can benefit the academic life of this category. As pointed out by Kosciw (2009) transgender people risk not receiving the best possible education without adequate support. At the time of Miller's study in 2011, for example, only 400 colleges and universities out of over 4000 had policies in place to support non-discrimination of those who do not conform to gender expression; only 81 had measures for gender-inclusive housing; and 30 provided proper support for a name change without legal action, 15 covered hormone therapy.

Several studies of transgender people have shown that they are at increased risk of experiencing anxiety disorders, bipolar disorder, and major depression, with a propensity three times greater than the rest of the population (McDuffie & Brown, 2010, Nuttbrock et al. 2010). In addition, other studies show how these mental disorders tend to occur early (Hellman, Sudderth, & Avery, 2002; Kidd et al., 2011). And this increase in the worsening of psychological conditions is leading transgender people to engage in behaviours that are risky to their own mental and physical health, including substance abuse and sexual risks (Mustanski, Garofalo & Emerson, 2010), as well as having a significant increase in those who commit suicide among those in the community (Nuttbrock et al. 2010). According to the study carried out by Nuttbrock et al., in 2010, more than

half of the respondents reported having had suicidal intentions and having attempted to carry them out or planned to do so.

One possible solution to these issues is identified in the sustainable approach. The concept of sustainability has assumed an increasing role in the management of organizations, often being accompanied by diversity. It is therefore essential to identify the definition of these two terms, instrumental in analysing the academic context. Sustainability has at its core the need to make the needs of the present coexist while preserving the system for future generations, a system that needs to last for a long time. Studies, explicitly referencing the U.S. Environmental Protection Agency, 2019, identify three pillars upon which the concept of sustainability is based, including ecology, society, and economics. Of course, for this paper, the focus will be on the idea of sustainability-related to the university, that is, the inclusion of these three pillars in the primary activity performed by the university, ensuring ecological integrity, social harmony, and economic well-being for the present and future generations (Clugston & Calder, 1999). Therefore, for a university to be sustainable, it must consider the diverse needs of the student body. As a direct consequence of this aspect, lack of sustainability leads to marginalized groups suffering the most. This inequality can take different forms and cause significant discrimination, such as creating a racist environment or one that is highly discriminatory to people with disabilities as they are deprived of inclusive tools (Archie & Paul, 2018; Benz). Sustainability requires equity, which can only be achieved if all voices, identities and perspectives of those sitting at a table are heard. This, in the university setting, translates into considering all the needs of students who may enrol.

An academic environment must direct its efforts towards the most vulnerable population, creating sustainable environments to prevent these environments from becoming sustainable only for the dominant majority. This includes an increasing focus on transgender people, especially in terms of their experience on campuses. The creation of safe spaces and the adoption of inclusive policies are the two times that stand out most in

the existing literature. Specifically, the need to promote a holistic approach to the concept of student participation is identified. Since transgender students often lack a sense of belonging to a community or campus life, it is necessary to give them the opportunity to be engaged in community activities and support them in learning about themselves in the broader educational context.

The literature already presents the inclusion of transgender people in academia identifies oppression as the first barrier to it. This oppression in the academic context is determined in different forms. Hardiman and Jackson (2007), for example, describe the expression as a multi-level system that develops on three different levels: individual, institutional and socio-cultural. An example of institutional oppression is provided by Nicolazzo (2017), who identifies as institutional oppression the practice of not providing for a non-binary perspective in campus sporting activities, forcing those who do not fit into these social patterns into segregation. Likewise, it is to be identified as detrimental, again in the author's view, the countless institutional forms that are produced that include a reference to the gender of the respondent, in which there is no possibility of responding to it by indicating a non-binary category, effectively staggering the very data that is collected. According to James et al. (2016) and Rankin & Garvey (2015) only 18% of transgender students indicate their identity correctly within institutional forms. Goldberg and Kovalanka (2018) identify how this practice leads to the outright invalidation of transgender students. This aspect is further consolidated in those contexts where the institutional setting of universities demonstrate hostility to helping transgender people see their being expressed and instead lead to the nurturing of oppressive mechanisms already in place. We refer in this last instance to the use of the so-called "dead name", i.e. the name given at birth to transgender people but with which they do not recognize themselves and which is, to all intents and purposes, the complete expression of an identity that does not belong to them. The perpetuation of using the "dead name" in official documents or various forms leads to continuous violence towards these subjects. In

addition, it is necessary to identify a problem of research that these aspects involve, excluding the transgender identity produces the alteration of qualitative research, whose data are therefore limiting in the formation of policy reform, the allocation of resources or the development of institutional advocacy.

Current studies targeting transgender students place their focus on gender exclusionary policies, practices around residence halls, health care, and campus bathrooms (Dugan, Kusel, & Simounet, 2012; Effrig, Bieschke, & Locke, 2011). Studies such as Nicolazzo's (2017) show that transgender students prefer not to live on campus due to the intense discrimination or pressures they would be subjected to. Specifically, the literature suggests that the reasons for this situation are due to gender-segregated dorms and specifically to the fact that they are forced to deal with the hostility of their gender non-conforming to the one assigned at birth. Still, the empirical data collected by Seelman (2016) offer a different key to understanding. In fact, in addition to an inherent and pre-existing difficulty, this discrimination is linked to a substantial inclusion gap in the context of university campuses. The author indicates the need to create university residences with single or gender-inclusive spaces, which consider the presence of gender non-conforming people.

This institutional oppression is compounded by individual and social pressure from colleagues and university staff. The literature shows how this type of discrimination leads to an exponential increase in levels of stress, anxiety and suicidal ideation among transgender students and staff (Seelman, Woodford, Nicolazzo). The study by James et al. (2016) identifies that 24% of those who publicly stated they were transgender had to experience mistreatment, verbal or physical violence. As already indicated, the study also shows the intersectional nature of discrimination, which can affect a person not only as transgender but also as belonging to another minority. The research conducted here shows that a transgender person is more likely to be subjected to acts of discrimination if they are black, from the Middle Eastern or American Indian. Studies such as the one conducted

by Effrig, Bieschke & Locke (2011); Swanbrow Becker et al. (2017) show that transgender students perceive the campus environment as more hostile. There are more reports that they make than cisgender people. Oppression, moreover, may lead transgender students to avoid potential institutional supports already in place for them, all out of fear of possible negative consequences (Nicolazzo, 2017; Swanborw Becker et al., 2017). For this reason, existing literature identifies the need for creating spaces devoid of the institutional distance that characterise pre-existing services, but that inclusive environments are put in place in which gender non-conforming people can express themselves in the fullness of their gender expression.

A central issue related to the experience of transgender people in the academic context is identified in university and campus facilities. Swanbrow Becker and colleagues (2017) highlight how "architectural" barriers prevent transgender people from understanding the multiple nature of their identity. Creating inclusive spaces can produce an improvement in the everyday experience of gender non-conforming students and staff. Queer campuses are identified as a first step towards helping with this, but Nicolazzo (2017) and Swanbrow Becker et al. (2017) identify the need to create services specifically for these people, offer them resources to deal with the inherent difficulty of living in a binary world.

Nicolazzo (2017) also underlines the risk that could cause rejection of identity by the university, especially for those who are already living a hostility on the family level. The lack of support would aggravate the feeling of loss and inadequacy, leading the subject not only to suffer consequences of a psychophysical nature but sometimes even leading to academic abandonment. A further aspect to be considered when talking about the university experience of transgender students and staff is to be identified in the relationship with other colleagues. The literature identifies a lesser involvement of these individuals with their cisgender peers, thus leading to a lack of friends, colleagues and family who can empathise with the experience being lived (James et al., 2016; Nicolazzo, 2017; Swanbrow

Becker et al. 2017). This lack of social engagement has a personal impact, but its effects unfold on the person's career. Duran & Nicolazzo (2017) demonstrate how the social aspect erodes the literary element, significantly reducing performance. It is further shown that transgender students are less likely to engage in campus social life. Transgender people are also subject to discrimination within the LGBT community (Duran & Nicolazzo, 2017). Studies were done by Duran & Nicolazzo (2017) show how displaying attention to the Queer community is not enough to ensure an inclusive and discrimination-free environment for the transgender community. Gender non-conforming people, as Golberg & Kovalanka point out, are perceived as information totems endowed with life, constantly subjected by cisgender people to dissemination, and this involves a substantial emotional outlay.

To address this set of issues and difficulties in the academic environment, researchers, including Nicolazzo (2017) and Pitcher, Renn & Woodford (2017) have identified the formation of strong bonds among transgender students in the realities of American campuses, forming so-called kinship networks. Nicolazzo's (2017) definition of this term is "*the relationships between and among trans* students, faculty, and staff on college campuses*" (p.25). Therefore, these networks are to be identified as those realities in which transgender people are valued, and their gender expression encouraged and supported by the campus context. According to the literature, these spaces are considered by students as essential to create and maintain community; regardless they are physical or virtual (Nicolazzo, 2017; Goldberg & Kovalanka, 2018). The latter element represents the most fertile ground for the studies currently being carried out and is of great interest for the paper itself.

Ensuring the success of students in education has become a defining component in today's higher education system. However, the very concept of success is not easy to conceptualize; universities themselves continue to constantly conceptualise it. Generally, the success and potential of universities are identified by rankings and parameters, number of graduates, grade point average, number of courses offered etc... Given,

therefore, this conceptualization of success, many universities pursue what is referred to as the traditional method of leadership, which implies a linear way of thinking and whose primary objective is to ensure a high number of sales and increased profitability (Han, You, & Son, 2006). Therefore, the university's ultimate goal in this context is to bring the most significant number of students to success, which is understood as obtaining a degree. In this way, however, the degree itself is understood more as an achievement of the university than the individual. Student performance is only measured quantitatively and only gives a general view of the actual functioning of the higher education system (Mullin, 2012). However, the data collected does not include student opinions, qualitative data that could help understand weak and learn how to better centre student success. In 2018, Schreiner (2018) for *Achieving Student Success* proposed that higher education leadership encourages students to thrive and engage in college life and social, intellectual and psychological life. It is an interdisciplinary approach that leads students to engage in reflective critique, creative problem solving, active citizenship, and personal, spiritual, and intellectual awareness (Burns, Vaught & Bauman, 2015). The literature on sustainability, which in Fredig's (2009) view is considered as the action that takes into consideration the impact people and organizations have on the earth, society and the health of the local and global economy, places students at the center of a holistic action that places a major focus on social equity within universities and the educational system. Taking this kind of model as an example, minorities, and therefore also transgender minorities, would be highly considered in the evaluation of student success and therefore in the predisposition of adequate policies to support this objective.

Much of the literature inherent to transgender people in academia focuses on students and staff as the object of violence and oppression in this context (Nicolazzo, 2017). This is a crucial component of the lives of this category in the academic setting. However, it is misguided to think that we can limit ourselves to this aspect alone. What is missing is a holistic view of active support of transgender people, who, therefore, should not be viewed as

mere victims of the educational system and treated as such, but the need to create a resilient culture that can make communicative support in colleges inherent to this student population. Instead of merely focusing on the success of one's students, it is suggested by recent currents of analysis that there is a need to create an environment for students to develop their potential. However, one limitation that Dugan, Kusel, and Simounet (2012) demonstrate is how challenging it is to understand the transgender experience without having directly experienced it.

2 Interrupting Heteronormativity: A comparison of European academic practices

2.1 University life: epistemological, bureaucratic, and symbolic barriers

In the university context, sexual orientation, gender expression and gender identity have only recently begun to be the subject of study and intervention (Galán P. & Cabezas L., 2019, p. 2). As underlined in Pichiardo's paper (2015), universities play a fundamental role in dealing with these issues, playing a central role at a legal and social level. Although they have increased their attention to the subject, the academic realities continue to maintain a series of formal and informal discriminations (Galán P. & Cabezas L., 2019, p. 2). In an attempt to offer a general overview of the European reality before focusing on the case studies, in the following pages, we will indicate a series of limitations that the literature has found to be unfavourable to the transgender community.

Universities are social institutions capable of perpetuating the stigma already present in society or promoting diversity and inclusion (Pitcher, Camacho, Renn & Woodford, 2016). Similarly, places of higher education have historically been the locus of social change, where LGBT+ activism has also operated (Clawson, 2014). Despite this, there is still evidence that these groups continue to face discrimination in higher education (Woodford, Kulick, Sinco, & Hong, 2014). According to the studies done, the university environment continues to be permeated by several barriers that make the environment highly hostile to transgender people.

The first barriers present are the invisible ones, an expression by which we refer to the "sexogeneric" norm that shapes and reproduces throughout the life course, and specifically in the school and university experience" (Galán P. & Cabezas L., 2019, p. 3). Studies such as Puche et al. (2013) and Platero's (2010) show how the coexistence of sexual diversity in the Spanish context results in persistent violence between peers (bullying). On

the other hand, those carried out by Pichardo and De Stéfano (2015) show how those most affected by bullying are primarily those who do not meet specific prevailing beauty standards or those who break binarism of the sex/gender system. These types of incidents necessarily impact the person's development, causing limited affective and sometimes academic development (Chamberland et al., 2013). In particular, the Transgender Community is explicitly sensitive to this type of phenomenon. A central role in the experience of transgender people in academia is played by word of mouth and the sharing of personal experiences (Pomerleau, 2012). Based on the availability of mentors, degree of study and faculty, some also decide to turn to the services put in place by the study department (Pitcher, 2017). Often, however, the transgender students themselves are successful with their resilience in pushing for policy change in academia (Catalano, 2014). Precisely, there are several specific barriers that transgender people face in the campus microclimate. For example, the lack of gender-inclusive restroom and housing become a significant source of stress for transgender people who are faced with the need to "choose one or the other," weighing the need to affirm their gender identity and the need for safety (Seelman, 2016; Beemyn, 2019). Specifically, Puche's (2018) studies highlight how it is transgender women, in particular, who suffer most from this prevailing pattern. Due to the intense discrimination, they find themselves, in most cases, dropping out of their studies even before arriving at University, swelling the phenomenon of academic absenteeism. Also, these people, demonstrates Erikson (2016), are often forced with limited and obliged-choice in their work experience. Transgender persons, therefore, find themselves working in specific sectors. In particular, they mainly operate in the area of personal aesthetics (hairdressing/makeup artists) or specific services (such as cooking or cleaning, for example) (Puche, 2013). This general reality also finds specific applications within the peculiar University context. The university training of this category seems to be limited *a priori*, finding some training spaces more preferable than others (Galán P. & Cabezas L., 2019). Thus, a sphere such as art and creation are generally

perceived as safer and more respectful of diversity (Galán P. & Cabezas L., 2019, p. 3).

Some studies, including that of Erikson in 2016 about Transsexual issues in the curriculum of medical courses, show how including this information increases better management of transgender persons. Generally, issues related to the transgender community are not conventionally present in departmental curricula (Obedin-Maliver J., Goldsmith ES, 2011), and this makes understanding the needs of the community even more difficult. One of the biggest problems for transgender people is accessing health care, which is also made difficult by the reluctance of health care professionals who are keen to ensure that transgender people receive safe, quality care (Safer JD, 2008).

In short, those courses in which the majority are females, such as teaching or nursing, are seen as attractive to LGBT people, as opposed to those careers marked by a massive male presence, such as engineering or scientific-technical professions, which are only partially preferred by the community. A further distinction identified is between the scientific and humanistic environments, the latter proving to be much more attractive to gender-nonconforming students. This division is the result of the heteronormativity and machismo that still pervade the cultural framework. Today's system continues to be fueled by a binary, gendered division that dictates that some environments are purely male and others female, leading to concrete discrimination of those who do not see themselves in a binary (CG) system. And, although some studies have already highlighted this situation, there is not enough investigation into these invisible university barriers to date.

In addition to the invisible academic barriers, others of epistemological, bureaucratic and symbolic (Galán P. & Cabezas L., 2019) type can be identified. Generally, the University is perceived as an inclusive and accessible place. The start of an academic career for LGBT+ students represents a new path, marked by the desire for emancipation and the will

to create a new social network, friendships, and reference points. This is what for Goffman (1989, p. 120) represents a biographical break. In this context, universities play a decisive role as places free of limitations and pressures such as the socio-geographical ones of origin (cities, neighbourhoods, families) (Platero, 2010:47). As a confirmation, there are associations purely linked to the LGBT+ community in many university contexts, which provide information, dissemination, and as places for socialisation and activism. (Galán P. & Cabezas L., 2019)

The barriers that the LGBT+ community faces in the academic context are linked to a positivist epistemological knowledge that is powerfully prevalent in the educational environment (Harding, 1996). According to this type of approach, the University is understood as an asexual space without a body, vulnerability, and positioned subjects. Based on these assumptions, the university as a physical and social space has been falsely aseptic and neutral, ignoring social situations. In other words, an androcentric and Eurocentric area has been formed that is suitable only for those capable, autonomous subjects, devoid of affectivity and consecrated to knowledge and science (Harding, 1996; Galán P. & Cabezas L., 2019).

Then, some considerations can be made referring to physical obstacles. When we speak about physical barriers, the thought goes directly to the architectural or urban barriers that people with motor or sensory sensitivities have to deal with daily. However, in the context of the analysis of this paper, this expression takes on a significantly different meaning. By "physical barriers" we refer to those limitations that affect both men and women and are embodied, above all, in the binary sex/gender division (Galán P. & Cabezas L., 2019). Specifically, there are two moments in which this division finds a material expression: the bathrooms and the changing rooms, if we refer to the sports field, for example. Generally, this kind of separation is justified by a physiological function based on the different capacities of men and women. (Galán P. & Cabezas L., 2019) Necessarily, this type of division is problematic mainly for those whose gender and expression of it does not fit into the codes established by society, we are referring to:

effeminate men, masculine women, androgynous people, non-binary people, or those whose gender expression does not allow a clear identification of gender belonging. This set of considerations will enable us to picture the academic context as a space that produces everyday violence (Cavanagh 2010, Alonso, 2018). Areas like the one in the binary bathrooms are configured as an expression of the inherent homophobia of places.

In addition, bureaucratic barriers must be considered, primarily in the academic context when referring to transgender people. This is of considerable value to transgender people on their journey to full gender expression. A central moment for this category is the changing of official documents. Some students and workers are transgender and ideally validated in their gender and identity in the academic context. Still, they have had to resolve the situation privately in most cases, talking to each professor, partner/colleague, or administrative staff. In this case, Galán P. & Cabezas L. (2019) highlights the lack of uniformity of the policies that are adopted. The lack of uniformity in protocols leads to a graded landscape. Also, at the level of literary forms, the binarism perpetrated through its production should be noted. Many of the conditions that are dispensed (Galán P. & Cabezas L., 2019), for example, continue to refer to the wording "mother" and "father", consolidating a symbolic conception towards this type of family considered socially acceptable. Students and staff are also asked to tick a box to indicate their gender, often limiting the choice between "male" and "female", consolidating the gender dichotomy.

The last type of barrier one has to contend with academia is that of a symbolic nature. This type of barrier is invisible and difficult to identify but perpetuate a binary and heteronormative system. Academic walls in the university sphere are to be identified with the lack of relevant figures present at the academic level: public, gay, lesbian, bisexual or transgender. Above all, it is due to the lack of an institutional platform that visibility different gender orientations, expressions and gender. (Galán P. & Cabezas L., 2019) University life thus becomes a compromise to good coexistence, depriving subjects of inherent characteristics that are not socially acceptable

to ensure peaceful coexistence. Studies show that in those environments where Rectors, Vice-Rectors, Heads of Departments or Vice-Directors are openly part of the LGBT+ community, the number of those who speak publicly about their sexual identity increases exponentially. (Galán P. & Cabezas L., 2019) However, there is a noticeable lack of individuals from the transgender community in this role.

2.2 Tools for gender non-conforming people within Academia

It should be noted that the academic environment is based on a well-marked separation between the cognitive and the affective (Ross-Epp, 1999). Consequently, few spaces within the academy (or are often marginal) are allocated to unfolding affectivity or issues that hold to personal identity and experience, which appear excluded from the scientific and academic space. (Galán P. & Cabezas L., 2019) specifically, we hypothesise how introducing these spaces leads to a more inclusive climate from which students and staff benefit. In particular, those afraid to speak up during classes because of the potential for verbal or physical aggression they may face as community members would be freer to express themselves. Therefore, one possible solution to overcoming these issues is creating a social culture in the academic environment, starting with sexual and gender diversity training. As with cultural plurality, gender diversity is a common heritage subject to collective responsibility. Therefore, the whole education system is responsible for broader acceptance and understanding. Not only LGBT+ people are expected to nurture inclusion.

It should be pointed out that this type of barrier is not only manifested towards students but also the internal staff of universities. The Accademia is made up of intricate relationships between various subjects, where the weakest subject is the student. What is certain is that daily in the university environment, there are more or less subtle forms of homophobia and transphobia, although they are often not perceived as such (Pérez, 2017). And it should be remembered that the university is a workplace and, as

such, is subject to a series of protections, which indirectly include the transgender community. There is, for example, the prohibition of discrimination, insults or harassment (IMOP, 2017).

The academic environment still demonstrates a lack of adequate support tools for transgender people (Siegel 2019, p. 6), primarily referring to services such as thesis advising, networking, job opportunities and letters of recommendation (Goldberg, 2019). Transgender people report both negative and positive involvements experienced in the academic environment, with no distinction between those who identify as nonbinary and transgender students. (Dugan et al.,2012; Goldberg, 2019). The only exception is transgender women, who are perceived as violating "masculine gender norms" leading to discrimination in higher education. (Goldberg, 2019) Faculty members mostly struggle to find professional support in the departments they work (Vacarro, 2012; Jourian, Simmons, & Devaney, 2015). In the absence of formal policies, departments develop their organizational structure and interaction with transgender academics. (Siegel, 2019, p. 7). They are, for example, often involved in those decisions related to "transgender issues" (Spade, 2010) or called upon to give a transgender perspective on issues such as diversity (Simmons, 2017). This approach leads transgender people to feel like "the only one" in their community (Pitcher, 2017; Spade, 2010). In every aspect of institutional life, transgender people experience what is referred to as minoritized stress (Pitcher, 2017). These individuals spend a great deal of energy trying to understand whether the experience they are facing is driven by prejudice or simply "imagining things" (Seelman, 2019). And, to date, institutions do not provide means to help these subjects deal with this type of distress (Siegel, 2019, p. 7). The transphobic nature of microaggressions makes it difficult for universities to turn out to be responsible for the safety of transgender people (Pitcher, 2017). In the study completed by Pitcher (2017), one of the respondents states that university staff refused to take action despite being subjected to misgendering by colleagues several times. As reported by Garvey & Rankin (2018), this type of behaviour leads in some cases to

transgender individuals being left with the only option of leaving the toxic environment, changing the trajectory of their professional aspirations. Transgender students may be inclined to skip classes, avoid certain services offered by the university or forgo professional opportunities (Bilodeau, 2009; Goodrich, 2012). Precisely referring to university life, transgender students who experience discrimination are inclined to forgo their housing and look outside the university system (Pryor, Ta & Hart, 2016). Therefore, the entirety of the transgender experience in the university setting is riddled with several financial and social costs, leading to the alienation of this category from university life.

The current provision of support for transgender students can be identified in the broader services provided for the LGBT+ community, some of which focus on transgender realities (Newhouse, 2013; Marine & Nicolazzo, 2014). This often occurs due to a lack of attention to gender identity in academic policy writing. A significant limitation of these issues arises due to the LGBT+ community's proactive movement for inclusion (Newhouse, 2013).

2.3 Measuring and monitoring the inclusion of LGBT+ minorities in university contexts

The university environment can be hostile towards gender non-conforming people and reinforce a binary view of gender and the persistence of cisgender norms (Bilodeau, 2009). Despite the increased attention to protecting these individuals in academia, including introducing guides as a reference point to support transgender people (Beemym, 2003; Pomerleau, 2012), discrepancies persist. A highly debated topic, for example, is about the use of pronouns in lectures and the correct nomenclature with which to refer to the transgender community (Manion, 2018; Spade, 2018).

This review of the experience of gender non-conforming people in academia seeks to address anxieties about including these individuals in the academic context and complicate debate issues. As the data suggest, there is no

universal evidence of the experience of gender-nonconforming people, so the one-size-fits-all approach cannot be applied to all students/staff and faculties. (Beemym, 2019; Pitcher, 2017). Furthermore, the difference that can occur within the same universities should be noted. In this regard, it is worth noting the approach of Acklesberg, Hart, Miller, Queeney, and Van Dyne (2009), who developed the term microclimates to capture variable inconsistency. Therefore, the term microclimates refer to "small, relatively self-contained environments," such as departments that establish their norms and policies by detaching themselves from central government (p.84). In performing this type of analysis, context takes on a crucial role. By analyzing the experience of transgender people based on a microclimate-focused approach, it is possible to illuminate "the elements of the system require maintenance or bolstering" (Pitch, Renn, Camacho, Supposeenn & Woodford, 2018, p.119).

There is no obligation in academia to monitor those whose gender does not conform, and few institutions do so (Ellen Pugh, 2010). At the European level, an attempt at collection is being made by HESA (Higher Education Statistic Agency). Still, the main problem is that they refer to data collection more to the intersex experience of gender-nonconforming people than the transgender experience. An essential first step, as suggested in the Trans staff and students in higher education (Revised 2010) document, is in consultation with stakeholders. Suppose transgender students and staff are opposed to the collection of this type of data. In that case, this indicates that the effectiveness of equality policies are ineffective in practice, making them wary of data collection.

Gathering data about the issue helps to understand the academic reality of this category better and better comprehend its needs according to the context. This would allow identifying possible positive and negative patterns, ensuring that the former can be emphasized and the latter limited. In addition, knowing the context and the community would allow understanding how best to help those who want to come out of the closet and live their identity without fear of prejudice. The important thing here, too, is the right

balance that these interventions must have with respect to the entire policy architecture being put in place by universities. The most significant risk is that these measures will be more relevant than others, thus having the opposite effect to that hoped for (Ellen Pugh, 2010).

In the report (Ellen Pugh, 2010), a series of steps are identified that institutions should follow to monitor gender-nonconforming people within the institution. First of all, it is requested that in the policies established for inclusion, an apparent reference to the protection of transgender people is made and a mechanism for monitoring them. In addition, it must be clear why data is collected. Furthermore, it is necessary to ensure that sensitive information remains anonymous and, where necessary, to create additional safeguards. Questionnaires on this issue must be carried out so that these individuals can find a way to express themselves. The use of language is therefore crucial. The descriptive questions are among the most suitable to carry out this kind of activity: an example can be "*is your gender identity the same as the gender you were assigned at birth? Or Do you live and work full-time in a gender role different from that assigned at birth?*" Since these are sensitive data, they must be managed, and the destination clarified. As a rule, the institutions use an independent organisation to carry out this collection, guarantee anonymity. Monitoring allows the institution to understand the impact of the measures that have been put in place. Failure to improve the context, therefore, requires the institution to review the policies that are being adopted.

An essential aspect of the transgender experience in academia is transition. Students going through this type of journey need to be empowered with a service that can help with this process. Simultaneously, the human resources department should have a transition plan for employees. Staff training emerges as the central point regarding the non-binary experience, often relegated to the "not trans enough" narrative. Nicolazzo (2016), Beemyn (2019) and Goldberg (2019) argue how nonbinary students and staff in their expression of gender and identity are often tied to this narrative. Many nonbinary and gender-free individuals do not fit into the "born in the

wrong body" description of the trans-ness model, leading nonbinary people to feel "misunderstood by faculty, staff and peers" (Goldberg, 2019. P.21). To "claim public identities", Garrison (2018) argues that non-binary people should present themselves as closely as possible to the dominant model of the "wrong body narrative", even when "these accounts fail to capture the nuance of their experience" (p.615). Specifically, to "be taken seriously" as a non-binary subject or non-binary trans person, people often feel pressured to present themselves in a particular way and avoid the association of their mode of dress with their assigned gender (Goldberg & Kivalanka, 2018).

The importance of data collection is also highlighted by the emergence of the Gender report, first published by the University of Padua in 2017. Within it, data on staff and students about inclusive policy development is presented. Many European systems collect only partial data at the national level⁸. In many of them, the issue of diversity is only partially addressed, as is the case in the United Kingdom and Ireland, while in France, the collection of these is prohibited by law. Otherwise, the general and more widespread situation is that these data are sensitive and subject to strict management. According to the latest Report data, only 9% of the sample collects data on sexual identity.

2.4 Trans and intersex equality rights in Europe

In the post-war era, higher education was intended for an audience of subjects made up primarily of heterosexual white males with significant economic assets (Blanden & Machin, 2004). Over the years, there has been an evolution such that by 2011 40% of the population aged sixteen to thirty had completed an academic degree (EACEA, 2010, pp.27/28).

Europe has sought over the years to become the most competitive and dynamic economy in the world, basing its strength on sustainable economic

⁸ Chapter 5 on opening higher education to a diverse student population in Eurydice, 2018. The European Higher Education Area in 2018. Bologna Process implementation Report, p.153-214

development, creating jobs and increasing social cohesion (European Commission, 2000). Starting from this general objective, there is growing attention to the formation of higher education. There are, however, several authors, such as Marginson (2008) and Robertson (2009). They use that higher education has tended to focus on the benefits of competitiveness rather than the social benefits. Concurrently, the economic situation and unstable environment have led to the emergence of secondary education as a tool for social mobility and cohesion.

Specifically, of relevance for higher education is the Bologna Process held in 2010 to identify a link between social and demographic background and participation in higher education. The Bologna Process (1998) aimed to ensure homogeneous levels of courses were established and delivered. This led in 2007 to create a national action plan for effective monitoring. Subsequently, in 2009, all nations agreed that measurable targets should be set to ensure the widest participation and growth of underrepresented social groups in higher education. This was set out in the Louvain-la-Neuve Communiqué in 2009, resolving that this ambitious outcome should be achieved within the next decade, which had just passed at the time of writing. Equally important is the London Communiqué (2007), which emphasises the importance of students completing their academic careers unhindered. In short, as outlined on of the document, universities should reflect society and its diversity.

One solution is a possible harmonization of policies established at the European level through the WTO. Several documents deal with laws, including Mitchell (2006), this type of mechanism is optimal only to promote neoliberal goals. Conversely, others identify the usefulness of benchmarks in maintaining the presence of social justice on the policy agenda. The latter include Aeshad and Riddell (2011), who studied the public sector's equity for disabled people.

The economic crisis has led to a strong push for the development of higher education, leading the Union to set meaningful targets such as that 40% of

Europeans aged 30-40 should achieve tertiary education by 2020. (EACEA, 2010, pp.27/28)

However, despite the growing attention to these academic realities, little has changed regarding the inclusion of transgender people. Universities and colleges are often seen as microcosms of society (Love, Boschini, Jacobs, Hardy & Kuh, 1993), functioning dichotomously concerning gender issues. As pointed out earlier, how the rights of gender non-conforming people are dealt with within the university environment is strongly linked to the context in which such education deploys its activities. Therefore, before focusing on specific cases, the following pages will provide an overview of the protections that have been provided to the transgender and non-binary community in the European and global context.

Several documents deal with transgender protections at the international level. Among them, the Diversity, Equity and Inclusion in European Higher Education Institutions (2019) identifies some crucial acts. Specifically, it refers to the Human Rights Act of 1998, which offers protection to transgender people under the lens of privacy. Specifically, this measure imposes an obligation on authorities not to intervene in the public exercise of a person's expression unless it is contrary to applicable law. In addition, it charges that information of a personal nature (including official records, photographs and letters) shall not be disseminated publicly unless it is done for reasons established by law⁹.

In 2004, however, the Gender Recognition Act (2004) was introduced. It allows transgender people to gain legal recognition by acquiring a Gender Recognition Certificate. Through it, transgender people can correct their birth sex. It is important to emphasize that this document does not require transgender people to change gender in official documents but represents a possibility made available to the subjects; they are not obliged to make

⁹ Guidance for Transgender, Non-binary, and Gender Non-conforming students and Applicants at the University of Nottingham

this choice. In addition, it is emphasized that a similar procedure is not yet established at the international level for nonbinary people.

As previously pointed out, much of the legislation concerning transgender people focus on the equality guaranteed to these subjects. The Equality Act (2010) also falls within this framework. Specifically, the Act provides for the protection of Gender Reassignment, which is also introduced in the Public Sector Equality Duty. Specifically, Gender Reassignment includes protection from discrimination for people who intend to, have begun, or have completed the transition process¹⁰. Notably, the Act does not require people to have undergone medical treatment to be protected. In addition, Equality Duty requires universities to eliminate discrimination, abuse, and victimization of transgender students.

There are then a series of measures that have as their object the protection of transgender people inherent in the sphere of privacy and medical. For the first, therefore, we refer to the General Data Protecting Regulations (2018), which establishes the prohibition of the diffusion of information related to the transsexual status of the person. This status falls into what the document defines as a 'particular category, and their management is regulated by Article 9 of the abovementioned document.

As far as transgender people are concerned, a crucial point is the transition process. Medical transition can take many forms, and there is no one more right than the other.

Discrimination on the grounds of sex, gender identity and gender expression, European Commission. 2012. In 2012, the European Commission's Network of Legal Experts produced discrimination based on sex, gender identity and gender expression (Aguis, S. and Tobler, C., 2012). The conclusion of the report, which analysed 30 jurisdictions, is of a proven level of inequality faced by the transgender community. This is a disparity

¹⁰ Ibid, pag4

that the report identifies both *de jure* and *de facto*, despite promises and announcements of the complete elimination of discriminatory instances.

However, the growing attention to these realities pushes for a greater understanding of the social, legal and economic constraints that these people constantly face. This interest is not purely and singularly European but is taking place at a global level. Of particular interest are the United Nations mechanism, but also building on the actions of regional organisations such as the Council of Europe and the Organisation of American States¹¹.

Protecting the rights of gender-nonconforming people is part of the broader human rights protection framework (Farrior, 2015). Indeed, Article 1 of the Universal Declaration of Human Rights (UDHR) states that "all human beings are born free and equal in dignity, and gender-nonconforming of equality and non-discrimination is the only human right mentioned in the Chapter of the United Nations. Precisely, article 1(3) of the Charter of the United Nations provides that the purposes of the United Nations include *"to achieve international co-cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."* This principle is protected and established by all the most important instruments foreseen at the international level for the protection of human rights: the International Covenant on Civil and Political Rights (articles 2, 3 and 26), the International Covenant on Economic, Social and Cultural Rights (articles 2 and 3) and the UN Convention on the Rights of the Child (article 2). However, it should be identified the absence of clear protection provided in favour of gender identity or gender expression, these falling in fact within the character of "universal, interdependent and indivisible human rights" ¹².

¹¹ 12 November 2015) OAS/Ser.L/V/ II.rev.1; Inter-American Court of Human Rights, Advisory Opinion OC-24/17 (24 November 2017).

¹² United Nations Human Rights Council, "Resolution 17/19 Human rights, sexual orientation and GENDER IDENTITY (14 July 2011) UN Doc. No. 1 to the Preamble

Since 2011, the attention of the United Nations towards the discrimination of those whose gender does not conform to the canons imposed by society has significantly increased, several resolutions having as their object this issue¹³. In addition, an independent expert committee was created to identify the most appropriate methods for the implementation of human rights concerning discrimination based on sexual orientation and gender identity in the report prepared¹⁴ emphasized that the primary problem related to gender-nonconforming persons is to be found in discrimination in the hospital setting. Specifically, reference is made to situations where they are denied "rapid and transparent" access to gender recognition procedures¹⁵. To address these types of issues, the Committee suggests that States "adopt anti-discrimination legislation that includes gender identity and establish policies that tackle the spiral of discrimination, marginalization, and exclusion that negatively impact trans and gender-nonconforming lives"¹⁶. Furthermore, it is specified that to meet these groups' needs and requirements, it is necessary to adopt an intersectional approach as transgender, and intersex persons have inherent qualities that are not necessarily related to sexual orientation or gender identity¹⁷.

The protection of transgender people under the international human rights framework was also reaffirmed by the speech of the UN High Commissioner for Human Rights in 2011. In his speech before the UN Human Rights Council, he stated that "all persons, including trans persons, entitled to enjoy the protections provided for by international human rights law"¹⁸. In

¹³ UN Human rights Council, "Resolution 32/2. Protection against violence and discrimination based on sexual orientation and gender identity (15 July 2016) A/HRC/RES/32/2, (2).

¹⁴ Report of Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (19 April 2017) UN Doc No. A/HRC/35/36, (6)

¹⁵ Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. 11 May 2018. UN Doc No. A/HRC/38/43, 98.

¹⁶ Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. 11 May 2018. UN Doc No. A/HRC/38/43, 98

¹⁷ Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (19 April 2017) UN Doc No. A/HRC/35/36, (6)

¹⁸ United Nations High Commissioner for Human Rights, Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity. (17 November 2011) UN Doc No. A/HRC/19/41, 5.

addition, the High Commissioner indicated the need for States to provide for anti-discrimination legal measures and to "address discrimination against children and young persons who identify or are perceived as LGBT or intersex".

UN human rights treaty bodies have also played an essential role in the protection of gender non-conforming persons. For example, the recent Concluding Observation of the Human Rights Committee reaffirmed the apparent Council need to "prohibit discrimination based on gender identity and ensure that trans and intersex individuals are afforded, both in law and in practice, adequate and effective protection against all forms of discrimination."¹⁹. Interest in this issue was also expressed by the UN Committee against Torture, expressing concern about the "unnecessary and in some cases irreversible surgical procedures that have been carried out on intersex persons without informed consent"²⁰. The Committee then drew attention to the vulnerability of transgender women who are improperly forced to live the period of detention in men's prisons²¹, and the need for states to remove legal preconditions for the recognition of transgender people's gender identity, such as sterilization²².

The UN Committee on the Elimination of Discrimination against Women also indirectly addresses the transgender issue. Expressly, in its concluding remarks, the Committee (CEDAW), which works to monitor all actions that may cause harm and discrimination against women, has well understood that such discrimination is "inextricably linked to other factors that affect their lives", including being trans or intersex²³. In addition, the Specific

¹⁹ Human Rights Committee, 'Concluding Observations on the Third Periodic Report of Lebanon (9 May 2018) UN Doc No. CCPR/C/LBN/CO/3, 14

²⁰ Committee against Torture, 'Concluding observations on the seventh periodic report of Switzerland (7 September 2017), CAT/C/CHE/CO/7.

²¹ Committee against Torture, 'Concluding observations on the fifth periodic report of Belarus. UN Doc No. CAT/C/BLR/CO/5. 7 June 2018

²² Committee against Torture, 'Concluding observation on the fifth periodic report of China concerning Hong Kong, China' UN Doc. No. CAT/C/CHN-HKG/CO/5. 3 February 2016.

²³ Committee on the Elimination of Discrimination against Women, General recommendation No. 35. On gender-based violence against women, updating general recommendation No. 19 (14 July 2017), UN Doc No. CEDAW/C/GC/35

Committee called on parties "to establish processes to eliminate discriminatory rulings and practices against... trans women and intersex persons in the justice system²⁴. For this to be addressed, the Committee suggests that discrimination against women and transgender people be addressed through education, specifically by focusing on the moment of access to it²⁵. There is also an explicit call by the Commission for "unnecessary surgical or other medical treatment on intersex children until they reach an age when they can give their free, prior and informed consent"²⁶.

2.5 European Court of Human Rights

This general framework established at an international level is then enriched by a series of measures and acts that have been envisaged at a regional level. As far as the European context is concerned, the one that is the object of the study of this paper, reference is made to those decisions taken by the Council of Europe of Human Rights. Several institutions have dealt with the protection of transgender people's rights at the European level. In the first instance, we refer to the legislative production operated by the European Court of Human Rights. The Court's primary task is to oversee compliance with the European Convention on Human Rights, a regional agreement drafted in 1950 and signed by the 47 member countries of the European Council. And, about the protection of the rights of transgender people, the Council has played a role as a legal catalyst for reforms on the issue in its member countries²⁷. In the specific, it pivotal is to protect the principle of non-discrimination established by Article 14 ECHR. A declaration that is

²⁴ Committee on the Elimination of Discrimination against Women, 'Concluding observations on the seventh periodic report of Chile, UN Doc No. CEDAW/C/CH/CO/7, 14 March 2018

²⁵ Committee on the Elimination of Discrimination against Women, 'Concluding observations on the combined sixth and seventh periodic reports of Luxembourg' (9 March 2018) UN Doc. No. Cedaw/C/LUX/CO/6-7, 9 March 2018

²⁶ Committee on the Elimination of Discrimination against Women, 'Concluding observations on the seventh periodic report of Chile (14 March 2018) UN Doc No. CEDAW/C/CH/CO/7, 14 March 2018.

²⁷ See, e.g. *W v Register of Marriages* (2013) HKCFA 39 (Court of Final Appeal of Hong Kong Special Administrative Region).

provided in favour of every human being. From this general framework, the Council then looked at the transsexual issue with the 2010 case *PV v Spain* (2010). On that occasion, the ECtHR had stated that "transsexuality is a notion which is, without doubt, covered by Article 14 of the Convention". In that case, it was decided to rule against the applicant, but this is not related to his transsexual identity, but to the objective health risks the child would be subject to.

That Article 14 covers the protection of transgender persons is also reiterated by the 2015 judgment *Identova and Others v Georgia*, which specifies that the article covers all issues related to gender identity.

The Council's attention then turned to gender recognition, with a sharp increase in focus from the second half of the 1980s²⁸. Specifically, this focus has been on whether the Human Rights Convention offered formal guarantees for gender recognition or not. This focus finds implementation in some central judgments. Reference is made, for example, to *B v France* (1992), in which it was held that the denial of preferred gender recognition was incompatible with Article 8 ECHR. And subsequently with *Goodwin v UK* (2002) where the authorities' refusal was contrary to both Article 8 and 12, the latter referring to the right to marry. The *Goodwin* case, therefore, is decisive and central. The obligation of transgender people is established whilst referring to those who have faced a gender change. Thus, the Council members then independently appointed preconditions (e.g. minimum age limit) necessary to recognise identity formally. Concerning this aspect, the European Court recently established three preconditions required for recognition: divorce requirements, sterilisation, and mandatory diagnosis.

As regards the first requirement, it was established within the 2015 judgment *Hamalainen v Finland*. (2015). If a transgender spouse is brought to court by their spouse, some unique concerns may present themselves.

²⁸ *Rees v United Kingdom*. 1987. 9 EHRR 56, *Cossey v United Kingdom* (1991) 13 EHRR 62, *X, Y and Z v the United Kingdom* (1997) 24 EHRR 143, *Sheffield and Horsham v United Kingdom* (1999) 27 EHRR 163

For example, one partner may try to use the other partner's traits, behaviour, or identity against them in a legal battle for child custody. For more details, see the judgment.

In *A.P. Garçon and Nicot v France* (2017), the ECtHR reviewed the legality of imposing sterilization and mandatory diagnosis as preconditions for legal gender recognition²⁹. There was then established by the earlier 2015 judgment *YY v Turkey* the unlawfulness by states in requiring sterilisation as a necessary legal requirement to obtain gender recognition³⁰. Page 44 for a full Framework on the recognition issue.

Then there is the issue of surgery requirement. The court has already ruled on the legitimacy of this pre-condition, establishing the illegitimacy of requiring surgery to obtain gender identity. Reference is made to the Lithuanian case *L v Lithuania* (2008). The Court has also expressed its opinion on the need for reimbursement of expenses incurred for gender reassertion. Specifically, in *Van Kuck v Germanu* (2003), the ECtHR ruled that the requirement for transgender people to demonstrate the need for gender reassignment breaches Article 6(1) ECHR (the right to a fair hearing) and Article 8 ECHR. (the one about non-discrimination). The same principle was later established in the judgment in *Schlumpf v Switzerland* (2009).

Positions on the need to protect transgender people have also been taken by the bodies that make up the ECtHR. In particular, reference is made to the Recommendation CM/Rec (2010)5 of the Committee of Ministers to member states on measures to combat discrimination on the grounds of sexual orientation or gender identity³¹ in which the Committee proposes that "legislative and other measures should be adopted and effectively implemented to combat discrimination on the grounds of...gender identity,

²⁹ *AP, Garçon and Nicot v France* App Nos. 79885/12, 52471/13 and 52596/13. ECtHR, 6 April 2017) 139.

³⁰ *YY v Turkey* APP No. 14793/08 (ECtHR, 10 March 2015)

³¹ Recommendation CM/Rec (2010)5 of the Committee of Ministers to member states on measures to combat discrimination on the grounds of sexual orientation or gender identity https://search.coe.int/cm/Pages/resylt_details.aspx?ObjectID=09000016805cf40a (accessed 04 October 2021)

to ensure respect for the human rights of...transgender persons and to promote intolerance towards them. Specifically, the Council hopes that transgender people can be provided with a set of policies that guarantee them the best levels of well-being and health.

Equally important is the position taken by the Parliamentary Assembly of the Council of Europe, in this case in a resolution of 2017³². A similar position is taken by the Council of Europe's Human Rights Commission, which in its 2015 report 'Human rights and intersex people' had called on member states to "to enforce or administrate without the free and fully informed consent of the person concerned³³.

Over the past two decades, the Council of Europe has been one of the most prominent global actors in advancing the rights of transgender people. While initially the outreach that the Council was carrying out focused on discrimination against transgender people, there has been a continuous evolution leading the Council to focus on the lives and experiences of transgender people (European network of legal experts in gender equality and non-discrimination, Trans and intersex equality rights in Europe – a comparative analysis, November 2018). Precisely, one is the reference document talking about the European Council. In this case, we refer to what is remembered as the Istanbul Convention, having as its object the fight against domestic violence and violence against women. This convention is one of the few global and regional levels that expressly ensures protection from discrimination based on gender identity³⁴.

³² Promoting the human rights of and eliminating discrimination against intersex people), the international body has requested member nations to "prohibit medically unnecessary sex-"normalising" surgery, sterilisation and other treatments practised on intersex children without their informed consent"(Resolution 2191 (2017).

³³ Commissioner for Human Rights of the Council of Europe, Human rights and intersex people: Issue paper (CoE, 2015) p. 9

³⁴ .Council of Europe Convention on preventing and combating violence against women and domestic violence, Art. 4 (3) www.coe.int/en/web/conventions/full-list/-/conventions/rms/09000168008482e (accessed, 15 August 2021).

2.6 TEU, TFEU and Directives

The European Union's system of rights also deals with transgender people at a regional level in Europe. However, it should be made clear from the outset that neither the TEU nor the TFEU, the primary sources of the European legislative system, contain any reference to gender identity, gender expression or sexual characteristics. The only references present at this legislative level are those in Articles 10 and 19 of the TFEU, where the focus is placed on the need to combat discrimination based on sexual orientation. Therefore, through this choice, the LGB component of the community sees its demands for full equality partially validated, while transgender and nonbinary people are excluded from explicit recognition. The prohibition of discrimination based on sexual orientation is also reflected in Articles 6 and 21 of the Charter of Fundamental Rights of the European Union. Once again, citing Article 21 specifically, it prohibits 'any discrimination based on any ground such as sex (...) or sexual orientation'. As raised within the document "Trans and intersex equality rights in Europe – a comparative analysis, November 2018" (p. 48) , a significant specific debate focuses on whether or not the EU should adopt specific measures to protect transgender and nonbinary people. What is raised by this Report, in this case, is more the need to expand the application of already existing measures (i.e. in this case, specifically, the principle of non-discrimination) rather than focusing on developing them. Specifically, in favour of this position, the case of the German jurisdiction (Constitutional Court of Germany, 1 BvR 2019/16 (10 October 2017) is proposed, which demonstrates that the notion of sex discrimination is sufficient to address this type of issue.

On the other hand, as indicated again in the Report, there is a strong push for the inclusion of this category in the definition of those who are protected at the legislative level. There are several reasons that explain this position. Firstly, what is indicated is the strong symbolism that the law itself would

grant to transgender and non-binary people³⁵. Furthermore, extending the existing measures to gender identity, gender expression, and sexual characteristics would allow transgender and nonbinary people to be removed from possible accusations of favouritism. At the same time, it is pointed out in the document “Trans and intersex equality rights in Europe – a comparative analysis, November 2018”, there are also issues on a practical level. Including transgender people in the current system would limit their experience and problems to the mere sexual aspect, failing to emphasize self-identification and self-expression, and therefore on the inherent and personal characteristics of the individual subjects.

As far as the secondary source of legislation is concerned, there is protection for transgender people, while intersex people are still invisible in the legislative system. In general, to deal with this issue, a series of directives enshrine equality between men and women, establishing to what extent trans individuals could invoke the sex discrimination provisions included in the legislation. Therefore, reference is made to directives such as 2006/54/EC, which deals with gender equality in employment, stating that: 'because of the purpose and the nature of the rights which (the principle of equal treatment of men and women) seeks to safeguard, it also applies to discrimination arising from the gender confirmation of a person. In addition, gender identity is recognised in two other parts of secondary EU legislation: Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for subsidiary protection, and the content of the proportion granted. Then, there are two other important ones: the so called Recast Qualification Directive, which deals with asylum and protection/ establishing that one can apply for it if one belongs to a disadvantaged social group is related to gender identity, and Directive 2012/29/EU (Victims' Rights Directive) establishes a minimum level of

³⁵ See, e.g. House of Commons Select Committee on Women and Equalities (2016), Trans equality, The Stationery Office Limited, 90.

rights, support, and protection for victims of hate. The latter stipulates that victims of hatred must be treated and recognised with respect and without any kind of discrimination, including gender identity as one of the possible causes.

Therefore, none of these directives focuses on the concept of fairness or equality, demonstrating how the attention towards an inclusive language and more focused on the reality Transgender is real (European network of legal experts in gender equality and non-discrimination, Trans and intersex equality rights in Europe – a comparative analysis, November 2018, p. 51). What is, however, underlined is that to date, none of these attempts at inclusion has ever been the subject of the Court of Justice. An essential step towards inclusion in the European context has been made thanks to Directive 2000/78/EC³⁶ concerning non-discrimination of individuals based on sexual orientation in the workplace. This makes this European attempt limited to one area, and there have been attempts to extend it. In 2008, for example, the European Commission proposed the Equal Treatment Directive, which was to extend the protections provided by the labour directive to other areas such as the social and educational sectors. The proposal has been debated for a long time, and only recently has an attempt been made to do so. The political situation in Europe in certain nations, such as Poland and Hungary, which are exasperated by highly discriminatory political control, have prompted the Commission to pay greater attention to the issue. This, in practical terms, has resulted in the LGBT+ Policy, which aims to. Discrimination against LGBTIQ people persists throughout the EU. For many LGBTIQ people in the EU, it is still not safe to show affection in public, to speak openly about their sexual orientation, gender identity or expression and sexual characteristics. With this strategy, the first-ever LGBTIQ equality focuses on the diversity of LGBTIQ people and the most vulnerable people, including those experiencing intersectional discrimination and trans, non-binary and intersex people, who are among

³⁶ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment and occupation, OJL 303,212,2000 p. 16-22.

the least accepted groups in society and generally experience the most discrimination³⁷.

2.7 Transgender discrimination in Higher Education

European demographics are changing, and with it, the world of work increasingly requires new skills. That happens because the increasing innovation requires people with broad skills (OECD 2017. OECD employment outlook, 2017). Therefore, this diversification is also economic innovation. In this context, social diversity and inequality are highly discussed. And this increased focus on diversity is also due to social diversification. However, despite the growth of interest in gender equity, the issue remains unresolved in the university context. Many university systems show steady student growth, while others are dubbed the "brain drain," or the exile of those trained in the university environment. Both these phenomena highlight a diversification of the student population and the need for universities to diversify their educational offerings to attract new groups of people. (Sursock, A. (2015), p. 61). Internalization has become pivotal in the university context, representing a driver for developing higher education itself. This statement is reflected in the strong diffusion of the Erasmus project and the fact that by 2024 it is estimated that at least 20 European university networks will be created.

The increased attention to diversity has resulted in the implementation of policies having as their subject matter. The European context of considerable importance is the Paris Declaration signed by the Member States in March 2015, promoting citizenship and the shared values of freedom, tolerance and non-discrimination in education. This is also reiterated by the Yervan Communiqué (2015) and the Paris Communiqué of the Bologna Process (2018), an attempt to include the social dimension

³⁷ For more details, see COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Union of Equality: LGBTIQ Equality Strategy 2020-2025 COM/2020/698 final).

in higher education. In 2017, the European Commission renewed social engagement in higher education and established the importance of the social dimension in European integration through the European Social Pillar. On the other hand, at the global level, of considerable importance are the UN Sustainable Development Goals (SDGs) adopted in 2015 by 193 nations, having as their object the end of poverty, the protection of prosperity by 2030, based on the social dimension in need of sustainability. Education in this framework assumes the role of a tool through which to achieve the goals.

However, few European countries have taken concrete actions regarding inclusion in academia despite these broad political commitments. In the following pages, we outline some needs and problems that students and academic community members may encounter.

As far as students are concerned, the report (European network of legal experts in gender equality and non-discrimination, Trans and intersex equality rights in Europe – a comparative analysis, November 2018), which refers to the English reality, indicates some measures that can be generally extended to the whole academic experience. A first step in the search for the protection of these people is identified by this report to create tutoring and welfare support desks. Therefore, as indicated by the report, staff training is a crucial point in designing these services. These offered opportunities must be carried out by people who know the subject matter and can ensure confidentiality. A further point worthy of attention that is raised is that inherent in absence from the university. Transgender students are often forced to be absent due to medical impediments to treatments necessary to express their gender fully. This, an inherent problem must be (European network of legal experts in gender equality and non-discrimination, Trans and intersex equality rights in Europe – a comparative analysis, November 2018) directly addressed by universities through specific policies that can help subjects fulfil this journey. Then there is the question about the presence of a dressing code. This, which as a rule is a practice present in the English academic context (find a note explaining it),

is indicated as highly detrimental to students and staff gender nonconforming.

Transgender people are subject to solid mistreatment and discrimination in academia, demonstrated by the double unemployment rate across Europe (Grant et al., 2011). However, not all transgender people experience discrimination in the same way. Thus, transgender women face heavy bias in the workplace, while transgender men suffer from the "patriarchal dividends" in the form of less respect from colleagues and lower earnings (Schilt, 2006). While, regarding nonbinary individuals, those assigned male at birth tend to experience more discrimination upon hiring, while those assigned females at birth tend to experience more discrimination once hired (Davidson, 2016). In studying the transgender experience in the workplace, moreover, Connell (2010) highlights how transgender people, who incorporate alternative femininity and masculinity, are by "cisgender co-workers often enlist their transitioning colleagues in rituals designed to repatriate them into rigid gender binary" (Schilt & Connell, 2007).

Parents tend to generate and create heteronormative expectations of their children (Pfeffer, 2017; Ward, 2010). Parents of these individuals are placed in front of gender negotiation during their children's transition (Heston, 2018; Hines, 2006), leading them to develop various strategies to allow their children to identify and establish themselves. However, while parents control the home over this aspect, it should be noted that children nonetheless live their lives within institutions that continue to reproduce binary gender (Meadow, 2011).

Intense discrimination on the part of transgender people also posts on the inequality they are subjected to in the health care setting: including low insurance rates, referral for care due to fear of discrimination, need to educate providers on the care of transgender people (Giffort & Underman, 2016; Nordmarken & Kelly, 2014). Pivotal in the care of transgender people in the diagnosis of gender dysphoria, which in most cases is necessary to affirm one's gender and initiate transitional health care. (Davis, Dewey &

Murphy, 2016). Johnson (2015) points out that this type of procedure can lead transgender people to assimilate medical transitioning as a bias/obstacle to obtaining the foundation for their social identity.

In the university setting, displaying one's gender identity depends on social circumstances and perceived safety (Pryor, 2015). Necessarily, the greater the level of support that students or faculty members perceive, the greater the disclosure of one's identity to those around them (Neemym, 2003; Garvey & Rankin, 2015). Over the years, an increasing number of those have approached academia, having already come out of the closet (Renn & Reason, 2013). However, to date, students are still receiving limited support for their needs. There is generally negative perception of the campus climate, which is more hostile to this community than the cisgender community (Dugan, Kusel, & Simounet, 2012). Similarly, trans educators are less comfortable with the campus, classroom, and department climate than cisgender educators (Ranlin, Blumenfeld, Weber, & Frazer, 2010). Vaccarro's (2012) studies, for example, show how LGBT people "only describe a climate as positive if they find acceptance and support" from their colleagues (p. 438).

As is the case with sexual minorities, transgender people are constantly faced with choosing to "come out" as trans or hide it (Catalano, 2014). Specifically, some people choose to come out personally but not professionally (Siegel D., 2019).

Other factors leading to disclosure include local gendered meanings and other practices. For example, by social definition to each gender, specific characteristics are attributed to a particular gender (Kessler & McKenna, 1978). By doing so, those who change their name or physical appearance are called out informally (Garvey & Rankin, 2015). The process for the full affirmation of one's gender identity sees being blocked by significant logistical and financial barriers making it difficult for the majority to

complete³⁸. For this reason, many individuals are subjected to indirect discrimination by professors and staff, stress that recurs every semester in the case of students as there is a change of professors. A clear example of this can be identified in using the dead name (called their legal name) when professors make the class roster (Goldberg,2019). To address this type of issue, Beemyn and Brauer (2015) suggest that within university records, "colleges and universities are free to let a student be known by a different gender, first name, and pronouns" (p. 482).

A recent phenomenon that has increased with the use of new technologies is that of "digital misgendering", which occurs on those occasions when university software uses the legal name or gender to out them online (Siegel D., 2019). This procedure defined as "coming out", i.e. the expression of one's transsexuality by the person concerned, differs from "outing". The latter occurs when a person communicates the sexual identity of a third party. Misgendering, on the other hand, occurs when a person calls a trans person with pronouns different from those they have assigned themselves. This practice can appear on people of any gender, but it has a massive impact on transgender people (Lucal, 1999), especially regarding their mental and emotional health (McLemore, 2015; Nordmarken, 2014). This problem occurs mainly concerning nonbinary subjects who identify with the pronouns they/them/theirs rather than he/him/his or she/her/hers. In this case, the rule systems do not even provide for the possibility of including these pronouns. This happens because "students with trans non-binary identities, by definition, do not fit into the binary gender system" (Goldberg, 2019, p. 6).

Using a micro-climatic framework approach, it can be seen that the experience of transgender people changes from one institution to another, and often the situation is different even within the same institution. Academics may be more comfortable in a given department than in another.

³⁸ For more information, visit the National Center for Transgender Equality's "ID Documents Center," which breaks down the process of name and gender marker changes in each U.S. state

Linely and Nguyen (2015) found that LGBTQ students identify STEM disciplines as less open to identity than others. In addition, they point out that professors' use of pronouns helps in the proper use of them and places transgender people in a position of comfort (Shlasko, 2014).

Referring to the institutional aspect, some personal considerations can be drawn before proceeding to the analysis of specific cases. Local and institutional contextual interactions are essential (Siegel D., 2019). Case studies by Jones (2014) highlight how some campuses are more inclusive with transgender men than with transgender women, while some even go as far as possible expulsion of those who publicly communicate transition (Perifimos, 2008). In contrast, other policies use self-identification or legal documentation as markers of who can enter academia and who cannot.

Crucial with regard to the support of transgender people are feminist theories, which are often exclusionary of the transgender community. Student activism is essential in this area. Students form their ideas about what is and what is not "woman" and often critical "can't be a woman's college without supporting trans women" (Weber, 2016, p.35).

The issue here is susceptible and deserves special attention. Transgender students feel absent from the institutional discourse that focuses only on the approach that assumes only one gender for the student body (Hart & Lester, 2011). Excessive visibility could lead to a backlash against transgender students, being accused of enjoying the special status and more significant resources (Har & Lester, 2011). Otherwise, intentionally hiding the existence of this category is detrimental to the rights of an entire collective who would feel excluded from academic life (Jones, 2014).

A final aspect to consider is the racial composition of academic institutions. Multiculturalism is often theorized as a factor, and many colleges and universities have established "institutional diversity" to present a message of inclusivity.(Ahmed, 2012) Garvey et al. (2018) demonstrate how these can change the transgender community's approval of increasing racial

diversity. Therefore, for a better understanding of them, we refer to the case-specific analysis.

2.8 European realities

However, despite these broad commitments at the political level, few European countries have taken concrete actions inherent to inclusion in academia. The study of the European realities was done by EUA that examined 159 European institutions present in 36 countries and carried out from 2018 to 2019. The report (Kulik A. C, Jorgensen T.E., Stober H., 2019) focuses its attention on the factors that constitute the academic reality (leaders, institutional strategy, staff, students and administrators). A first clarification that must be made when analysing this report is the different conformation of higher education present at the European level. The size of the universities and the context are important elements that prevent a complete generalization. However, this work is helpful to draw a picture of the European reality before focusing on specific cases. It should be noted, of course, that the issues taken into the analysis are not representative of the national reality but are analyzed only to identify good practices that can be taken up. For the specific data of the report essential, please refer to the document (Kulik A. C, Jorgensen T.E., Stober H., 2019). The sample taken into analysis corresponds mostly to institutions with many students within 15 thousand. Those who answered the questionnaire mainly work at the administrative level (41%), followed by vice-chancellors and vice-presidents (23,6%), while only a tiny part is Rectors.

The study shows that the adoption of policies favouring the transgender community and inclusivity is driven by the direction given at the central level (Kulik A. C, Jorgensen T.E., Stober H., 2019, p. 14). It also shows that there are fewer cases where there is a discrepancy between central and departmental levels. For example, only a tiny minority present measures at the departmental level and not at the main level. Then there are cases, such as Dublin City University, Ireland, which has encouraged the amalgamation

of different stakeholders to form its policy, including students. This connects with the central point of stakeholders' perception of the presence of inclusive policies. According to the report data, it can be seen that the majority of respondents consider inclusiveness as a value that the institution must make explicit. In the European context, attention to this issue started with the debates on disability and gender equality, which led to the introduction of specific measures (Kulik A. C, Jorgensen T.E., Stober H., 2019, p. 16).

The push towards the introduction of these measures can be identified both in external and internal factors. Pivotal in this are those financial support initiatives that support competitiveness among universities. An example of this is Germany's Excellence Initiative, a system that provides funding for those who meet a set of parameters (Kulik A. C, Jorgensen T.E., Stober H., 2019,p 17). Similarly, The Athena Swan Charter in the UK has become central to disseminating gender equality issues. Indeed, in some systems, diversity indicators are part of a funding distribution mechanism³⁹.

The other impetus for introducing this type of measure is the internalisation to which the social and academic context is subject. Data from the EUA Trends 2015 show a growth of mobility in academia leading to the amalgamation of different practices and cultures (Sursock A., 2015). As pointed out by the report, this is a trend, which also occurs because universities in Central and Eastern Europe are subject to a strong decrease in domestic students and, therefore, forced to attract international students.

Concerning the concept of inclusion itself, respondents to the report stated that they prefer to pursue this goal through "building capacity, awareness-raising and training, rather than forcing quotas on institution" substantial (European Institute for Gender Equality, 2014). A strong argument in favour of this position is the fact that many of the problems related to inclusion are due to a hostile cultural environment, so change has to start from it. Much

³⁹ See also, Claeys-Kullk, A & Estermann, T. DEFINE Thematic Report: Performance-based Funding of Universities in Europe. Brussels: European University Association, p. 28. 2015

depends on the welfare system in place in the various nations and the policies adopted. What the Report (European Institute for Gender Equality, 2014) points out, however, is that the adoption of these policies is also fundamental to attracting academic staff. The strategies that can be implemented are different. Some emphasise tools and actions that prevent future discrimination (Kulik A. C, Jorgensen T.E., Stober H., 2019, p. 19). Others try to implement measures to understand underrepresented and disadvantaged groups. For the most part, however, monitoring is pivotal.

In developing such practices, the need to involve students in the formation of inclusion policies is also stressed. It is also underlined that many European academic realities have centres that specifically deal with these research pathways to develop adequate measures for the community. This is the case, for example, of the Czech Republic, which has established the Institute for Research in Inclusive Education at Masaryk University.

Equity is related to the idea that everyone has the same rights and is treated without discrimination and without being treated differently. It has long focused on access to education but has developed to the point of identifying all the means of support that can be guaranteed. For this reason, it takes the form of positive action.

Necessarily, the concept of diversity changes from context to context, and an intersectional component characterises it. What the report (Kulik A. C, Jorgensen, Stober, 2019) shows is that sexual identity is often addressed concerning students (65%). At the same time, academic and non-academic staff are subject to action in less than half of the report sample. The focus on students leads to specific events to promote diversity and inclusion in academia. These events take the form of Open Days or Diversity Weeks, where information is provided on inclusion issues. In addition, a range of valuable tools such as guides, mentoring, part-time options, financial support or housing support is often made available to students. As far as staff are concerned, a lot of attention is focused on training courses. 67% of the institutions claim to carry out training on the issues. However, it is

pointed out that these courses are often only voluntary or planned only for new staff so that a part of the administrative staff continues not to be trained in this regard.

The report identifies three macro-factors for policy success that are put in place—first, leadership commitment. The person in charge of the institution is responsible for allocating resources and managing activities; therefore, he is decisive in the line adopted by the university. Next, there is the groups' involvement to whom the measures are addressed, which will allow the problem to be discussed in the correct terms and manner—finally, the broadest participation of the academic community. The implemented measures cannot be aimed at students alone, the educational environment is diverse, and the categories that are part of it are different.

Concerning the question of why these issues are hardly addressed in the academic field, the most common answer is the lack of resources, which prevents the creation of a built capacity through training courses and awareness-raising. There are two significant barriers to the dissemination of inclusion in Academia. Among the obstacles, there is also the lack of consensus that some communities have in specific contexts. It has been shown that the more LGBT+ rights are legally established in a country, the greater the institutional policies in academia (Kulik A. C, Jorgensen T.E., Stober H., 2019, p. 38). To overcome this, respondents suggest a cultural change that can only be achieved by increasing resources to support it. Few identify a regulatory shift in promoting these instances. Respondents remember taking a stand as a responsibility that universities cannot forget. In their view, the choice to act is spontaneous and not imposed by the context. To better understand how this can happen in practical terms, we proceed to analyse some concrete cases.

2.9 LGBT+ identified students and staff on Universities Marketing Communications

The literature on the experience of LGBT+ people in academia focuses primarily on homophobia and the discriminatory educational and cultural settings that the community faces. The focus on equity and diversity in academia has grown significantly over the years, a sign of an increased focus on the individual and a desire to enhance their uniqueness (Ahmed, 2012). Universities are constantly competing with each other to attract an increasing number of students, and much of the literature focuses on those factors that decide why a student chooses one university over another, choices that, according to the literature (Tackey and Aston, 1999) are based on educational qualifications, geographic mobility and financial considerations.

An increasingly growing aspect in the promotion of educational offerings is represented by online advertising. The exponential development of information technology has led companies, organizations and universities to create their expendable brand with its reputation. Suppose the studies, thanks to the content analysis proposed by Berelson (1952), show how the companies are increasingly driven to take specific positions on social issues to increase their reputation and acceptance by consumers. In that case, the universities seem to be heading towards the same path but with a place firmly delimited by the context. This aspect will be analysed in detail later on, while at this point, we provide valuable tools for the subsequent analysis. First of all, as already specified, a fundamental role for minorities is their representation. Exclusion from this entails, by definition, an injury.

There are several reasons for companies and universities to take a position. According to Lindblom (1982) and Hart (2004), companies decide to take a position on social demands for three different reasons: economic, political and cultural. Therefore, corporate support for LGBT issues can also be identified with the political strategy historically adopted by companies. For example, we would not expect a company led by a conservative to embrace the homosexual cause. In addition, there is the social context. In order not to exclude, some companies choose to align their positions with the cultural issues of a specific community. Or, conversely, as pointed out by DiMaggio

and Powell (1983), Corporations often mirror the behaviour of similar firms in the process of mimetic isomorphism. The cultural context also explains why companies' subsidiaries take different positions on the issue: we expect those subsidiaries located in countries where homosexuality is still banned or restricted in expression to decide not to take an open stand for Pride Month.

These are all external pressures, but it can also be the internal environment that contributes to taking a position, as Cory Marks has shown. The presence of community members or allies within a company can push for public support of the community. Furthermore, some studies, such as those carried out by Chatterji and Toffel (2015), show that business support for LGBT causes leads to increased public support for community demands. Recent examples of corporatist activism show that it is more than just the desire to attract more consumers that moves companies. We refer specifically to the most current and innovative approach in the literature on this topic today: Insider Activism (Marks Solomon and Josiah Mark Drewry). These are the first studies that attempt to show how companies' deployment is due not only to a change in the cultural context, but also to the fact that there are visible members of the community within the inner circle of these companies. Burbano (2021) suggests that an employer can enhance employee motivation when it advocates a political social issue that represents an organisational identity. People who serenely express their gender orientation and expression, and who, voluntarily or involuntarily push for a corporate stance. This is the first step towards this analysis. In-depth studies have to be carried out, but this key to interpretation is the most innovative and the least explored of the many. The others, in fact, focus more on the commercial aspect in the form of the revenues that the company may have. Quoting Friedman (1970): "The responsibility of business is to increase its profits". Therefore, the first distinction is between marketing, which targets consumers, and corporate activism, which aims to support the LGBT community and targets lawmakers. Companies may decide to make a product by commercially targeting members of the LGBT+

community, e.g. Chatterji and Toffel (2015) show that same-sex marriage advocates are more likely to buy products from companies that support the LGBT community.

A turning point in deciding to take a stand on social and political issues is the advent of social networks. The development of social media, which provides direct communication and link between consumers and companies, has led to companies increasingly taking a stand on various social and political issues. This practice is known as CSA, corporate social advocacy, and is the subject of numerous studies, including the recent ones by Dodd & Supa (2015); Hong and Li (2020) which also demonstrate the potential economic risk that these stances can have on companies. Nonetheless, more and more decide to take an open perspective on controversial issues such as social justice, gun control and the rights of the LGBT community (Burbano, 2021; Chatterji & Toffel, 2019). What drives these companies to take a stance is the desire to distance themselves from other rival brands that choose to remain silent, as pointed out by Hong & Li (2020).

The concept of corporate advocacy is a relatively recent one and refers to companies taking an official position on socio-political issues (Dodd & Supa, 2014, p.5). Therefore, communications that take place through the words of the company's CEO, official communications, advertisements and social posts are taken into account for this purpose. (Dodd & Supa, 2014). This is an umbrella term that can be intersected with that of political advocacy (Baur and Wettstein (2016), i.e. the ability of the firm to "taking a stance, politically, by voicing or showing explicit and public support for certain ideals or values with the aim of convincing and persuading others to do the same" (pp. 171-172).

However, recent studies show how CSA has a substantial impact on brand management and consumer purchase intention. Specifically, the paper "Why Do Corporations Engage in LGBT Rights Activism? LGBT Employee Groups as Internal Pressure Group" (2021) by Cory Maks-Solomon and

Josiah Mark Drewry empirically shows how companies gain a considerable economic advantage. Still, for this paper, we will rather focus on the work of Hong and Li, who instead highlight the impact on company reputation. To this end, more and more companies seek to accelerate their efforts to be associated with a specific social issue growing in support of the new generation of consumers (Kim et al. I, 2020). Companies are more likely to take sides on issues that receive more media attention. This is evident from the studies of Cha, Song and Kin (2010) who analysed the positions taken by SK and Hyundai, finding how taking sides on public issues that the country is facing helped to increase the reputation of the two companies.

Lee (2017) studies the digital world, showing how engagement on social media can lead consumers to associate a certain concept with that specific company. Lee takes the concept of sustainability as an example. Still, suppose we adopt the research to this paper and based on the results he found. In that case, we could point to the same conclusion: companies could raise the salience of LGBT rights and inspire consumers to act in compliance with the messages communicated by ost addressing the issue. A determining aspect is CSA authenticity, i.e. the genuineness and consistency of the firm's commitment to the advocate issue reflecting the true organisational identity. (Wettstein & Baur, 2016).

Specifically, concentrating on studies related to the university context, studies such as those of Kittle and Ciba (2000) identify how an image fostered through communication activities can convey a welcoming idea of the university by encouraging students to join university life in that context. Oakenfull and Greenlee (2005) also highlight the need to avoid a spotty representation, the most considerable risk accompanying this type of choice, aiming instead for a model that uses LGBT+ iconography by demonstrating to students an alternative representation of gender. This is an area that is destined for growth and will become decisive in the coming years in choosing the academic environment in which one wishes to study because, as Hartley and Mophew (2008) show, promotional material

represents the first link that is sought to be established between students and the institution of higher education.

3 Challenges faced by Gender Non-conforming Students in European universities

3.1 Equity and Diversity in Spain

As already pointed out in the previous chapters, the European academic realities are very different from each other. Therefore, before taking concrete cases as examples, in the following section we are present an overview of the contexts in which these realities are located. As already marked in the previous pages, the context plays a fundamental role in the formation of policies that address the condition of transgender people in the academic field. Consequently, before proceeding with the analysis of the general Spanish educational situation and then with the concrete case, the situation of LGBT+ people in Spain is briefly presented.

According to 2015 Eurobarometer data⁴⁰, 90% of Spanish respondents agree that LGBT+ people should have the same rights as heterosexual people. And seven out of ten feel comfortable with seeing people of the same sex show affection to each other in public, while only 44% say they are comfortable with the idea of their child being in a relationship with a transgender person. On the other hand, with regard to the situation of gender non-conforming people, there are few studies that have them as their subject, and there is a prevalence of those who focus on male-female transsexuals (Hoening & Kenna, 1974; Weitze & Osburg, 1996). Therefore, there is no precise information about the presence of transsexual people in the Spanish population, but according to estimates the annual incidence is 67 new cases (Garcia R. M. L. & Romero M. D., 2016 , p. 5). The data that can be consulted are those that are presented and have been collected by the Spanish LGBT+ Associations, as well as the *Servicio de Atención a Personas Homosexuales, Bisexuales y Transexuales de la Comunidad de Madrid* (Attention service for homosexual, bisexual, and transexual people

⁴⁰ Data available at: http://ec.europa.eu/newsroom/document.cfm?doc_id=47636 (Retrieved October 2021)

of the Region of Madrid, Spain). The main study that has been carried out is that of *La Fundación Española para la identidad de género* (Spanish foundation for gender identity) ⁴¹, which was conducted in 2015 and involved over seven thousand people. The analysis highlighted that most of the respondents were women (75% of the sample) and many of them came from backgrounds other than Spanish, such as Latin America or Africa. What this study analyzes is the condition in which transgender people lie. In fact, they are mostly subjected to a situation of social exclusion, which leads in most cases to a socioeconomic situation characterized by a medium-low level of income. More than half of the respondents stated that they engage in prostitution in order to survive (Fundación Española para la identidad de género, 2015). These data find confirmation in the theoretical framework previously presented in the section on the situation in general of transgender people. The data show how these individuals suffer a range of discrimination that unfolds on various levels (familial, social, economic and cultural). With regard to the social and cultural level, which relates to the objectives of this paper, it can be seen that transgender people suffer strong discrimination due to their image (Fundación Española para la identidad de género, 2015). There are several stereotypes that are still present in society, which lead to feed the stigma towards this category. Then there is the aspect of intersectionality, which allows us to identify that those individuals belonging to multiple minorities face greater social pressure (García R. M. L. & Romero M. D., 2016). And such discrimination is greater if dominant hetero-centric patterns are broken (García R. M. L. & Romero M. D., 2016, p. 7). According to the subjects' statements, they often found themselves in a discriminatory situation because of "excessive femininity" (transsexual female) or masculinity (transsexual male) (García R. M. L. & Romero M. D., 2016). And this type of action does not find conclusion with the affirmation of one's gender and the ending of the transition. Subject 7 of this study, in

⁴¹ Fundación Española para la identidad de género. Retrieved from <http://www.dosmanzanas.com/tag/fundacion-para-la-identidad-de-genero> (October 2021)

fact, states: "when I became transsexual I thought that discrimination would end. I did not think it was going to be worse" (Garcia R. M. L. & Romero M. D., 2016, p. 7). Then there is cultural discrimination which is closely related to context. Generally, this study shows that those most subject to discriminatory behaviour are transgender women, on whom there is a double marginalisation (being transgender and women, a condition often denied by feminists themselves) (Garcia R. M. L. & Romero M. D., 2016).

Transgender people are subject to solid discrimination because they oppose a heteronormative and binary social model (Garcia R. M. L. & Romero M. D., 2016, p. 7). Specifically, they are constantly battling against social exclusion and inequality. Still, this battle is not a mere struggle to obtain legal recognition, but it is an issue of equity and human rights (Patnaik & Mohanty, 2014).

To better understand the Spanish reality, it is necessary to refer to the institutional structure of the nation. Spain is a parliamentary monarchy made up of seventeen autonomous communities, which enjoy broad autonomy. Therefore, in short, there can be identified a national system flanked by regional legislation. Thus, the national framework represents the framework for regional intervention. The national principles on which the protection of transgender people in the Spanish academy is based can be identified in the *Ley Organica 8/1985 of 3 July (Federación Estatal de Lesbianes, Gais, Trans y Bisexuales, 2020, p. 30)*. It establishes the right to education and recognises point the educational activity must be carried out taking into account the following principles: 1."the full development of the pupil's personality" and 2."training in respect for fundamental rights and freedoms, equality between men and women and in the exercise of tolerance and freedom within the democratic principles and coexistence"(*Ley Organica 8/1985 of 3 July*).

In addition to this, the Spanish Constitution establishes that the Spanish educational system is configured on a system of academic competencies and responsibilities divided between the State (Ministry of Education) and

the Autonomous Communities (Department of Education), the Local Corporations (or *Institutos Municipales de Educación*) and the educational centres. The basic regulation of the educational system is based on the *Ley Organica 2/2006* of 4 May de *Educación*, amended in 2013 by the *Ley Organica per la Mejora de la Calidad Educativa* (LOMCE). This establishes the academic competencies that exercise government and the department of the same in designing the basic curriculum of primary education, secondary obligatory, *bachillerato*, second cycle of infant education, vocational training and establishes the special regime ⁴².

The turning point in Spanish academia came in 2009 when some legislative interventions attempted to correct the lack of LGBT+ diversity in academic curricula (Galán J. P. y Cabezas L. P., 2019, p. 8). Precisely, the *Comunidad Foral de Navarra* approved the first law of an autonomous community inherent to the transgender issue in 2009 (Galán J. P. y Cabezas L. P., 2019). This legislative project was then enriched with subsequent interventions. The tendency seen when observing the Spanish reality considers the expansion of protections following a path already traced. Expressly, that first law was subsequently supplemented in 2017 to guarantee the complete protection of the LGBT+ collective (Galán J. P. y Cabezas L. P., 2019). This is what Klein (2017, p.82) defines as a "domino effect", which has led to creating a more inclusive and guaranteeing body of law on human rights. However, remembering that Spain has a system firmly centred on regional autonomies, this increase in legislative production has led to the growth of legislation inherent to the transgender issue in the different realities, causing a strong differentiation in the protections provided (Galán J. P. y Cabezas L. P., 2019).

⁴² For other clarifications on the Spanish national system see: Realidad del Alumnado Trans en el sistema educativo, Informe 2020

When analysing the various regulations that have been introduced, what is highlighted is that they all mention or have articles wholly dedicated to the university environment, establishing recommendations and prescriptions based on the characteristics of the realities that refer to specific issues. For an understanding and overview of them, we examine the document "*Universidad y diversidad sexogenérica: barreras, innovaciones y retos de futuro*" (2019) . One of the most present indications inherent to the LGBT+ point in these regulations is the need to investigate the characteristics and conditions of the collective, collect data of what is defined as "emancipatory knowledge" (Chinn & Kramer, 2011) or " explore public orientation" (Gimeno, 2008). Emblematic in this sense is the law introduced by the *Comunidad Autónoma de Andalucía*, the first in the nation to deal with transgenderism. Specifically, concerning the issue and academic realities, the legislation provides for "the promotion within the Universities of *Andalucía* of training and investigation in the field of self-determination of the son-in-law, establishing conferences to promote: 1. The improvement of research and knowledge of gender identity theory; 2. Detailed sociological and other studies on the social realities of transgender people; 3. Orient and help transgender people in the implementation of training and work plans " (Galán J. P. y Cabezas L. P., 2019, p. 10)

In the same direction goes the *Vasca* and Canary Islands laws, which stress the need to "improve the depth of investigation and depth of theory, avoiding the spread of ideological theories that deny gender identity and transgender people" (Galán J. P. y Cabezas L. P., 2019, p. 10). The exact position is taken by the Valencian Community, which establishes to increase investigation groups on LGBT+ issues and the creation of a chair on gender identity and expression.

The other point of interest is professional training and the introduction of sexual, family and gender diversity into the curricula. In the laws that have been envisaged in favour of the transgender community, the need to provide for such action is made explicit. Specifically, the Galician law states that "the LGBT+ reality and different family models must be incorporated into training

courses and masters for teaching staff and into the curricula of degrees in Social Education, Magisterium, Pedagogy, Psychology and Law" (Galán J. P. y Cabezas L. P., 2019, p. 10). The Valencian law goes further by establishing that "the health professions" must receive specific and quality training in the subject of sexual and gender diversity" (Galán J. P. y Cabezas L. P., 2019, p. 11).

The need for measures favouring LGBT+ staff at work and for students belonging to this category is then reiterated. Several legislations prescribe an explicit form of elaboration of protocols that do not discriminate on the grounds of sexual orientation, gender identity or gender expression (Galán J. P. y Cabezas L. P., 2019). An example is that of Navarre in 2017, which states that: "At the initiative of the Government of Navarre, the Executive and the Universities located in Navarre, whether public or private, will jointly promote instruments to protect against discrimination and in favour of awareness in the academic sphere" (Galán J. P. y Cabezas L. P., 2019, p. 12).

In addition to these tools is the raising of awareness in the academic community. This position is to be understood as a preventive tool designed to eradicate violence and transphobia, manifested in hate speech and stigmatisation of LGBT+ people. In the *Comunidad de Extremadura*, for example, an attempt has been made to stem this problem through initiatives to promote actions that are "informative and educational to the LGBT reality, which allow for the identification, prevention and protection of actions of discrimination"(Galán J. P. y Cabezas L. P., 2019, p. 10). Moreover, in the same community, actions to eradicate those acts of transphobia have been foreseen by providing an action plan involving students, teaching, and administrative staff. However, only the law of Navarra offers a series of funding to support these activities and the measures that must be put in place. This *Comunidad* was joined by *Andalucía* in 2017, and both have subsequently established that the level of protection of the LGBT+ collective must be guaranteed by both public and private universities.

3.2 Protection of transgender people in Spanish higher education

A final point and one of real relevance to this paper is the protection of transgender people. The need to establish adequate protection and care for transgender people is identified. That is, mechanisms and protocols must be set for those whose gender identity does not coincide with the identity assigned at birth. And precisely that the name and gender they claim as their own be recognised. The most advanced in this respect is the law of the Balearic Islands, which allows the subject to use the name and gender he or she deems most appropriate in the academic sphere, protection even extended to minors as far as the other levels of the educational system are concerned. While, of course, for legal recognition there is a more complex procedure that requires much more rigid steps.

Starting from this macro framework that set out legal protections in general, universities have autonomously adopted more or less stringent measures on the issue. Many of Spain's universities have included the protection of transgender people in their Gender Equality Plans (*Planes de Igualdad de Género*), which traditionally dealt with discrimination on the grounds of functional diversity and ability. A pioneer in the advancement of the protections provided for the transgender community has become the University of Zaragoza, which introduced in September 2018 a Strategic Plan⁴³ for Increasing Respect, Diversity and Equality for LGBT+ People. Among the novelties of this protocol is the possibility for transgender people to be able to use the name and gender in which they most identify without being required to amend their deeds or initiate the conversion procedure.

In addition to legislation, many Spanish universities have taken positions about the transgender issue independently of the legislative plan (Galán J. P. y Cabezas L. P., 2019, p. 11). As previously specified in the general analysis of the academic system, an important step towards the acceptance

⁴³ [It](https://ouad.unizar.es/sites/ouad.unizar.es/files/users/ouad/Resumen%20Plan%20Estrate%CC%81gico.pdf) can be accessed at: <https://ouad.unizar.es/sites/ouad.unizar.es/files/users/ouad/Resumen%20Plan%20Estrate%CC%81gico.pdf> (retrieved October 2021)

of transgender people is to be identified in the knowledge of this reality. This translates in the university sphere into the incorporation of these themes in university curricula. In this area, a pioneer in the Spanish context has been the University of Malaga (Galán J. P. y Cabezas L. P., 2019, p. 12), thanks to the introduction of the Master of Socio-Community Innovation. In parallel, the *Comunidad de Madrid* introduced a centre for the investigation and analysis and dissemination of LGBT+ issues (Generelo y Pichardo, 2005; Puche et al., 2013). The *Complutense University of Madrid*, has also shown a strong attention to transgender people by allowing since 2015 this category to provide for the change of documents without the need to present documentation of the initiation of the gender change (Galán J. P. y Cabezas L. P., 2019, p. 12) In addition, it has offered information support to those who had faced or were facing episodes of homotransfobia. The set of actions that were taken are part of the broader framework of the ADIM project ⁴⁴. This project is the result of requests made by the university community and associations, who have long pushed for a third box in the forms to indicate their gender, allowing non-binary people to be able to express their gender. In addition, this project, sponsored by the European Union, includes in its objectives the analysis and investigation of the work situation of LGBT+ people in the university environment, also establishing training on these issues.

Attention is now focused on the experience inherent to transgender people by focusing on the academic reality of the country. What needs to be made clear from the outset is that although there are some legislative provisions, the implementation of them does not always take place and this depends on a number of variables: the public funds available, public financing mechanisms, political interests and governmental direction of the countries, etc. (Federación Estatal de Lesbianes, Gais, Trans y Bisexuales, 2020, p.

⁴⁴ The European Project ADIM "Advancing the management of LGBT diversity in the public and private sector" has been implemented by the General Directorate for Equality of Treatment and Diversity of the Ministry of the Presidency, Parliamentary Relations and Equality of Spain, together with the Commission for Citizenship and Gender Equality of Portugal and Complutense University of Madrid. For full details visit: <https://en.adimlgbt.eu/> (retrieved October 2021)

59). Central at the legislative level in the academic context is *Ley 3/2007* of 15 March⁴⁵, which regulates the rectification of the register relating to the sex of persons. This law regulates the requirements necessary to access the change of sex in the civil registers when a person's gender does not correspond to that of their identity. The law states that all persons of full age may avail themselves of this provision. It is specified how this procedure also involves changing the applicant's name to reflect the person's identity. Within it, the requirements to start this kind of intervention are then identified, showing that a strictly medical approach to the subject is adopted. Precisely, article 4 of this provision (*Ley 3/2007*) establishes two requirements to be met to start gender transition. First of all, a medical declaration is necessary to ascertain the existence of a dissonance between the morphological sex or initial physiological gender and the identity that the subject feels (art. 4.1.a). Subsequently, in the hypothesis of the absence of personality disorders that can influence the dissonance from the previous point, it must be ascertained that the person has been medically treated in the last two years to make the physical characteristics reflect those of the claimed sex. This is done by prescription or information from a specialised forensic physician (Art. 4.1.b.).

There is also the possibility of carrying out the procedure without medical information, but this hypothesis is the most medicalised. It is sex reassignment surgery (art. 4.2), which makes it possible to avoid medical information.

A first attempt to change these requirements was made in 2017, when a socialist parliamentary group presented a proposal to reform Law 3/2007 of March 15, envisaging to include transsexual minors in the legislation and to change the requirements necessary for the change of name and documentation. Specifically, the proposal provides for the abandonment of the pathological approach to which the transsexual community is still

⁴⁵For more details see: <https://www.boe.es/buscar/doc.php?id=BOE-A-2007-5585#:~:text=Legitimaci%C3%B3n.-,1.,discordant%20with%20on%20sexo%20registral.> (retrieved October 2021)

subjected with this type of legislative implant: "to eliminate the requirement of information and medical treatment, including psychiatric and psychological treatment" (Law 3/2007 of 15 March pp.3).

As far as the Spanish academic environment is concerned, universities' means can be divided into three distinct categories (Federación Estatal de Lesbianas, Gais, Trans y Bisexuales, 2020 p. 71). The first is to be identified in the support, protection and attention towards students, teaching and administrative staff who are subject to discrimination based on their gender identity or expression. Another macro-category of intervention is the promotion of information, dissemination and training actions on gender identity. Lastly, there is support for studies and research projects on the reality of transsexual people. These are the three types of interventions that Spanish universities have implemented; a series of others have only been applied in specific facts. This is the example of the Protocol of non-discrimination based on gender identity that the Autonomous Communities of Andalucía have introduced, Aragon, Catalonia and Madrid (Federación Estatal de Lesbianas, Gais, Trans y Bisexuales, 2020, p. 57). Similarly, in the same direction is the introduction of measures such as that taken by Aragon and Navarra to allow students to use university facilities in accordance with the gender they feel, as well as the possibility of seeing their chosen name in university documentation. In the case of Aragon, the procedure to be followed for the change of name is provided for in the Agreement of the Council of the Government of the University of Zaragoza" of 21 September 2018 ⁴⁶. It will be the subject of analysis in the paragraph dedicated to the University of Zaragoza. Generally, however, it is reported that there is a massive presence of procedures inherent to the transgender community present in almost all regional realities, the only ones lacking any reference being the *Comunidad de Galicia* and the *Pais Vasco* (Federación Estatal de Lesbianas, Gais, Trans y Bisexuales, 2020, p. 72). Based on

⁴⁶ For more details on the law: [BOE.es - BOE-A-2018-7154 Ley 4/2018, de 19 de abril, de Identidad y Expresión de Género e Igualdad Social y no Discriminación de la Comunidad Autónoma de Aragón.](https://www.boe.es/boe/BOE-A-2018-7154-Ley-4-2018-de-19-de-abril-de-Identidad-y-Expresión-de-Género-e-Igualdad-Social-y-no-Discriminación-de-la-Comunidad-Autónoma-de-Aragón) (retrieved October 2021)

these factors and the implementation of these regulations, in *Realidad del Alumnado Trans en el Sistema educativo (Informe 2020)*, a pyramid of the protections provided in favour of the transgender community was made, trying to identify the realities that protect this category the most, identifying Navarra as the most innovative, followed by the *Comunidad Valenciana* and *Aragon*. However, it should be pointed out that this is a constantly evolving issue, and there is currently no database that contains all the progress made. Therefore, this type of classification is subject to the transience of time and must be constantly updated.

3.3 Autonomous Community of Aragon

As far as the autonomous sphere is concerned, various regional norms use the terms "sexual identity" and "gender identity" indiscriminately on some occasions, as if they were synonyms. In contrast, in others, either the former or only the latter is present. Without going into the merits of the different norms provided for in the different autonomous communities, in the following pages, we intend to look above all at those of the Autonomous Community of Aragon to understand better the context in which the University of Zaragoza operates.

The law of reference is Ley 4/2018 of April⁴⁷. It refers to Gender Identity and Expression and Social Equality and Non-Discrimination in the Autonomous Community of Aragon. Through this measure, it is established that the administration will monitor so that the educational system is a space of respect and tolerance, free from any pressure, aggression or discrimination for reasons related to gender identity and expression (Federación Estatal de Lesbianas, Gais, Trans y Bisexuales, 2020, p. 36).

⁴⁷ The protocol is found in the Order of April 28, 2015, which amends the Order of June 20, 2011, by which means are adopted for the promotion of coexistence in the centres supported with public funds and regulates the right of families to participate in the educational process of their children.

To achieve this objective, in the matter of the protection of transgender people in the academic sphere, Article 22 (*Ley 4/2018*) establishes the development of an Integral Plan on Education in Aragon, which will start with the study of an existing reality in the Autonomous Community that analyses the perception that people have of these issues so that measures can be developed to guarantee the equality and non-discrimination of people based on their gender identity or expression. Similarly, to achieve this objective, the Autonomous Administration plans to include these issues in the curricula to raise awareness as much as possible of the principles of equality and non-discrimination, including those related to gender identity.

Similarly, the Administration is committed to establishing a protocol in all places of education aimed at addressing gender identity and guaranteeing respect for it in the educational environment. It also aims to allow everyone to express their gender identity, respect their image, and freely choose their clothing. It is also required by this document (*Ley 4/2018*) that professors and administrative staff respect the student's choice in selecting the name and gender with which they wish to be identified.

The Aragon's Government also undertakes, within the scope of its competencies, to adopt the necessary means to ensure that educational content does not contain discrimination on the grounds of sexual orientation, gender expression or sexual identity while valuing LGBT+ associations and collectives. On the other hand, the established contents will have to promote respect, acceptance, and protection of the right to affective-sexual and family diversity. Likewise, it is planned to include LGBT+ historical memory in the corresponding areas of the Aragon's educational curriculum⁴⁸.

⁴⁸ For the text of the entire provision see LEY 18/2018, de 20 de diciembre, de igualdad y protección integral contra la discriminación por razón de orientación sexual, expresión e identidad de género en la Comunidad Autónoma de Aragón.
https://www.aragon.es/documents/20127/674325/ley_proteccion_integral.pdf/6829f88d-9532-5f80-cd0e-5de04debbbed9 (retrieved October 2021)

Closely related to this law is the October 20, 2016 resolution of the *Dirección General de Innovación, Equidad y Participación*⁴⁹ , which facilitates the orientation of trans people in public and private centres. The purpose, in this case, is to implement an implementation plan for transgender students. Within it, it defines precisely how the parties are to be protected: the student, their family, and the educational centre in question should the student show any signs of discomfort about the way they are treated in relation to their gender. It is made clear that the child will be accompanied and supported in their decision, making them responsible for complimenting actions and development.

In the educational sphere, other measures are then highlighted, such as the "Integral Plan Against School Bullying in the Community of Aragon" which contemplates "gender identity as a cause of school bullying" as one of the issues to be analysed to determine the weaknesses of the Aragon's educational system in school coexistence (Federación Estatal de Lesbianas, Gais, Trans y Bisexuales, 2020, p. 38).

Three other essential measures were then introduced in 2018. The first, Decree 163/2018 of 18 September⁵⁰ , of the Government of Aragon, the Aragon's Observatory for School Coexistence and Against Bullying, was established, and its regulations were approved. The main objective of this Observatory is to promote positive coexistence and constructive resolution of conflicts that arise in the educational community, with particular attention to situations of school bullying. For the same reason, with the Resolution of 19 October 2018, the Directorate General of Innovation, Equity and Participation⁵¹ established that instructions be dictated for the implementation as soon as possible of the *Protocolo de Actuación*

⁴⁹Resolution of 20 October 2016 de la *Dirección General de Innovación, Equidad y Participación*
Retrieved from www.educaragon.org (october 2021)

⁵⁰ Decree 163/2018 of September 18 of the Government of Aragon:
<http://www.boa.aragon.es/cgi-bin/EBOA/BRSCGI?CMD=VEROBJ&MLKOB=1040618043232>
(Retrieved October 2021)

⁵¹ Resolution dated 19 October 2018 of the Directorate-General for Innovation, Equity and Participation: <http://www.boa.aragon.es/cgi-bin/EBOA/BRSCGI?CMD=VEROBJ&MLKOB=1045898263636> (retrieved October 2021)

(Federación Estatal de Lesbianas, Gais, Trans y Bisexuales, 2020, p. 38). In the same groove traced by the previous measures is the Agreement of 21 September 2018 with which the Council of the Government of the University of Zaragoza approved the Procedure of Attention to Transsexual and Intersex Persons in the University of Zaragoza directed to the University's alumni, administrative staff, collaborators and lecturers. In this regard, the University has undertaken to guarantee the change of name of those requesting the procedure without presenting any type of proof of gender change and without any repercussions on the student's previous career.

In conclusion, the Community of Aragon has several important protections and recognition for transgender people. These include: the presence of legislation that addresses the rights of transgender people, free recognition of self-determination and the development of policies that take transgender people into account. (Federación Estatal de Lesbianas, Gais, Trans y Bisexuales, 2020, p. 79) ⁵².

3.4 University of Zaragoza

The commitment of the University of Zaragoza, as can be guessed from the predisposition of the *Comunidad de Aragon* to pay attention to the rights of transgender people, is considerable. These rights are also reaffirmed and protected at an international level, such as by the UN, which recognises a series of principles for the constitution of more just and united societies. The action that the University of Zaragoza promotes is part of the broader framework of protection of human rights, stability in the framework of European, Spanish, autonomous communities and university legislation. Starting, therefore, from this framework, the University of Zaragoza has set as an objective in the new strategic plan that has been adopted to promote

⁵² For the vision of the other Spanish realities, see the document *Federación Estatal de Lesbianas, Gais, Trans y Bisexuales: Realidad del Alumnado Trans en el sistema educativo*, Informe 2020, p. 80.

the development of the person (art. 3, paragraph j, Statute of the University of Zaragoza), to ensure full respect for the principles of freedom, equality and non-discrimination and to disseminate values such as peace, tolerance and coexistence among groups of people, as well as social integration (art. 4, paragraph j, Statute of the University of Zaragoza), and not least to monitor the exercise of the rights and freedoms of its members (article 4, paragraph K, Statute of the University of Zaragoza)⁵³.

In the Spanish context, there are several *communities* (Madrid, Balearic Islands, Canary Islands, Catalonia, Extremadura, Pais Vasco and Murcia Region) that have legislation to protect fundamental rights, gender equality and non-discrimination, as well as the rights to the expression of gender identity and non-discrimination on the grounds of sexual orientation (Proyecto ADIM in LGBT Diversity Management - University of Zaragoza, 2021, p.1). While, as far as universities are concerned, some have introduced observatories and policies regarding data collection and the promotion of measures in favour of the LGBT+ community. This is the case of the University of Madrid and Barcelona ⁵⁴.

Specifically, in the context of the University taken as a case study, the *Community of Aragon* has introduced a Law for the Protection of Gender Identity and Expression, Social Equality and Non-Discrimination, which recognises a series of means of protection against non-discrimination. For its part, Zaragoza City Council has established an Equality Plan emphasising the LGBT+ community. Building on these measures, which have been taken externally, and which we can identify as triggers external to the University, the latter has taken more targeted action favouring the LGBT+ community. Specifically, the University intends to provide three

⁵³ Zaragoza University Statutes 2004:

https://zaguan.unizar.es/record/13716/files/BOUZ_25_2004.pdf (retrieved October 2021)

⁵⁴ For more details see the data collection offices at <http://www.ucm.es/entiende> or <http://uab.cat/web-observatorio-para-la-igualdad-de-la-uab-1287729445957.html> (retrieved October 2021)

macro areas of activity (Proyecto ADIM in LGBT Diversity Management - University Zaragoza, 2021, p.1).

In addition to the measures that have been taken legislatively, a strong impetus for the advancement of the situation of the LGBT+ community in the university context can be identified in the University's participation in the ADIM project (<https://en.adimlgbt.eu/>). This project has made it possible to contribute to productivity and entrepreneurial capacity to innovate through personal capacity management. The importance of this project lies mainly in the effects that it has led to manifest. Firstly, there is a multiplier effect, meaning that more and more companies and universities will want to follow the measures that have been put in place by those involved in the project (Proyecto ADIM in LGBT Diversity Management - University Zaragoza, 2021). This aspect can also be identified in action taken by the University of Zaragoza, which decided to use this project as a starting point for drawing up the Strategic Plan for Equality, helpful in boosting the skills of LGBT+ members and increase the competitiveness of the university context.

ADIM - Advancing in LGBT Diversity Management in the Public and Private Sector" is a project financed by the European community which involved 16 companies and eight public universities located in Spain and Portugal, which sought to increase the inclusion of LGBT+ people within their reality, including often forgotten categories such as intersex, non-binary or asexual. Eight thousand five hundred fifty-seven people participated in the investigation, 13.4% of whom declared themselves LGTB+ ⁵⁵. Specifically, ADIM can be identified as the progenitor of the current Strategic Plan presented shortly.

The project's development was crucial to what is theoretically identified as a significant phase in elaborating policies regarding the LGBT+ community, namely data collection. Thanks to ADIM, the University of Zaragoza was

⁵⁵ Data retrieved from the ADIM project website: <https://eprints.ucm.es/id/eprint/59902/1/200408%20-%20Gu%C3%ADa%20ADIM%20-%20EN.pdf> (retrieved October 2021)

able to distribute a series of questionnaires that provided a clear picture of the presence of LGBT+ people in the university environment. According to the data collected, 43% of university students do not consider themselves heterosexual, and 10% of academic workers claim to be part of the LGBT community⁵⁶, with a prevalence of male homosexuals in both categories. The latter figure could also be understood to be due to a lower fear on the part of these individuals of potential retaliation. In addition, as pointed out by the councilwoman of the *Comunidad de Aragona* of the *Universidad y Sociedad del Conocimiento* (University and Knowledge Society): "These data reflect that diversity in sexual orientation and gender expression is not a minority despite the belief that we are in a heteronormative system" ⁵⁷.

The project's specific aim was to produce a quantitative and qualitative analysis of organisations, identifying how the community perceived the policies put in place to protect them. The project represents an essential resource for the collection of statistical data regarding the experience of LGBT+ people. However, in addition to this statistical aspect, a training mechanism was put in place to support the creation of good practices and strengthen the best management of those whose gender does not conform to society's standards.

This project is based on the Diversity Management approach presented in the first part of the paper. However, it should be pointed out that the protection of gender identity and expression is not only a means of guaranteeing the entire term of an individual's potential but is, in fact, the protection of human rights (ADIM LGBT+ Guide p. 6). It is stressed that businesses and universities must guarantee full respect for these rights and the expression of gender identity not only as a matter of business success but also because "they run the risk of compromising workplace harmony as well as the wellbeing, vocational self-realisation and efficiency of LGBT+

⁵⁶ *ibid.*

⁵⁷ El Periodico de Aragon, 16/04/2021 :

<https://www.elperiodicodearagon.com/zaragoza/2021/04/16/universidad-zaragoza-pionera-elaborar-plan-48473656.html> (retrieved October 2021)

people" (ADIM LGBT+ Guide, p. 8). One of the most important results to emerge from the study is concerning what is defined in the project as "liberal homophobia" (ADIM LGBT+ Guide, p. 3). One of the main criticisms of this approach is that there is no need to deal with this type of issue in the workplace: "Sexuality is a private matter: I don't mind anyone doing whatever they want at home. There is no need for lesbian or gay people to go around talking about their sex lives at work" (ADIM LGBT+ Guide, p. 9). However, this kind of attitude leads to *de facto* discrimination due to the creation of inequality that LGBT+ people have to face in contrast to heterosexual people, who can instead talk freely about their love/sex lives. In the work environment, the individual spends a large part of their daily time, so restricting their gender expression is actual violence against the person (ADIM LGBT+ Guide, p. 9). The majority of lesbian, gay, bisexual and trans people have been socialised and educated in a context in which deviating from the heteronormative norm meant significant social stigma and, as a consequence of that, in their daily lives feel obliged to conceal this facet of their identity at their workplace - that is, they go back into the closet every time they go to work. (ADIM LGBT+ Guide, p. 11). Particularly vulnerable are transgender people, for whom the project states employers must introduce protocols for operational issues (such as access to toilets, name changes on documentation (payroll, for example) and the management of medical leave required during the transition period (cit. p. 31, ADIM Project). Their final findings, published in 2020, show discrimination based on sexual orientation and gender identity remains entrenched in the workplace (the other results are accessible in the guide on the website).

At the University of Zaragoza, the ADIM project is one of the pieces of the " Strategic Plan for the promotion of respect, diversity and equality LGTB +"⁵⁸. As a continuation of the project and based on these results, the University

⁵⁸ The plan guidelines can be found at: <https://ouad.unizar.es/sites/ouad.unizar.es/files/users/ouad/Resumen%20Plan%20Estrate%CC%81gico.pdf> (retrieved October 2021)

of Zaragoza developed the Strategic Plan of the University of Zaragoza. This is the first strategic plan to be elaborated in the Spanish context. This plan has the general objective of getting to know the LGBT+ reality within the university, with the ultimate aim of increasing the value system, socio-cultural actions, socio-work placements and lines of investigation that respond to diversity and equality (Strategic Plan for the Promotion of Respect, Diversity and Equality LGTB+, 2021). Added to this is the need to keep track of data to develop a policy of equality and non-discrimination in the Universities and the Autonomous Community. For the development of this strategy, different phases of action have been elaborated. The first involves the study of resources and ways of organising activities and services that lend themselves to the collective in the university environment. To carry out this type of activity, the University has planned to conduct interviews and questionnaires on tolerance, visibility and perception of discrimination, knowledge of diversity policy and proposals for institutional support. The objective is twofold in this case, on the one hand, to know the situation of the University of Zaragoza regarding the promotion of Diversity. On the other, to set in motion an index of good LGBT+ university practices within Spanish universities. Therefore, the development of this plan would serve to raise awareness, empower and present the LGTB+ community as a competitive advantage for the university community. LGTB+ as a competitive advantage for the university community.

Specifically, regarding the status of transgender people in universities, important is the Agreement of September 21, 2018, of the Council of the Government of the University of Zaragoza. The measure of attention to transgender and intersex people in the University of Zaragoza was approved⁵⁹.

⁵⁹ Acuerdo de 21 de septiembre de 2018, de Consejo de Gobierno de la Universidad de Zaragoza, por el que se aprueba el procedimiento de atención a personas trans e intersexuales en la Universidad de Zaragoza. <https://zaguan.unizar.es/record/75017/files/Procedimiento.pdf> (retrieved October 2021)

Through it, the University becomes aware of its presence of a non-binary reality and establishes a series of measures aimed at protecting gender identity and expression. The starting point on which this intervention is based is that of equality, sanctioned at European and Spanish levels and in the University's own regulations (Acuerdo de 21 de septiembre de 2018, de Consejo de Gobierno de la Universidad de Zaragoza , p. 1). As previously specified, the law promulgated at the community level by the Community of Aragon is essential. Specifically, we refer to Law 4/2018 of 19 April, on Gender Identity and Expression and Social Equality and Non-Discrimination⁶⁰ . Within it, the legal recognition of the gender identity of all persons is established, as enacted by Article 12 of the Statute of Autonomy of the Community of Aragon (Acuerdo de 21 de septiembre de 2018, de Consejo de Gobierno de la Universidad de Zaragoza). Therefore, adhering to the current legislation and cultural reality, the University of Zaragoza intends to ensure respect for diversity and non-discrimination in the institution by allowing name changes in administrative procedures. The main objective is to protect the rights of transsexual and intersex people, referring not only to students but also to academic staff, teachers and administrative staff in the procedure. To achieve these objectives, the University has established a specific office, *the Oficina Universitaria de Atencion a la Diversidad (OUAD)*, whose task is to coordinate the activity and help people who require intervention to ensure respect for their gender identity and expression. This activity is carried out in compliance and in total harmony with that established by the regional legislation, specifically Article 26.4, whose effects are realised after a request by the person concerned.

The pivotal point at a practical level is number four of the Proceedings, which states that "persons have the right to be treated and called by the name corresponding to the gender with which they identify, which may not

⁶⁰ LEY 4/2018, de 19 de abril, de Identidad y Expresión de Género e Igualdad Social y no Discriminación de la Comunidad Autónoma de Aragón.
https://www.aragon.es/documents/20127/674325/ley_identidad_expresion_genero.pdf/ac261f3f-f7d6-9554-20ab-15dafaeb42a (retrieved October 2021)

correspond with the one assigned at the time of birth"(Acuerdo de 21 de Septiembre de 2018, de Consejo de Gobierno de la Universidad de Zaragoza, p. 2). Moreover, the legislation uses a specific expression to define which actions involving the name are referred to. Specifically, the phrase we find in point four is "name of common use", according to the indications in the legislation itself, the one used in the personal and social sphere. Examples of it in the university sphere are: "the name that appears in the communication spaces of the University (such as the portal, the Virtual Campus, the classrooms, the class list, the blogs, the e-mail, the university booklet, the Sports and Library Services database, the academic and personal information system"(Acuerdo de 21 de Septiembre de 2018, de Consejo de Gobierno de la Universidad de Zaragoza, p. 4).

Point 6 of the same measure (Acuerdo de 21 de septiembre de 2018, de Consejo de Gobierno de la Universidad de Zaragoza), establishes the procedure that students must follow to change their name in the university context. First of all, it is required that the person concerned makes a request to the OUAD, which will support the student in completing the procedure. It is important to note that the process itself prohibits requesting any medical document to proceed with the name change. Otherwise, those who have already moved with the name change in the Civil Registry will request the name change by directly soliciting the OUAD. Subsequently, once the documentation and the request have been acquired, the QUAD will proceed to send the request to the Guarantor, who will verify the conformity of the request and will order the necessary change to the competent areas, whether it is the name of everyday use or that of legal use or sex. The last step is to confirm the finalisation of all these processes, and the Guarantor will notify the OUAD and the person concerned.

It is also specified in the measure that this type of procedure, under article 7.3 c) de la Ley 4/2018 of 19 April on Gender Identity and Expression and Social Equality and Non-Discrimination de la *Comunidad Autonoma de Aragon*, does not entail a change of legal title nor of the rights and obligations of transgender persons. This procedure is intended for mere

administrative purposes, while it does not produce an alteration in the legal ownership of the rights system. In addition, it is specified that this measure can be initiated only by those who are already enrolled at the university, so the enrolment must have already been completed. In addition, in the documentation that will be produced (such as certificates, for example), the data that appear in the personal identity document or those that appear in the equivalent document of ownership of the applicant will be reported.

The University of Zaragoza undertakes care should also be specified to ensure the treatment of data collected during the procedure. As already pointed out, it represents sensitive data and is subject to more excellent legal protection. The University takes to keep these data confidential and requires to delete them if requested by the applicant, under the provisions of the legislation on the treatment and protection of data. And the measure comes into force one month after the approval of the Council of Government of the University of Zaragoza (Acuerdo de 21 de septiembre de 2018, de Consejo de Gobierno de la Universidad de Zaragoza).

What is innovative about this Plan is the greater attention that is given to transgender people. The community's presentation and application of targeted protocols are elaborated, with the OUAD Office's central use. This is a particular example of collaboration at the national and European level because the project also involved Portuguese universities and companies, helpful in forming good practices. Starting from that project, therefore, the University has decided to use the suitable methods identified in other contexts to ensure adequate protection for all those working within it. In practical terms, this intervention translates into a massive collaboration envisaged between the OUAD, professors, students and associations dedicated to equality. And, in addition to this internal support, external support is foreseen from the Government of Aragon, the Instituto de la *Mujer* para la Equal Opportunity of the Ministry of Health, Zaragoza City Council, FELGTB, SOMMOS, Elaios, etc.. (Resumen Plan Estategico, p. 3).

Thanks to this new plan, the University of Zaragoza will lead a working group within the CRUE (Conference of Rectors of Spanish Universities) to promote LGTB+ equality and the University of Valladolid, Salamanca and Valencia, among others. Demonstration that the impulse of reality, what can be dubbed as the ‘snowball’ effect”, which using a metaphor: starts small but in its descent towards the valley can become an avalanche.

3.5 Plan of the LGTB+ University Association of the University of Zaragoza

At the same time as the plan presented by the University, a program on the same issue was drawn up by the University's LGTB+ association. The *Plan de Igualdad del movimiento por los Derechos del Alumnado 2021-2024*⁶¹ is a document that contains a series of measures that the association requires the University to adopt. An important point highlighted in it is the need to achieve equality between men and women, both in terms of employment and pay. Specifically, the requests are related to the need for the more excellent representation and consideration of women in the academic context. In addition, recommendations are made for the use of inclusive language, especially in public communications. It is requested that the University adopts a greater adherence to the strict ideological principles stated in the Strategic Plan and that there is a concrete supervision of the perspectives of inclusion that are introduced. In addition to these measures, there is the request to carry out seminars and information activities to prevent gender-based violence, awareness campaigns and training courses for administrative staff on equality, sexuality and affectivity. Last but not least, an awareness campaign involving the University's alumni is required. The implementation of these objectives is planned for 2021-2024, and there will be an evaluation at the end of it. However, one criticism that is shown towards this student initiative is to be identified in the substantial lack of

⁶¹ Plan Igualdad del movimiento por lo Derechos del Alumnado 2021-2024: http://www.unizar.es/actualidad/vernoticia_ng.php?id=59339&idh= (retrieved October 2021)

attention in incorporating the trans vision into the feminist one. The plan appears more as a desire to erase gender inequality, but a concept that follows diversity management or queer theories is not adopted.

3.6 Protection of transgender people in Italian higher education

Birthplace of the first university in history, Italy could not be excluded from the analysis of policies regarding the transgender community.

As already pointed out in the theoretical part of the paper, a fundamental point in forming policies inherent to the LGB and transgender community in academia is represented by gender studies in the curricula offered. The survey carried out by Prandelli et al. (2019) analyses the Italian context, identifying the Italic framework. Turning our gaze to the Italian reality, we can denote how the first course related to LGBT+ issues was provided by the University of Turin in 2017 (Willan, 2017). This once again reflects the general situation of the Italian society hostile to the extension of full rights to the community. Therefore, this general situation is reflected in the resistance to integrating gender equality into university curricula (Cassese, Bos, Duncan, 2012; Verge, Ferrer-Fons & Gonzalez, 2018). Caramella (2016, p. 3) refers to this absence in the Italian context as the lack of "what seems to fail in the Italian environment is perhaps the institutional awareness". Therefore, the cultural, historical and political context that has failed to provide the foundation for advancing LGBT+ and gender studies in the Italian academy is leading to the current Italian situation.

As in the rest of the Western world, in the Italian history of the LGBT+ movement, the 1960s and 1970s were crucial. With the birth of the first LGBT+ groups, the first demands began to be also made at a political level (Cavarocchi, 2010). These culminated in the "Three Days Against Repression" Conference held in Bologna in 1977. In the following decade, the collective pushed for legal protection of LGBT+ instances pushing for a general cultural change (Rossi Barili, 1999). However, the political instability of those years did not allow a debate to take place. In the 1990s, however,

the Italian production of feminist and LGBT+ theories essentially became non-existent (Di Cori, 2004, p. 104). The measures explicitly introduced favouring the community have been limited in the last sixty years, and the debate is still polarising.

Increasing interest in these issues, specifically in gender courses, is highlighted (Giorgio, Chemello, Crivelli, and Wood, 2010, p. 258). It is then shown how gender issues are considered mere feminist issues (Cori, 2013). As demonstrated by Spoor and Lehmillier (2014), students conduct a greater interest in studies with these issues only in the case where these are called "Gender studies", while if they receive women-titled courses, the good decreases.

Having briefly presented the general situation, we now focus on the Italian context, focusing on the aspects mentioned only marginally so far. The engagement at the institutional level for the gender issue is remarkably high. However, its implementation is not as effective (Prandelli et al., 2019, p. 7). For example, in 2004, a series of courses entitled "Women, Politics and Institutions" were introduced in more than half of Italian universities (Magaraggia & Leone, 2010). However, today unlike more than ten years ago, many of these courses are no longer provided. To date, there is a lack of structured university studies dedicated to gender studies, and attempts such as Marzano's (2015) are met with controversy and strong opposition (Prandelli et al., 2019, p.8). In essence, there appears to be a failure of academia to take a stand on this issue.

The Italian academic system is based on the division between two university cycles. The first preliminary course lasts three years and then two years for specialisation. Others, such as law, architecture, pharmacy, etc... provide a single system lasting five years. A certain number of ECTS is foreseen for each course, and they are made by taking into consideration the Scientific Disciplinary Sectors (SSD) identified by the Ministry of Education, which in the Italian context are 367. Gender studies do not fall within the SSDs

determined, and based on research carried out, there is no degree course exclusively dedicated to gender studies (Antonelli, Sarra, Sorrentino, 2013).

Pioneer on the topic is the University of Bologna, which delivers at the Italian level the only master degree in gender studies. This situation was further investigated by Randelli et al. (2019) study, who considered all the curricula offered in the Italian context in 2014-2016 using institutional databases (Alamlaurea, Cineca and Cestor) as the educational databases of the various universities. The analysis of Prandelli et al. (2019) showed that only 24 of the 91 Italian universities offer gender-related courses. More specifically, the study shows the unbalance in the distribution of gender perspectives. On the one hand, there are several courses in which it is absent, such as economic, sports or medical studies; on the other hand, there are courses that vigorously implement this perspective, such as language and literature (Prandelli et al. (2019). Moreover, by analysing how the procedures are described, the study points out a substantial difference in the terms used, which are adapted to the specific discipline. It is denoted, specifically, the absence of the word "sexuality", left out probably because of the high controversy around it.

Last but not least, Prandelli et al. (2019) show how the approach used by those courses that have provided for the study of this issue is a statutory one, emphasising the educational aspect of the classes. This is related to the aseptic conceptualisation presented in the paper's theoretical part, which seems well suited to the Italian context. In Italian reality, there is a lack of debate between the academy and society, leading to a discrepancy between theory and practice (Prandelli et al., 2019, p. 18). The academy must implement courses that take the gender perspective in the broader multidisciplinary field to interrupt this situation.

3.7 Transgender Situation in Italian Higher Education

A first step towards identifying transgender people in the academic context was carried out thanks to the Universitrans project (www.universitrans.it),

carried out in 2018 by Tullia Russo and Antonia Caruso. The idea behind it was to identify the criticalities that lie at the head of the presence of transgender students in higher education, emphasising how the latter is strongly exclusionary of the gender non-conforming reality. This study was carried out by administering surveys addressed to the universities' Single Guarantee Committees (C.U.G.) and whose response was 97% (Russo, 2019, p. 184). Thanks to the spring of data collected, it is possible to create a mapping of the situation of Italian universities, which can be consulted at the web address www.universitrans.it.

The analysis that involved all sixty-seven public universities highlighted that in 2017/2018, not even half of the universities had provided for gender self-determination tools (the so-called double booklet or career alias) (Russo & Valerio, 2009). However, in addition to having played a role in collecting data and understanding them, the activity that was carried out allowed many universities to initiate preparatory work to support gender non-conforming people present within the institution through the implementation of introductory deliberations and management. This commitment was also assisted by disseminating national best practices, referring to the valuable asset provided by experts working within the same universities⁶². Contextually, a debate on the inclusivity of all minorities is initiated within universities, and the University of Modena and Reggio Emilia produces the first index of LGBT+ inclusion in university environments (Russo, 2019, p. 185).

The first step towards a more inclusive academic reality was taken in 2003 when the University of Turin introduced the Double Booklet, a paper-based instrument valid only within the educational environment and allowed for students in transition (Russo, 2019, p. 185). Ten years later, the digitalisation of the Italian Public Administration brings the same university to introduce the Alias Career. This tool turns out to be much more inclusive

⁶² Among those who provided such support, Prof. Lorenzo Bernini, of the University of Verona, Prof. Paolo Valerio, of the University of Naples, and Prof. Anna Lorenzetti of the University of Bergamo are mentioned.

than the previous one, as obtaining it does not require the release of any documentation identifying gender dysphoria. By using it, the individual obtains a new digital identity, which fully reflects the expression of their gender. However, the release is again tied to having started the transition process (e.g. psychiatric expertise). Moreover, Russo and Valerio (2009) point out that the same computer platforms used by Italian universities often lack the practical means to use the career alias, forcing administrative staff to precarious solutions (such as the paper booklet).

The growing attention to the condition of gender non-conforming people in the Italian academic context can be identified in the increased widespread awareness of the discrimination that these subjects are forced to suffer daily. While data from the Fundamental Rights Agency (FRA, 2015) show how transgender people are subject to more discrimination than other members of the LGBT+ community. Based on the Trans Murder Monitoring index, in 2020, Italy was first among European countries for the number of victims of transphobia⁶³. Data also supported by those of the Eurobarometer, which show that in 2019 the percentage of the Italian population who declared their opposition to their child having a relationship with a trans person was 46% (Eurobarometer, 2019).

The central point for initiating of a change inherent to the alias career in the Italian environment is to be identified in the press conference of 12 October 2018 that launched the Universitrans project at the City of Bologna, supported by the National Council of Students (CNSU). On that occasion, a motion was sent to the then Minister of Education, Marco Bussetti, concerning the alias career in universities. Specifically, the document requested that "the production and dissemination of guidelines concerning the possibility of activating an Alias Career and informing all universities of the existence of this tool in favour of students and all university staff

⁶³ Research available at: <https://transrespect.org/en/map/trans-murder-monitoring/>. (retrieved October 2021)

undergoing gender transition⁶⁴. This attention towards the transgender community aroused by the project, then led to the inclusion by the National Agency for the Evaluation of Universities and Research (ANVUR) in 2018 of a box on "The protection of subjectivity in gender transition in Italian universities" (Russo, 2018, p. 258-259), making direct reference to the project. Thus, the level of inclusion of transgender people is included in the evaluation criteria of tertiary education for the first time.

In the same year, as indicated by Tullia Russo (2018, p.187), the National University Council (CUN) started to consider the protection of transgender people in the academic sphere, drawing attention to two main issues. The first, inherent to the need to introduce the alias career in all Italian public universities, which students and staff can access upon presentation of a self-certification stating that the initiation of it is necessary for psychophysical achievement. Subsequently, it is requested the introduction on the digital platforms of a special section concerning the alias career. This last change having occurred the same month, when CINECA released an update that allows to digitally manage the alias career (Russo,2018, p. 187).

However, despite of these measures that have been taken, few are the athenaeums that have used the alias career. And, up to this point, the universities that had provided for the possibility of taking advantage of this possibility made it possible only upon presentation of documentation certifying the beginning of the gender transition. Tullia Russo (2018, p. 188) also highlights how, in truth, some Italian academic realities had taken steps forward even before this provision was taken at the national level. We refer specifically to the Universities of Verona and Perugia, which allowed the start of careers based on self-certification, a sign that the Italian national system allowed these inclusive measures to take place, but also of the exclusionary solid nature present in most universities.

⁶⁴ The entire documentation can be found at the following link:
https://www.cnsu.miur.it/argomento/documentazione/mozioni/2018/mo_2018_10_12_003
(retrieved October 2021)

The Italian reality is therefore currently being pushed towards the need to provide itself with the possibility of offering its students the opportunity to start an alias career without the presence of a clinical-sanitary certification (CUN, letter 5 December 2018), as well as for this provision to be envisaged also in favour of teaching, administrative, research and library staff.

Following the National *Convengo* of the Equality Bodies of the Universities and the C.U.G., in January 2019, a motion addressed to the Magnificent Rectors and Rectors of the Italian Universities is therefore produced for the first time, indicating a series of necessary measures to be implemented. Specifically, it is requested that reference be made to the issues of gender identity and sexual orientation in the educational offer. This should be accompanied by training courses for staff working in the university, improving communication and information aspects. Specifically, concerning the trans situation, it is requested that the request for a certificate of dysphoria is become and that this procedure be extended to administrative staff as well. As far as information is concerned, there is a need to provide timely and easily accessible information. While on the practical one of physical barriers, the need for at least one bathroom per building to be removed from gender binarism is identified (Russo, 2018, p. 189).

This confidentiality agreement will then be implemented for the first time by a university on May 14, 2019, with Rectoral Decree no. 201 by the University of Basilicata. It will subsequently be joined by the University of Verona, Camerino and Pisa. However, in 2019, two years after the *Universitrans* project, no university adopted the double booklet anymore and the universities that allow the alias career is forty-five. However, the criticality identified in the analysis is that if the number of those that provide protection in favour of the student body, otherwise those that give the same measures for the academic staff are still residual.

3.8 Diversity management in the Italian University: the Alias careers

The first tool provided in favour of people who have started their transition process is the so-called double booklet, a paper document provided in favour of those waiting for the registry rectification according to Law 164, 14th April 1982. The first university in Italy to have this instrument was the University of Turin. It allowed students to use the desired pronoun, having to present the classic document this new documentation. It is a tool initially planned for students only, and even now, there is a certain reluctance to overcome gender binarism in the academic context (Russo, 2019, p. 2).

As underlined by the document, the Turin context has always shown a marked interest in the inclusion of transsexuals in the academic environment. Proof of this is the holding of the conference "Homosexuals and Transsexuals in Turin" on 22 and 23 February 2002, in which the university itself took part. Similarly, the University of Turin is the first that in 2013 has replaced the double booklet with the career alias, transforming the procedure from paper to digital. The substantial difference between the two instruments is to be identified in the attribution to the applicant of a new, provisional identity. And, if the first instrument obliged the subject to declare his transsexuality, differently, this new instrument protects the right to come out of the issue.

The presence or absence of these tools result determinant for the very choice of the university by transgender individuals. Therefore, the promotion of these procedures must be done in an appropriate way by the universities. In the review produced in 2017/2018 by Tullia Russo and Antonia Caruso, there were still seven universities that offered the possibility of possessing the double booklet and not to activate the alias career.

In 2014/2015, twelve public universities followed the path traced by Turin and introduced Alias careers. They are Bologna, Verona, Padua, Florence, Naples, Urbino, Bari, Genoa, Ferrara, Venice, Politecnico di Torino and l'Orientale di Napoli (Russo, 2018). In many of these universities, the push of university associations and of the Single Guarantee Committees was decisive. The following year, in 2016, the extension of protection occurred

for the first time in favour of teaching and administrative staff. This choice is made by the IUAV of Venice.

In the last budget of 2018/2019, thirty-nine public universities had introduced career aliases for students, and thanks to an IT modification of the ESSE3 platform (used by 80% of the universities, Russo, 2019, p. 4), it was possible to associate them with "Name Alias" next to the student's details. However, of the thirty-nine, only ten provide the same protections for administrative and teaching staff. They are Insubria University, Udine, Milan, Ferrara, Verona, Naples, Bicocca of Milan, Salerno and La Sapienza of Rome.

Among the most recent measures implemented is the protocol for LGBT+ inclusion promoted by the University of Modena and Reggio Emilia, the City Council and the Province. Through it, there is a commitment to greater inclusion of the transgender community in the academic context, paying particular attention to the language present in the forms and communication, the presence of gender-free bathrooms, the adoption of the career alias by all educational environments (Russo, 2019, p. 5).

When it was introduced, the Career Alias was a tool provided in favour of those subjects who had started the transition but had to complete it. However, to take advantage of this possibility, the presentation of documentation of gender dysphoria is required. Specifically, in Italy, the transition process is regulated by Law 164/1982 and Legislative Decree 150/2011. According to these provisions, the first phase of the transition process involves the recollection of a specialist who diagnoses gender identity dysphoria and excludes the presence of other psychiatric pathologies. With this, a psychological support pathway of at least 4-6 months is started⁶⁵. Subsequently, there will be informed consent to the therapies and the start of the endocrinological treatment to inhibit the initial sexual characteristics (document for the interchange then). The timing of

⁶⁵ Nadalin D., Gender identity: time and therapy in interdisciplinary caretaking, in www.giovanimarafon.it

this procedure leads to the anagraphic change that in Italy can arrive even at four years⁶⁶. The passage to the alias career has been made possible by the computerisation of the computer system. The expression "alias career" refers to creating an identity that "replaces in the computer system of administrative management the personal data with the data containing the chosen name". On the other hand, the double booklet is placed alongside a record with the registry name and the chosen name"⁶⁷.

Given these inherent difficulties of the system, the debate shifted to the focus of the subject's self-determination. Two specifically are the universities that have provided the possibility for issues to access the Alias Career without the presentation of any documentation to start the transition. These are the University of Verona and the University of Perugia (Russo, 2019, p. 5). This turned the spotlight on the issue, and in 2019, there was the working table moderated by Universitrans in which CUG, representatives of institutions, students and administrative technicians participated. The outcome of this working table was the proposal to introduce a confidentiality agreement based on the principle of self-determination⁶⁸.

This career is also being extended, albeit slowly, to teaching and administrative, technical staff. Moreover, this type of procedure has triggered a constructive debate on those people who do not wish to initiate a transition procedure but still want to be addressed with another pronoun. Since this is an internal document, therefore free from bureaucratic or legal aspects, the opposition to adopting this measure assumes the value of a purely political one. The very introduction of the Career Alias does not represent the goal point the universities must aspire to, but simply the

⁶⁶ By sinking Lorenzetti, Rights in transit: the legal status of the transgender person, Franco Angeli, 2013

⁶⁷ Retrieved from: <https://universitrans.it/f-a-q/>

⁶⁸ For the full text, see Russo, Valerio, Transgenderism and gender identity: from monographic manuals to contexts. A focus on Italian universities, Rivista Sperimentale di Freniatria, Vol. CXCLIII (2), 2019).

starting point for a broader action of inclusion. As demonstrated by the presentation of the theoretical framework and the practical context, the active involvement of the student body is crucial to the development of effective policies in the academic context.

3.9 Discrimination on university campuses: the Italian situation

One of the most widespread problems in the Italian context is the strong presence of heterosexist. According to the study carried out by Amodeo AL, Esposito C, Bacchini D (2020), gender stereotypes are more widespread in Italy than in any other Western country. One reason to explain this factor is the presence of the Catholic Church, whose dogma modulates the social thinking of the nation, trying to maintain a hostile attitude towards homosexuality and the conventional division of gender roles (Amodeo AL, Esposito C, Bacchini D, 2020, p. 4). However, despite this hostility still present towards homosexual people, important legislative steps have been taken. Specifically, the reference is to the 2016 Civil Unions and the law under the directions of the European Union that prohibits discrimination based on sexual orientation and gender identity in the workplace in both the private and public sectors. Despite these attempts, however, the Italian attitude towards the issue continues to be characterised by heterosexist prejudices (Amodeo AL, Esposito C, Bochicchio V, Valerio P, Vitelli R, Bacchini D, et al., 2018) and by an ambivalent attitude of the population (Lingiardi V, Nardelli N, Ioverno S, Falanga S, Di Chiacchio C, Tanzilli, 2016; Lingiardi V, Falanga S, D'Augelli AR, 2005): on the one hand, homosexuality is considered a deviation from the normal development of the person, on the other hand, a private matter and therefore not deserving of protection by the law.

Starting from these considerations, the authors of Amodeo AL, Esposito C, Bacchini D (2020) conducted a study to understand the prevalence of micro-aggressions on campuses and among students in the Italian context. It is an analysis undertaken thanks to an online survey that also involved the

institutional offices for Diversity, Equality and Inclusion and those for Anti-discrimination of the various universities. The study results show that 66.6% of respondents said they had been subjected to sexist micro-aggressions, and the most common form reported was that of "it's too gay", indicated by 58.2% of respondents. The study (Amodeo AL, Esposito C, Bacchini D (2020) then relates the prevalence of these assaults to academic achievement, pointing out that they decrease as these practices increase (Norris AL, McGuire JK, Stolz C., 2018; Mathies N, Coleman T, McKie RM, Woodford MR, Courtice EL, Travers R, et al., 2019). This demonstrates how promoting LGBT+ inclusion on campuses remains a challenge facing higher education institutions. Kosciw and colleagues (2018) show how the stress and bewilderment of the victims of these episodes decrease in those situations in which the institution directly intervenes. Among the limitations of this study and strongly important for the present paper is the lack of focus on the transgender reality. Therefore, it is emphasised the need to carry out an analysis of this category that the theoretical framework identifies as the most vulnerable on these issues.

It is also stressed that the Italian and European context is very different from that of the United States, where the reality of colleges has long been consolidated. A vital impulse for the creation of a European standard comes once again from the institutions of the European Union. Specifically, the Commission promotes the development and implementation of practices and methods to promote inclusiveness in educational environments. In this field, a consortium of 7 partners from 5 European countries (Italy, Ireland, Slovenia, Greece and Spain) has been created. It is currently working on the creation of an index that can determine whether or not sexual minorities are respected in the European context (XENIA Index) (Amodeo AL, Esposito C, Bacchini D, 2020, p. 13).

3.10 The First LGBT+ Index in Italian Higher Education

In February 2019, the first indicator of LGBT+ inclusion in Italian universities was elaborated by Tullia Russo (2019), which was possible mainly thanks to the data collection carried out through survey distribution. This indicator uses as a starting point for its elaboration of inherent characteristics of the already used indicators. A reference in the latter case is represented by the Campus Pride Index (Russo, 2019). The realisation of this first indicator required, in addition, the collaboration of student associations whose primary task is to be identified in the formation of items necessary for the realisation of the indicator. Specifically, this has focused on two macro areas. The first refers to the academic context (training, C.U.G. involvement, services offered at the university), the second focused on Alias Careers (expressly whether they are provided for only the student body or not) (for more information on the formation of the index see Russo, 2019).

The first position of the University of Veneto can be explained by the adoption of the Confidentiality Agreement, the research activity on sexuality policies, the presence of counselling policies addressed to the LGBT+ population and training on gender issues addressed to the staff (Russo, 2019, p. 195). Through this it has been possible the realization of the first Italian ranking that has for object the academic environment according to the inclusion of the LGBT+ community (Russo, 2019). In first place we find the University of Verona, Basilicata and Naples Federico II.

3.11 Diversity management in the Italian University: the Gender budget

An essential role for the promotion of inclusiveness in the Italian academic landscape is played by a series of measures and tools that have been introduced over the years. An example of them is the Gender Balance, whose aim is to integrate the gender perspective in all the actions of the public administration. Specifically, this budget requires that all the effects that economic choices have on men and women are taken into consideration. This starts from the awareness that the options that are made

by the bodies are not neutral and have an impact on the different members of the community (Addabbo & Pulejo, 2019, p. 103). The strategy put in place, is therefore, that of gender mainstreaming and is aimed at eliminating gender inequalities. Therefore, the turning point for the implementation of these measures is represented by the World Conference on Women in Beijing 1995, where Gender Mainstreaming is fixed as a fundamental objective of community policies.

The implementation of this report involves a significant organised change and involves all levels of budgeting. It considers the characteristics of internal and external stakeholders, relating policies and services to the results achieved. It is a resource planning that considers the enhancement of diversity (Addabbo & Pulejo, 2019, p. 104). This general direction is confirmed by implementing tangible objectives that are set and whose achievement is monitored.

At the university level, the implementation of this type of budget took place thanks also to the decisive support from the *Comitati Unici di Garanzia* for equal opportunities, the enhancement of the well-being of those who work and against discrimination at the university level (For a review of the experience see Addabbo, Pulejo, Tomasin, Tomio, 2018). Specifically, the adoption of these budgets takes place based on the propositional function confirmed in Directive 2/2019, which states that these actions are "aimed at promoting substantive equality at work between men and women, conditions of occupational well-being, as well as preventing or removing situations of discrimination or moral, psychological violence, mobbing, organisational discomfort within the public administration". Therefore, the role of the CUG is decisive because it is up to them to organise the activities aimed at developing the personal skills of the stakeholders.

Addabbo & Pulejo (2019) indicate how there are two pivotal moments on which this process is based. The first is that of budget planning (Gender Budgeting) and the second, which instead focuses specifically on reporting. Specifically, the latter focuses on the impact of the policies adopted on men

and women, an approach that could be implemented with greater attention also to the LGBT+ minority. Universities have a great responsibility in spreading a culture based on respect for diversity, therefore they must take all necessary measures to promote it.

3.12 General Considerations on the Current Italian Situation

Academic institutions have undergone numerous organisational changes over the years, resulting not only from national but sometimes European provisions. For this paper, the reference is, of course, to those measures that have as their object the promotion of equality and the elimination of inequalities. However, despite their introduction, stereotypes persist even within the academic world, pervaded mainly by the idea that the gender perspective cannot be adopted and that the literary world is a neutral characterized only by talent and work.

The lack of attention paid to the internal structure of academia is sharply at odds with the broader image of the world of work. Corbisiero (2013) highlights how transgender people find themselves in a situation of solid discrimination due to their "visibility", a factor to which individuals with a different orientation from the heterosexual one are not subjected. Specifically, transgender people face internal obstacles in the working world and subsequently those related to carrying out their activity in a positive climate. And while there is a false notion that these prejudices have been overcome, the data shows otherwise (Burns, Krehely, 2011). For example, in the United States, 40% of LGBT+ workers report experiencing discriminatory treatment in the workplace. On other hand, two out of three are European workers who feel discriminated against or harassed because of their orientation or gender identity (Eurobarometer, 2015). In Italy, on the other hand, 29.5% claim to be discriminated against in the workplace (UNAR, 2014), and as many as 45% of trans people have had their applications rejected. And this increased risk of exclusion leads LGBT+ workers to hide their person, concealing their orientation and identity.

Exemplary is the fact that there is no study at an Italian academic level, that collects data about the presence of these workers. The impersonality that the university wants to promote, as the data show, is in clear contrast with the psychophysical well-being of many subjects.

In relation to the community, the position of a company (and in this case, a university) on the LGBT+ issue, Corbisiero, F. & Marotta I. (2019, p. 172) identify a series of indicators that highlight the implementation of Diversity Management concerning the community. Therefore, it is required that there are implemented non-discriminatory policies and regulations based on orientation, gender identity, and gender expression. In addition, these dimensions must be included in workers' training, and adequate distribution of company benefits must be guaranteed. Furthermore, as an essential part of this work points out, the need for sufficient and community-friendly publicity is identified. At an international level, specific indices have been developed to determine the respect and inclusion of these measures. Mention is made of the International Business Equality (IBEI), which measures corporate commitment to the homosexual population (Marotta, 2017). Next, there is the Corporate Equality Index (CEI), which plays the role of mapping the best workplaces for people apparent to the LGBT+ community.

It also identifies the need for institutions to pay more attention to the correct use of proper nouns and pronouns and support the elimination and eradication of homophobic and transphobic behaviours and idioms.

The exclusion of the transsexual reality from the possibility of obtaining the Alias Career in many cases contrasts with the provisions of the universities themselves. An example of this is the University of Padua which has a Code of Conduct for the prevention of moral and sexual harassment (approved by the Academic Senate and issued by Rectoral Decree no. 417 of 27/02/2004), which states in Article 1 that the university "guarantees all those who work and study at the university the right to protection from any act or behaviour that produces a prejudicial effect or discriminates, even

indirectly, against students or workers"⁶⁹. However, if we put this article in relation to the missing provision, it denotes a formal and substantial incompatibility.

In the Italian context, there is a greater attention towards the protection of the community that falls under the more general provisions regarding discrimination in the workplace. However, this approach does not directly address the transgender issue and subjects this issue to silence of consent with regard to the discrimination that occurs on a daily basis.

Central to the protection of the LGBT+ community in the academic environment is the CUGs. Introduced with the Directive on Single Committees of Guarantee in 2010⁷⁰, the Committee is the result of the merger between the Committee for Equal Opportunities and the Committee for Combating Bullying, which was already present in the Public Administration. Concerning the purposes of its proposals, these include the promotion of conditions of wellbeing at work, the affirmation of equal dignity in the workplace and the prevention or removal of situations of discrimination or sexual, moral or psychological violence (Directive on Single Committees of Guarantee - Guidelines on the procedures for the functioning of the Single Committees of Guarantee for equal opportunities, the enhancement of the wellbeing of those who work and against discrimination). This institution, therefore, enters into all the internal relations of the University and oversees the proper implementation of policies for the respect of personal integrity of those who work within it.

In the Italian context, there is a constant and continuous spring production of internal documents that the various universities produce, but without any coordination and, sometimes, without these being followed by concrete

⁶⁹a Code of Conduct for the prevention of moral and sexual harassment at the University of Padua: https://www.unipd.it/sites/unipd.it/files/2017/codice_condotta_0.pdf (retrieved October 2021)

⁷⁰ Guidelines on the functioning of the "Comitati Unici di Garanzia for equal opportunities, the enhancement of the welfare of those who work and against discrimination" (Article 21, Law No. 183 of 4 November 2010). <http://www.funzionepubblica.gov.it/articolo/dipartimento/04-03-2011/direttiva-comitati-unici-garanzia> (retrieved October 2021)

actions. The university statutes contain to a large (if not total) extent the protection and promotion of equality and respect for the subjects working within them. However, in many cases, this is not reflected in the policies that are then implemented. A concrete example of this is the Alias careers that are the subject of this focus. Several times the stakeholders have expressed themselves in favour of a change, and several are the associations that have drawn attention to the issue. However, very little has changed to date (Russo, 2019, p. 68).

The same management of the Career appears diversified in various contexts. In the Padua context, a problem closely related to the activation of the alias career is to be identified in creating this new identity, but with the deployment of administrative tasks on all accounts available to the student. The student will be enrolled in the course, but with the alias career, at a practical level, he/she can use the courses in the same way as if he/she were enrolled in individual courses. Therefore, the student will not be able to move freely within his academic career. Still, it will be necessary to refer each time to the academic contact of the Student secretariat.

In conclusion, in the Italian context, we identify many significant problems in the protection of gender non-conforming people. First of all, there is a lack of monitoring concerning the presence of this community in the Italian academic circles, and the lack of awareness that this is not a limited reality leads many universities not to take adequate measures to ensure inclusion and equality. Subsequently, the lack of coordination between universities leads to a diversified situation, causing huge disparities within the same Italian landscape.

3.13 Marketing initiatives involving gender non-conforming people

Over the years, there has been an increasing representation of the LGBT+ community, leading to the display of an intersectional kaleidoscope of expressions and idioms about gender and sexual identities (Martel, 2014). This factor has led to the increase in debates inherent in community issues

and, as Arthurs (2004) and Brown (2002) note, the media constitute the primary devices for "regulating" sexuality as they address issues such as sexual morality in public and private spheres. Gross (1994) and Kim et al. (2007), on the other hand, point out the limits of the representation of sexual identities in a liberalised market, observing how "mediated sexuality" prevails.

This can also be applied in the European reality where empirical findings on the cultural consumption of homosexual people mainly refer to heteronomous paradigms that privilege a "mainstream" literature (Trappolin, 2009). This aspect of representativeness also finds its way into the material that is employed at the academic level. The media culture of rainbow sexuality (Corbisiero, 2013) still focuses on using male-heterosexual experiences as a social norm, neutral and universal measure, leaving out the gender and orientations of those who trespass on normative standards.

Universities, as happens with businesses, tend to build their advocacy based on the driving values present in the culture and society in which they are located. This type of investigation in the academic field is still little addressed and recently developed. Studies for example, that focus on the Spanish educational reality with the focus on transgender people have not been carried out. Obviously, this is beyond the objectives of this paper, which instead aims here to make a mere primary analysis giving the cues for further investigation in the future. Combining the theory of marketing and the idea of transgender protection, shown in the first chapters of the paper, we can now identify some central points to identify the position of marketing by universities. There are four points on which the analysis focuses, trying to identify whether the university has taken positions on LGBT+ issues and whether they have been communicated through digital and official means of communication. There is also a focus on communication on social networks, trying to identify whether there is any information and posts that deal with LGBT+ issues. Both of these activities will then be subjected to an inclusive analysis, trying to identify if there is any attention to the language that has

been used. The last point focuses on the presence of curricula that deal with the LGBT+ community and whether these are promoted in the University's presentation materials. At a methodological level, this type of research will be carried out by analysing the material universities make available on their websites and through direct interviews with the University Communication Offices and the involvement of LGBT+ associations working in the contexts taken as case studies.

Considering the website of the University of Zaragoza, it denotes an outdated screen and difficult orientation. The possibility of finding information through a search button makes it difficult for students to find information related to this type of request. However, in terms of information and projects proposed by the University, there is a strong interest in LGBT+ issues, with a strong commitment to transgender rights. The very adoption of a Strategic Plan by the University is identified by the University's QUAD as a factor which explains the strong communication commitment of the academic world to LGBT+ issues. However, after an in-depth analysis of the various measures that the University has taken at a formal level, what can be deduced in this case is a less than optimal promotional activity, which risks not taking advantage of the considerable progress that the University has achieved on the inclusivity front.

On the social side, the University of Zaragoza has dedicated a specific post for LGBT+ visibility day, putting its staff in the front row, thus promoting the values of Equality and Inclusion. This aspect is linked to the theoretical part, which argues that support from members of the community (rectors, vice-chancellors, professors. Etc) leads to greater acceptance of LGBT+ issues.

As far as language is concerned, one denotes attention to the type of syntax that is used, trying to include expressions of broader inclusion in the communicative text. This is a sign that those realities that assume a formal position of great breadth then find themselves paying more attention to aspects that are less stringent but still of considerable impact on the symbolic level.

In the final analysis, the presence of LGBT+ themed courses is denoted, but these courses are generally of a broader scope and are generally a free choice, losing the charge of importance that they could assume.

Looking at the Italian situation, we can see a highly diversified approach. In terms of the management of social communication tools, some universities have followed a line similar to that traced by the University of Zaragoza. For simplification in the analysis, the emphasis is placed on one reality: the Politecnico of Milan (Polimi). This choice is motivated by the possibility of having had direct contact with LGBT+ associations that know the institutions and observe these promotion campaigns from the outside. What is evident is the remarkable commitment of the former, which has not only actively promoted various initiatives on social networks in support of the community, but we also learn of the organisation and running of an entire week of dissemination and information on LGBT+ issues.

In addition, it was decided to focus on the *Politenico* of Milan as the only Italian university member of the Parks - *Liberi ed uguali* association. This non-profit association promotes inclusion practices at a corporate level⁷¹. All the multinationals operating in Europe are part of this association, among which Google and Coca-Cola are mentioned. It is, therefore, a reality that tries to implement the Diversity Management that was presented in the theoretical part of the paper.

Therefore, to better understand the actual situation in the activities carried out by universities, it was decided to contact the LGBT+ association PoliEdro of the Politecnico di Milano. Specifically, the interview took place with Francesco Circhetta, former president of the association.

Specifically, it is reiterated that the general environment of the Politecnico di Milano (Rectorate, Offices, Student Representatives) depends a lot on the people who take over, so there is no fixed and approved guideline LGBT+ issues. Therefore, the internal situation is constantly evolving and

⁷¹ Retrieved from: <https://www.parksdiversity.eu/cos-e-parks/> (retrieved October 2021)

depends on who is in the Offices and the Rectorate. Regarding this, the association recalls that in 2017 a secretary of the Rector helped get the Politecnico to start sponsoring Milano Pride, which it continues to support to this day. A clear stance on the issue by this University is therefore already identified. This support has been possible also thanks to the presence of the Vice-Chancellor, Donatella Sciuto. However, the association denounces that this kind of commitment has not always been optimal, and much of the work has simply been put back on the shoulders of the association itself: "a lot has been sent back to us at Poliedro, the Polytechnic has not got its hands too dirty". Regarding this, the Pride Week organised by the Politecnico in the last two years is mentioned, which the association brands as an "action of rainbow washing and marketing"⁷². It is clear from Francesco's words that Pride Week is nothing more than "the institutionalisation of an initiative that we already proposed and that has been emptied of meaning over the years". Specifically, it is denoted as the holding of seminars and conferences on the subject, then passed in the last year only to proceed to paint rainbow benches in support of the community (also published on the social profiles of the Polytechnic), the holding of a theatrical performance and the sale in the university store of university gadgets with the colours of the rainbow. These last initiatives entirely fall within the action of rainbow washing. As reported by the association, the money collected was not addressed to any LGBT+ association or the creation of some university scholarships for community members. Still, it was directly profitable for the community University.

In addition to these initiatives, Politecnico has also set up the "Equal Opportunities" project, which coordinates all operations relating to equal opportunities and includes five paths, one of which is dedicated to Pride. Through this project, the Politecnico di Milano intends to guarantee a study

⁷² Definition of rainbow washing "*The act of using or adding rainbow colours and/or images to advertising, clothing, accessories, landmarks... to indicate progressive support for LGBTQ equality (and gain consumer credibility) - but with minimal effort or pragmatic result,*" as defined by the Urban Dictionary. Retrieved from: <https://www.urbandictionary.com/define.php?term=Rainbow-washing> (retrieved October 2021)

and works environment that respects gender identities, different abilities, cultures, and origins through this project⁷³. PoliEdro points out that also, on this occasion, the initiatives included in the page are simply those promoted by the association. PoliEdro fought for greater visibility of the LGBT+ community on the University website, but "the most we got was a sliding banner on the University home page two weeks before Pride, but only because of an article about Pride Week had been published". This is highly reductive if you think that in the same period at the Polytechnic of Turin, the entire page had the rainbow border with the skyline of Turin. All this shows how the commitment is superficial and lacks a desire for a breakthrough but more appearance. What is also indicated at the level of marketing is an attempt not to be excluded from the trend, pushing to take positions even on issues that are not addressed internally (Lindblom, 1982). Moreover, PoliEdro points out how this type of initiative is driven by the desire to climb the academic rankings, which often become medals to show off during Open Days.

The association reports the possibility of starting the Alias Career, but it falls within the problems already reported at a general level in the Italian context. Moreover, academic members cannot access it. The reasons PoliEdro got after the constant requests were that "being public administration their hands are tied". This contrasts sharply with the University's presence in the Parks Association. However, despite this, PoliEdro reports a T lecturer is working for inclusion within the university, although the transition has been over for a long time. Therefore this issue does not burst with overbearing on the university schedule. However, what ties in with the theory presented in the first part of the paper is the importance of having attractive people in the community present in leadership roles. In this case, the coming out in class, as reported by PoliEdro, led to transgender students identifying a literary figure in whom they could mirror themselves.

⁷³ Retrieved from: <https://www.polimi.it/il-politecnico/progetti-di-ateneo/pari-opportunita-politecniche-pop/> (retrieved October 2021)

For the future, some actions that the University could take are indicated. As far as Career Aliases are concerned, PoliEdro points out that the Covid situation and the use of electronic platforms that constantly show the username has caused great inconvenience to gender non-conforming people. To partly overcome these inconveniences, it is suggested to use numeric mails not to subject those in transition to further inconveniences.

PoliEdro indicates that a few actions would be sufficient to improve communication as far as communication is concerned. First of all, an honest communication and awareness campaign on inclusivity (which has never been carried out at the moment) is requested, which would have more impact than the decision to paint LGBT+ benches. PoliEdro also reports being refused to send communication emails to students to participate in Pride (officially sponsored by the Polytechnic). The answer was that "it is not possible to spam users". However, it is reported that communications take place on the most disparate issues and are not strictly related to university education. It outlines an approach eager to hide and act without bothering those who operate at the top of the system.

Therefore, the specific situation of the Politecnico di Milano, despite its membership in Parks, reflects the general picture identified in the theoretical part. A sign that the theoretical stance and the announcement of inclusive initiatives are rarely translated into practical interventions supporting the LGBT+ community.

Emphasising its own results concerning inclusion should not be required of any university, because by definition, they should guarantee the achievement of this situation. However, in the current context, especially in some realities, such a stance is crucial for the psycho-physical well-being of some students and staff too often forgotten. This becomes even more interesting in those contexts in which it is the surrounding reality that demonstrates a considerable opposition to LGB and Transgender rights. An example in the European context is the Hungarian reality, which will be the subject of the next chapter of this document.

4 The challenges of a restrictive environment: the Hungarian case

4.1 LGBT+ Rights in Eastern Europe

The fall of the Berlin Wall symbolically represented the opening of a large part of Europe towards protecting personal rights and freedoms. Among the various voices raised for the demand of new rights, there was also that of the LGBT + community. However, it should be noted that the resistance of this community was already assiduous during the authoritarian period. As time went on and the cultural situation in Central Europe became more and more similar, the visibility and attention to the issue increased (ILGA Europe,2020). Indeed, over the years, numerous Pride marches have taken place in Poland, Serbia, Croatia, Romania, Latvia and Russia. Still, on most of these occasions, they have been subject to attacks by the extreme right (Renkin, 2009).

Intending to identify the motivations that lead to an opposition of the post-socialist civil community to LGBT+ issues, Renkin (2009) analysed twenty-six months between 1999 and 2008 by analysing the activity of the communities, the meetings of the organisations, the protests, the public events and by carrying out interviews with the individual subjects. Combining this work with the post-socialist theories that explain the presence of homophobia in these realities (Adam, 1998; Boellstroff, 2007), three macro areas can be identified to explain the occurrence of this phenomenon. The first is psychological homophobia, which essentially consists of the person's fear of the sexuality of "others" (Renkin, 2009, p.3). Homophobia, in this case, is the result of an internal feeling of fear concerning the deviation of heteronormative speech. Thus, homophobic reactions are unconscious and result from the aggregation of individual attitudes (Renkin, 2009). In addition, many academics point out how this psychological level is employed in politics through targeting what represents an "easily available target", such as the LGBT+ community (Schwartz, 2005). This is done through the manipulation of popular sentiment to gain

votes, using homophobic assumptions derived from the cultural background.

Another valuable point to explain the spread of homophobia in the post-socialist context is to be identified in heteronormative nationalism. Therefore, this interpretation proposed by Renkin (2009) focuses its attention on the dynamic created between national and transnational tensions at a political and community level. Specifically, for some scholars, the homophobia that persists in these contexts is to be identified with the heteronormativity proposed at the national level with the socialist regime. The nation was based on heterosexual subjects capable of reproducing themselves (Mosse, 1985). The confirmation of this thesis in the Hungarian context is identified by the studies carried out by Riszovannij (2001), who analyzed homophobia in Hungary in the 1990s.

The last point that explains the strong presence of homophobia in post-socialist contexts is the view of homophobia as an anti-European sentiment. This explanation is closely related to the previous one and especially to the link between internal political and transnational dynamics. Specifically, members of the LGBT+ community are identified as "the others", referring mainly to Europe and the West (Fassin, 2007). It is mainly in the extreme right that the vision of homophobia has been formed as a rejection of what is perceived as "moral colonialism" by Western Europe. Over the years, this opposition to the community has been contained in the Hungarian context thanks also to an economic growth that has excluded the extreme right from the possibility of gaining wide political support. However, the economic crisis, Renkin (2009) points out, then led to the growth of support and opposition towards the community, which represents the embodiment of Western values on a symbolic level.

In short, the LGBT+ community is perceived as a "symptom of modernity", modernity that is affirmed by taking power away from the nation, positioning it elsewhere (Bunzl, 2004). What is also evident from the studies carried out by Renkin (2009) is the awareness that the LGBT+ community represents

more of a scapegoat in the community's eyes, rather than a problem in itself. The community is attributed faults and demerits that lie with the political class, but the latter effectively deflects attention from personal faults. However, it should be noted that these are just a series of simplified considerations that need further study and investigation but are presented here to understand better the general context in which Hungary and its Academy are situated.

4.2 LGBT+ Community synonymous with Europeanisation

As already pointed out, an essential role in the post-Soviet context was played by European integration. Several authors have questioned the implications of mixing a non-heterosexual view, LGBT+ activism, and Europeanisation in this context (Bilic, 2014).

The increase in the focus on minority rights can be identified in the conceptualisation of democracy through the human rights paradigm (Stychin, 2004), which has spread widely globally and, to a large extent, has been supported by the advancement of the media (Kahlina, 2014). However, even though this position was highly prevalent in the public sphere of the European Community/Union, in the legal structure put in place, the protection of sexual orientation in the Copenhagen criteria to become part of it was not made explicit.

LGBT+ rights have assumed an increasingly crucial symbolic role in the political arena. Nor is the line followed by Russia since 2012 an example, when it began consolidating what is defined as "sexual sovereignty of nation" (Makarychev & Medvedev, 2015, p. 51). This project has implications not only in the Russian context but also on the countries over which it exerts its influence. An example of this in the European context is Hungary, led by Viktor Orbán, as which later be addressed. Returning to Russia, decisive is the law passed in 2013, with which it is "prohibiting homosexual propaganda", assuming in fact a much broader symbolic value. With the introduction of this law, Russia aims to reinsert itself in the world

scene as a political and cultural alternative against the Western European powers and the modelled by the United States (Ayoub & Paternotte, 2014). In this model, LGBT rights symbolise Russia counters with a type of policy that promotes traditional values, "authentic" culture and refractory to change (Slootmaeckers K., Touquet H., and Vermeersch P., 2016, p. 3). However, despite the symbolic growth of these rights, it is pointed out that the EU *acquis* on the merits is still very limited.

Central to the context of the European Union is the role of what is known as Europeanization. This term refers to the transition of the EU's policies, institutions, rules, beliefs and values to other nations (Blumer, 2007). Therefore, starting from these considerations, we take a broad definition that is useful for our paper. We will use it as a focal point to further analyse the existing reading on the topic. As also indicated by Saurugger (2005) and Randaelli (2003), Europeanization is a complex concept that produces power generation: "it encompasses processes of (a) construction (b) diffusion and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures and public policies" (Randelli 2003; p. 30).

On the one hand, for some scholars, Europeanization should be understood as the dependent variable that impacts domestic policy and institutional processes. This term indicates, therefore, *"the emergence and the development at the European level of distinct structures of governance, that is, of political, legal and social institutions associated with political problem solving that formalises interactions among the actors and of policy networks specialising in the creation of authoritative rules"* (Risse, Cowles and Caporaso, 2001). Then again, Europeanization is considered a process that leads the EU to become a decisive part of the organisational structure and logic of policy production. Among those who support this position, we find authors such as Ladrech (1994, p. 69). This process involves different

aspects at the national level, from the policies that are decided to be implemented to the political setup. Attention will turn more to this first aspect. European policy production produces about 500 guidelines per year (find a document that indicates this) and the implementation of being leads to a substantial change that can alter the policy style (Knill and Lenschow, 1998).

Fundamental in the context of Europeanization is the horizontal process, through which transnational cooperation and policy transfer between different territories is emphasized (see e.g. Ayoub, 2013; Kuhar, 2011, 2012). This process becomes decisive in the modification of the no hard *acquis* or "soft law".

As far as the LGBT+ community is concerned, Koolman (2009) and Paternotte & Kollman (2013) have studied the convergence of policies concerning same-sex unions in Western European countries, highlighting the importance of international norms transnational networks in the implementation of legislation.

In short, LGBT+ rights are often politicised at the European level, with many politicians using homophobic discourses in opposition to the European integration process (Mole, 2016; Kuhar & Ceplak, 2016). And precisely, in Central Europe, LGBT+ issues have been positioned in a schism between supporters and opponents of EU policies (Slootmaeckers K., Touquet H., and Vermeersch P., 2016) .

4.3 Hungarian LGBT+ community: between political opposition and legislative evolution

A particular context at European level is the Hungarian one, which has been repeatedly put under the spotlight because of the strong measures that the government has decided to take against the transgender community in the country. To better understand the academic situation in which students find themselves, it is helpful to try to present the context in which they find themselves.

To annotate the current Hungarian situation of the LGBT+ community, it is necessary to make some references to the nation's past. Hungary has been under domination for more or less prolonged periods of time. The very introduction of the term "homosexual" seems to be due to the regime they were subjected to. Precisely, the term seems to have been introduced with the translation, by Károly Kertbeny, of two essays on the punitive sanctions imposed on homosexuals in Prussia (Takács, 2008). On the other hand, the first studies concerning the rights granted to homosexuals were those carried out by the Austro-Hungarian Károly Mária Kertbeny (originally Karl-Maria Benkert) (De Witte, Holz & Geunis, 2018, p. 77), who first used the terms homosexual and heterosexuality in a letter addressed to the lawyer Karl Heinrich Ulrich in 1868. The two repeatedly found themselves in correspondence discussing how homosexuality could be defined and the rights to which it would be entitled (De Witte, Holz & Geunis, 2018, p. 77). He also found himself pushing for protection for homosexual people. In fact, in 1869, in two anonymous pamphlets written in German and published in Leipzig, he criticised laws that criminalised same-sex relationships.

The argument on which Kerbey based his total support for protecting the rights of homosexual persons were related to the lack of power the state possessed over the private affairs of citizens (Takács, 2008). Hungarian history since then has been characterised by a strong closure on the homosexual issue, seeing substantial declines and rises in the rights of homosexual people. Between 1961 and 1978, Takács defines the age of consent, which is characterised by non-discriminatory regulation. Precisely, the prohibition of discrimination against homosexual persons was introduced in 1989 when the prohibition from discrimination was included in Section 70/A of the Constitution (Takács, 2009). However, Takács (2009) points out that this was not protection provided for the homosexual community but rather a type of general protection that could include the protection of homosexual persons. The year that would lead to an explicit opening was 2003, with the law that explicitly had "sexual orientation" and "gender identity" among the protections. At that time, the Minister of Justice

explicitly had these two protections in possible discrimination. Prior to 1996, only heterosexual relationships were considered legal, whereas with this measure, this became discriminatory (De Witte, Holz & Geunis, 2018, p. 79). Based on these considerations, in 2009 the Parliament introduced civil unions, thanks to which two homosexuals could unite civilly. The only differences, then, were that at that time, homosexual persons were prevented from adopting or proceeding with in vitro fertilisation.

A significant shift in Hungarian politics was marked by the coming to power of Viktor Orbán, leader of the right-wing FIDESZ party. Thanks to the enormous consensus he has built up, he has achieved sufficient parliamentary power to enable him to govern without significant constraints.

The Hungarian community itself proves to be particularly hostile to this issue, according to data from Integrity Lab and Budapest Pride, as many as 56% of Hungarians would like the LGBT+ community not to have the right to marry. The percentage increases exponentially among those who consider themselves religious people, where it rises to as much as 75% (*Budapest Pride, 2017*).

4.4 Hungarian Academy and protection of the rights of gender non-conforming persons

A point of rupture in Hungarian history, and the educational system present in this nation, is represented by 1989. Since then, several are the documents in which references to "diversity" and homosexuality can be found there. Specifically, in the paper developed by De Witte, Holz & Geunis (2018), 3 macro areas can be identified. The first is the Act on National Public Education, in which we find documents dated 1993, 2012, 2016 and 2017. Then there are the National Core Curriculum, with papers dated 2003, 2007 and 2012, and finally, the framework curricula or local curricula of which there are numerous documents.

Turning instead to an analysis of the Hungarian academic context, the FELVI.HU platform is of fundamental importance, through which those who

want to enrol in a Hungarian study programme can find all the necessary information. Despite an analysis of this platform, however, it is not explicitly clear which programmes are more attentive to the issue of the transgender community and which are not. However, based on the analysis conducted by De Witte, Holz & Geunis (2018). At the three-year degree level, in academia, only in health studies are their community-related aspects, and all of them are strictly medical issues. Otherwise, openly LGBT+ is only contained in the sociological field (De Witte, Holz & Geunis, 2018 p.86).

At the master's level, the picture that can be taken is much more varied. The study by De Witte, Holz & Geunis (2018) identifies the focus on LGBT+ issues mainly in courses such as Sociology, Health Sociology, Ethnic and Minority Policy, Cultural Anthropology, Gender Studies and Social Integration (De Witte, Holz & Geunis, 2018 p.86). And even though this kind of topic can be the subject of analysis of many other courses, including, for example, pedagogy and politics, in the FELVI.HU platform they are not shown at all. The most relevant programme on Gender studies was the one provided by Central European University. The international education was created in 1989 as a response to the political and cultural changes affecting the nation. It is an institution capable of offering accreditation in both the United States and Hungary, but to date, it no longer operates in Hungary. It was the first to introduce gender studies in a master's degree, but the law subsequently enacted in 2018 made teaching this type of course impossible.

The change in the regulation that effectively prevents the delivery of Gender Studies was issued in August 2018 when the Minister of Human Capacities sent a directive whereby, in subsection 16, the permission of Master's degrees to deliver Gender Studies was removed. Specifically, two universities offered this type of study, CEU, which was private, and Eotvos Lorand University (ELTE). The spread of the news provoked public outrage and a rush to the rescue by politicians looking for plausible reasons for such a limitation. The first of the possible reasons that have been put forward is economical. However, the goal of savings goes against the accurate

support figures of the two realities, nil for CEU being private, while only 2700 000 Hungarian Forints for an entire academic year at ELTE (Andrea Pető, 2018). Subsequently, the excuse put on the table by the government is the lack of need for these graduates in labour market. But as pointed out by Andrea Pető (2018), the alumni association of the two universities declare an excellent degree of employment for their students. And in the last case, the incompatibility of these studies was indicated with the Christianity of the Hungarian nation, a sign of a substantial interference of religious dogma in the political sphere. Regarding this situation, the Secretary-General of the EUA said: "it creates a legal framework to suppress the knowledge that those in power dislike. It blocks citizens from being informed and from creating and acknowledging -a key feature of Europe's pluralistic societies and one of the reasons they cherish academic freedom" (Andrea Pető, 2018, p.2) and adding, moreover, the risk of how this kind of tough decisions is made in the context of the European Union. The situation worsened further when on September 1, 2018, the Hungarian Accreditation Committee declared its inapplicability to the decision communicated by the government, stressing once again that the choice was a political one, intending to shape the academic reality to its liking. However, this kind of attitude is not in line with the democratic and liberal principles on which the Union and its democracies are based.

This measure is not only detrimental to minorities but also represents a dangerous legal action. This act is detrimental to the principle of freedom of science and research enshrined in the Hungarian Basic Law (Art. 9) and the principles of freedom on which the EHEA is based. The latter, on 24 August 2018, stated: "if the Hungarian government goes ahead it would constitute a case of state intervention into higher education that is unprecedented in European Union" (Andrea Pető, 2018, p.3). Exposing its opposition to the elimination of gender studies from the Hungarian academic context was also the European Communication Research and Education Association (ECREA), which announced in a communicative note that it is concerned and keeps the situation of university autonomy in the Hungarian context

monitored. Specifically, in the note published it is specified that "ECREA recognizes that the mischaracterizing and questioning of the academic legitimacy of Gender Studies is not only a populist political gesture but also an anti-educational, anti-scientific, anti-democratic, anti-constitutional and anti-equality move. Through anti-genderism attacks on intellectual freedom (...)" ⁷⁴.

In short, the fight against gender theories has taken on a political role in the Hungarian context, leading Viktor Orbán's party to push for more and more opposition to increase its consensus. The decline of LGBT+ rights in the Hungarian context is easily identifiable in the fact that from 2012, when the nation was ninth in the report produced by ILGA about the protection of LGBT+ rights, it collapsed in 2019 to the nineteenth position, and in 2021 it is in the twenty-eighth⁷⁵. The opposition of Viktor Orbán's government has found a new climax with the approval of a strongly contested law designed to censor all cultural materials containing references to the LGBT+ community⁷⁶. Such measures have led to the outrage and reaction of civil society, which on 24 July 2021 participated *en masse* in the Budapest Pride (Budapest Pride, 2021), and of the European Union itself ⁷⁷.

In the exposition of the previous chapters, we have been presented with the legislative framework on which the protection of minorities and gender equality is based. Despite the impressive legislative structure put in place, the EU has been strongly criticised for not taking the appropriate measures to defend and reinforce respect for gender equality (Vida, 2019).

Indeed, in Hungary, despite being part of the European Union, the rights that have been provided for the LGBT+ community have not increased and

⁷⁴ ECREA position Retrieved from: <https://www.ecrea.eu/news/6883754> (retrieved October 2021)

⁷⁵ Annual Review 2019: <https://www.ilga-europe.org/annualreview/2019> (retrieved October 2021)

⁷⁶ Retrieved from: <https://www.bbc.com/news/world-europe-57439699> (retrieved October 2021)

⁷⁷ Retrieved from: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3668 (October 2021)

indeed have ended up decreasing over the years (Eurobarometer, 2019). To date, same-sex couples only can civilly register their relationship in the nation, but the possibility for these couples to be able to proceed with adoption is expressly prohibited by law (Béres-Deák, 2019). This is one of the most stringent institutional discriminations, which is further exacerbated by the homophobic "anti-gender" discourse (Vida, 2019; Takács, 2018).

What needs to be pointed out is that the situation of LGBT+ people in the nation was not subject to a precipitous collapse due to the FIDESZ government coming to power. Still, opposition to the LGBT+ community was already present even in the previous period (Gyollai and Korkut, 2020). However, with FIDESZ gaining strength, there was an abrupt collapse of social policies targeting the community. The protections that had been placed in them, moreover, have been dismantled and a clear example is represented by the definition of marriage introduced in 2011 by the FIDESZ-KDNP government, which established in the Basic Law of Hungary that marriage must be considered as "the union of a man and a woman"⁷⁸. In other words, this law prevents marriage for same-sex couples. Moreover, there is no protection for community members about discrimination based on sexual orientation.

Therefore, the political strategy put in place is based on restricting homosexuality from public life. An attempt to make the community invisible has also involved cultural life, as demonstrated by Hungary's recent withdrawal from the Eurovision Song Contest. A European music contest that promotes the values of integration, pro-European and strongly inclusive. Therefore, the withdrawal of Hungary from it has a substantial symbolic value, which increases further based on numerous speculations that indicate as the reason for the nation's abandonment just because the

⁷⁸ Basic Law of Hungary retrieved (October 2021) from: https://www.kormany.hu/download/f/3e/61000/TheFundamentalLawofHungary_20180629_FIN.pdf (retrieved October 2021)

competition is "too gay"⁷⁹ in the eyes of the Hungarian right. Hungarian public television has categorically denied these insinuations, but the government's strong control over it overshadows the integrity of this defence.

As outlined by Archive Discovery (Gyollai and Korkut, 2020), cultural limitation has manifested itself in a number of other cultural and commercial initiatives. For example, in 2019, the M5 television place aired an entire broadcast on the topic of conversion therapies. In the same year, the pro-community Coca-Cola commercial sparked a reaction from László Kövér, a speaker of the chamber in the Hungarian parliament who stated, "A sound homosexual person knows what the world order is; they are aware of that they were born or have become one (gay) and try to adapt to the world by not necessarily considering themselves to be equal." He later added: "in the moral sense there is no difference" between paedophilia and gay adoption (Gyollai and Korkut, 2020).

In addition to culture and the legislative framework, the academic framework has also come under attack. On the one hand, there is the case of Professor Andrea Kozáry, who organised the final conference of the project "Call It Hate: Raising Awareness of Anti-LGBT Hate Crime - CIH"⁸⁰ at the University. This choice led the professor to be dismissed by the University, which formally claimed to have terminated the contract for financial reasons. This episode shows how it is not only the LGBT+ community under attack but also those who stand up for them.

Subsequently, another central point indicating the Hungarian government's opposition to academia is the October 2018 decision to ban gender studies

⁷⁹ Statement on withdrawal from the Eurovision Song Contest retrieved (October 2021) from: <https://www.theguardian.com/tv-and-radio/2019/nov/27/hungary-pulls-out-of-eurovision-amid-rise-in-anti-lgbt-rhetoric>

⁸⁰Call It Hate: Raising Awareness of Anti-LGBT HateCrime – CIH: https://lgbthatecrime.eu/project/project_cih

from higher education. According to a spokesperson⁸¹ for the government: "people are born either male or female, and we do not consider it acceptable for us to talk about socially constructed genders rather than biological sexes." ⁸².

The decision to cut funding to the social sciences⁸³ led to the cessation of activity by CEU on Hungarian territory. The Hungarian government's opposition was supported by what Andor (2014) defines as the "servility" of higher education, i.e. "a compulsion to conform to the demands of the ruling elite, has become an inherent feature of the Hungarian education system, if not the entire public sector".

In this context, the action that will be taken at the EU level is essential. The massive violation of the Rule of Law by Eastern European countries, especially Poland and Hungary, seems to set in motion a process of legislative renewal and mechanisms for the protection of human rights and, consequently, of the LGBT + community. These conditions, therefore, besides the possibility of representing a new era for the academic world at the European level, at the same time, it can become the impulse for a new step of European integration.

4.5 Law Threatens Independent Universities: the Law of April 4, 2017

The law stipulates that universities registered outside Hungary but operate on Hungarian soil must have their operations approved through a contract between the government and the university itself⁸⁴. Therefore, in the case of CEU, funding and support would have to come only from the United

⁸¹ Retrieved from: <https://www.independent.co.uk/news/world/europe/hungary-bans-gender-studies-programmes-viktor-orban-central-european-university-budapest-a8599796.html> (October 2021)

⁸² Affirmation represented Hungarian Parliament retrieved from: <https://www.parlament.hu/irom40/14056/14056-0001.pdf>

⁸³ Decision cut Hungarian university funds retrieved from: [Academic Freedom in Hungary's Authoritarian State Capitalism - The Foreign Policy Centre \(fpc.org.uk\)](https://www.foreignpolicy.com/articles/2017/04/04/academic_freedom_in_hungary) (retrieved October 2021)

⁸⁴ Law on April 4, 2017. Full text found at the following link: <https://www.parlament.hu/irom40/14686/14686.pdf> (retrieved October 2021)

States. Moreover, the law prohibits Hungarian universities from offering courses from non-EU universities. As a direct consequence, CEU is directly affected by this measure.

Human Rights Watch, an international organisation dedicated to monitoring the respect of human rights, highlights how the Hungarian government has further taken advantage of the Covid-19 pandemic situation to attack the rule of law and democratic institutions severely. Specifically, thanks to the state of emergency decreed, the government was able to take several measures without the need for parliamentary and legal review (Human Rights Watch Report, 2020). Thus, before it was lifted in mid-June 2020, several hundred measures were introduced: made political asylum impossible, intervened in the independence of academia and the media, took away rights from the LGB and transgender community, as well as deprived women of freedom and subjected the Roma community to severe discrimination.

Keeping in view the focus of this paper, we now intend to proceed with the analysis of only those spheres that fall within the scope of the paper. Primarily, we refer to the freedom of the media, which has been severely threatened. Intending to reduce the spread of fake news during the pandemic, the government made such information illegal. However, what seemingly appears to be a valuable law to limit the spread of conspiracy theories, strongly threatens the freedom of the media and the privacy of people (Human Report, 2020). Throughout 2021, several media outlets were subject to license closure or revocation, and the majority of them had demonstrated their opposition to Viktor Orbán's government. Examples that Human Rights Watch cites include Index and Klubradio (Human Rights Watch, 2020).

Equally subject to limitation has been academia. In October 2020, the Court of Justice of the European Union declared unconstitutional the 2017 law inherent in the funds granted to universities that dispense gender courses⁸⁵.

Also, in the academic sphere, a law was passed in June 2020, and whose effects began to unfold in September 2020, which essentially stripped the Budapest University of Theatre and Cinema of any autonomy. The replacement of critical positions led to the removal of those in opposition to Viktor Orbán and the establishment of those who supported him (Human Rights Watch Report, 2020).

Equally, the LGBT+ community, particularly the transgender community, has remained in the crosshairs of Viktor Orbán's hate activity. Inherent to this but also to the protection of women in the Hungarian system, the parliament blocked the ratification of the Council of Europe Convention on Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention. The reasons behind this choice are the fact that, according to officials, "it "promotes destructive gender ideologies" and "illegal migration"" (Human Rights Watch Report, 2020) ⁸⁶.

At the same time, in May 2020, a new law was passed that severely affects the transgender community. Specifically, through this measure, it is made impossible for trans people to change their gender, subjecting this category to more significant risks of discrimination, in addition to the psychological violence they are subjected to daily in having to live in a body that reflects the sex assigned at birth.

This set of critical issues was then highlighted by the European Commission's annual report on the rule of law, which highlighted the lack of

⁸⁵ Court of Justice of the European Union PRESS RELEASE No 161/20: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-12/cp200161en.pdf> (retrieved October 2021)

⁸⁶ Report Human Rights Warch retrieved from: <https://www.hrw.org/world-report/2021/country-chapters/hungary> (October 2021)

judicial independence, media independence, and the impact on institutions and pressures on civil society⁸⁷.

A central role in this context of intimidation is played by the EU. Therefore, the LGBT+ policy takes on a broader value in the light of the considerations that have been made in the Hungarian context. On 12 November 2020, the European Union launched the first continental initiative to protect the LGBT+ community. Specifically, this action focuses on four central points: combating discrimination, ensuring the safety of community members, protecting rainbow families and promoting LGBT+ equity values worldwide.

Member States are encouraged to build on existing best practices and develop their own LGBTIQ equality action plans. The Commission is committed to reviewing all the actions that will be implemented and carrying out a review in 2023⁸⁸.

4.6 Trans Hungary workers situation: Voice of the interviewees

In order to better understand the situation of transgender workers in the Hungarian context, we contacted the LBGT+ Háttér Society, one of the most important in the Hungarian context. The association made a series of documents containing direct experiences gathered by transgender students who carry out their activities in the Hungarian context. Specifically, three are the students who have been interviewed, two men and a girl. Obviously, with the presentation of their experiences, we do not intend to extend their personal experience to the whole transgender experience. Still, we intend to offer a direct voice to those who find themselves living in this situation of strong censorship and opposition.

⁸⁷ The rule of law situation in the European Union, 2021 Rule of Law Report.
https://ec.europa.eu/info/sites/default/files/2021_rblr_country_chapter_hungary_en.pdf
(retrieved October 2021)

⁸⁸ First-ever strategy on LGBTIQ equality in the EU:
https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2068 (retrieved October 2021)

The project "A kirekesztés arcai: A transz emberek foglalkoztatási és munkahelyi hátrányos megkülönböztetése" ⁸⁹ is part of the association's attempt to map the situations and problems that LGBT+ people face on a daily basis. The aim is to provide the necessary data for implementing future projects against discrimination against LGBT+ people. To achieve this goal, 13 interviews were conducted with transgender workers and students to understand better the daily difficulties. The promotion of this project was done in coordination with the Transvanilla Transgender Association, from whom we tried to request further data and a position on the current situation in Hungary. Still, it was not possible to have direct contact with them.

An important piece of data for understanding the workplace situation of transgender people can be found in the 2015 Background Society, The Social Exclusion of Transgender People in Hungary (Dodó, 2015), which summarizes data about discrimination of transgender people in the Hungarian context in 2010. There are 132 (out of 2110) transgender people who answered the questions on that occasion. Among the most important findings of this research is that transgender people are twice as likely to be unemployed (12%) as other members of the LGB community (5%). The same proportion is expected for not being employed (58%) and being laid off (55%). In addition, it is reported that most trans people preferred not to disclose their status to colleagues (58%) or supervisors (71%). This is closely linked to the strong discrimination these people are subjected to, 80% of them indicating that they have been victims of gossip or spreading lies.

In the document "A kirekesztés arcai: A transz emberek foglalkoztatási és munkahelyi hátrányos megkülönböztetése" by Háttér Society a further survey was carried out involving 358 people of whom 18 were transgender, and 27 others fell under the broader umbrella of the term transgender. This survey highlighted that 10% of transgender students had to postpone their

⁸⁹A kirekesztés arcai: A transz emberek foglalkoztatási és munkahelyi hátrányos megkülönböztetése". Document Consultable at the following link: <https://.hu/kiadvanyaink/kirekesztesarcai> (retrieved October 2021)

studies because of their identity. Sixty-nine per cent of those who defined themselves as transgender said they were working in a different field from their previous one because of the transphobia they had experienced. Contextually, 58% of respondents said they had been subjected to discrimination in the workplace. However, none of the respondents who completed the questionnaire reported receiving help from a supervisor or HR/HR staff member in the workplace to ensure that colleagues were appropriately adjusted (Háttér Society, 2018).

Before proceeding to report the experiences of the subjects involved in this qualitative research by the Háttér Society, it is necessary to clarify a linguistic/methodological nature. In coordination with the information presented in the report, in the following paragraphs, the experiences of individuals will be explained using the pronouns indicated in the original document. This choice is made to try to respect the will of expression of these subjects as much as possible. This is why, initially, we will use first masculine and then feminine pronouns referring to the same subject.

4.6.1 Ármin, 25 years old, University student

One of the experiences reported is that of Ármin, a 25-year-old university student. He states that he has had necessary support from his parents and that education has been a possibility of emancipation to which he has always aspired. This support has translated into strong political and civic engagement, and LGBT+ activism is a vital component of his persona. He generally states that his teachers supported this position. Consequently, he has never experienced expressed opposition from his professors, except on sporadic occasions. Specifically, Ármin points to one professor whose opposition brought about a feeling of fear in him. Because of this terror, he also found himself having to change his academic career: "Because I was busy with the entrance exam and the thesis, and the professor's threat was a nice deterrent, I postponed the state exam and didn't take it anymore" (Háttér Society, 2018 p. 43). He also reports a desire to initiate his transition

but is frightened by the consequences, it may have on his experience. Failure to transition discouraged her from seeking any employment, as there was no desire to "use my birth name in my future job or application process" (Háttér Society, 2018 p. 45). It is then pointed out that the transition process is a costly one, both financially and personally. Failure to complete it results in further discrimination, and this terror leads individuals to attempt not to initiate the transition itself. In this specific case, given that the subject's current physical appearance falls within the cis-gendered canons imposed by society, he prefers not to proceed with a "distortion" of it and to maintain secrecy.

With the change of university, he reports that he faced an opposite context, finding himself experiencing the terror of being discriminated against even in the academic context, thus leading him to hide his identity from other colleagues and professors. Ármin points out that on this second occasion: many of my lecturers regularly make sexist comments, and I criticise them. This is what makes me the most unpopular among both teachers and students. Two of my teachers refused to work with me because I was "weird". (Háttér Society, 2018 p. 45).

A possible solution that Ármin identifies for the resolution of the problematic situation is determined not only in changing the society and the view of the transgender condition, but it is sometimes specified as a possible solution that of "not regulating so rigidly the order of medical treatments and the exchange of documents, or not needing money to obtain professional opinions (Háttér Society, 2018 p. 46).

Faced with this discriminatory attitude, he attempted to identify a safeguard and measures by the department. Still, the absence of academic directives concerning this hypothesis made it impossible to implement them. In short, there was no basis for taking any supervisory action.

4.6.2 Zsuzsa, 22, transgender woman, higher education student in arts

Zsuzsa, unlike the first testimony, states that she has been subjected to discrimination since her education at higher education institutions. Because of this discrimination, there was an attempt to hide her identity, often ending up being mistreated for this reason. And the effects of this continue to manifest even today: "Because of this, even today, I have feelings of paranoia even when I walk down the street" (Háttér Society, 2018 p. 47).

In contrast to Ármin's experience, Zsuzsa experienced an opposite path, first punctuated by intense discrimination and then greater acceptance with the second university course she started. As she puts it: "I am still subjected to atrocities today, but they are no longer so significant to me. I dare to wear nail polish and paint my eyes in the street" (Háttér Society, 2018 p. 47).

Also, in this case the lack of practices to be followed in case of discriminatory episodes has led the person concerned to experience bewilderment. Moreover, this kind of discrimination experienced has shown Zsuzsa to limit her aspirations regarding the future, aiming to work in environments not in close contact with the public: "I prefer to go somewhere where I don't have to be around people all the time. For example, I could work in a warehouse". (Háttér Society, 2018 p. 49).

And, once again, the lack of financial support is jeopardising the subject's desire for transition, who is thus forced to live in a body he does not feel as his own.

4.6.3 Ádam, 20 years old, university student

Ádam is a sociology student who also has a part-time job as a financial, administrative assistant. Regarding discussing LGBT+ issues, he states that he has always talked about them freely but is uncomfortable when the issues are addressed following the presentation of official documents.

Since his childhood, it is pointed out by the interviewee. There has been a strong binarism imposed by his parents, who pushed Adam to play only with

"girl" toys, scolding him whenever he broke this social construct: "a little girl shouldn't be so rude" (Háttér Society, 2018 p. 72).

Having spent his childhood in a rural context led to increasing discrimination in this case, which then disappeared when the boy moved to Budapest. In this more open environment, he was able to understand himself and try to start the process of acceptance. However, several times during the course of his studies he was confronted with the usual question: "Are you a boy or a girl?" (Háttér Society, 2018 p. 74). This complicated his acceptance of his own person, which only came to a climax several years later with the approval of his pansexuality and transsexuality. Despite this, there was still a desire for external acceptance, which is reflected in Adam's statements: "Before I started university I did a lot of training to be accepted by the world as a figure, and since then I have lived as an openly masculine and trans person" (Háttér Society, 2018 p. 74).

The fear about the name change and the start of the procedure is then underlined, pointing out how it is a source of stress and worry. In this regard, Adam highlights how working in a workplace that does not recognise one's gender represents real psychological violence that continues: For the two months I worked there, I had a lump in my throat. And I and the shift supervisor were in constant conflict about wearing the name tag (ed. With the female name written on it" (Háttér Society, 2018 p. 74). Adam currently works in a workplace that recognises her gender, which has allowed her to decrease her minority stress.

These testimonies confirm the set of considerations that were previously made at the theoretical level.

Specifically, in the Hungarian context regarding the protection of transgender employees working in the academic context, there is a total absence of provisions regarding privacy protection. Information about the transgender status of trans employees is considered confidential information. Management, human resources personnel, or colleagues may not share information about an employee's transgender status or gender

non-conforming appearance with others (Háttér Society, 2018 p. 78). Contextually, employees should be allowed to be called by the name they wish within the company's internal system. Added to this is eliminating those systems that consolidate gender binarism, such as the division of changing rooms or toilets. Within the document produced by Háttér Society (2018), a series of steps are then identified that must be followed by those wishing to make the transition and the practical procedures that must be followed.

The last data collection available at the time of writing this paper (ed. last modified November 2021) dates back to 2010 and refers to the situation of transgender people in the workplace. However, by contacting the association, it became known that an update on the transgender condition in Hungary was being carried out. According to the communication, the data will be released by the end of 2021/the beginning of 2022. Therefore, please refer to the previously mentioned document for a more in-depth look at the past situation. What is projected is that from the data collection, and based on the already presented analysis of the literature produced, the situation of transgender people has worsened.

4.7 The resistance of gender non-conforming people

The activities of "resistance" to what turns out to be outright censorship can be identified in a series of initiatives that have been put in place to counter the attempt to erase LGBT+ issues from the academic community.

In 2015-2016, the Hungarian LGBT Alliance⁹⁰, a national organisation, introduced the campaign "We are here!", a campaign organized in coordination with local groups to carry out in city squares discussions on issue organised to the LGBT+ community, as well as lectures and panel discussions at local universities. Once again, however, there was opposition from the academic community. For example, the case of the University of

⁹⁰ Hungarian LGBT Alliance: [Magyar LMBT Szövetség | \(lmbtszovetseg.hu\)](http://MagyarLMBTSzovetsseg.hu) (retrieved October 2021)

Debrecen is worthy of note. A lecture on coming out had been organised there, thanks also to the collaboration of CivisColors. Still, the holding of it was made impossible once the Rector of the University was informed. Therefore, the organisers found a new location to hold the activity, the Nagyerdei Old Water Tower⁹¹, but opposition from the University prevented the holding of it ⁹². To resolve the issue, the Háttér Society (Hungarian LGBT+ association) decided to turn to the Equal Treatment Authority to investigate the case and determine whether there had been any abuse. The University's defence was based on the presumption that the refusal was related to a mere administrative issue rather than a discriminatory issue. However, this line of defence's fallacy is to be identified in the company's unwillingness to let the event take place in a different venue from the University's initially planned one. Subsequently, the Equal Treatment Authority ruled that the discrimination occurred on the grounds of gender orientation and identity, imposing the payment of HUF 100,00 on the University⁹³.

Trying to better understand the reaction of those affected by these measures, we proceeded to the analysis of interviews already carried out and the search for new testimonies with which to enrich the picture already present at a general level. A common reaction from members of the Hungarian transgender community is one of bewilderment and total helplessness. This state of mind is reinforced especially because not only since the passing of the law is it prevented those who wanted to convert from doing so, but also because now there is no longer the possibility of changing their name. Kata, who points out this series of problems in *Civicus Monitor: Attacks on freedom of thought (2020)*, also states how the feeling is that of being seen as second-class citizens, not worthy of the attention and respect of the government. As a non-binary person, she states that they

⁹¹ the Nagyerdei Old Water Tower: [Viztorony \(nagyerdeiviztorony.hu\)](http://viztorony.nagyerdeiviztorony.hu) (retrieved October 2021)

⁹² The Ban of the Hungarian Universities Law. Retrived from: <https://en.hu/news/equal-treatment-authority-fines-hungarian-university-for-banning-lgbtqi-roundtable> (retrieved October 2021)

⁹³ Libdem

were deeply shocked by the limbo situation in which many acquaintances ended up. The reaction one encounters most when analysing the testimonies that independent organisations have collected is the desire to leave the country that many have come to. Sometimes some have come to think of death as the only way forward. Much of the nation suffer silently in solitude. The situation of trans people in Hungary, as the data shows, had indeed not reached a position of full recognition of rights. However, if the biggest problems were those related to administrative procedures before, now discrimination has become endemic⁹⁴.

Resistance to these restrictions on freedom also found expression in a series of protests and stances by student associations and people of culture. One example is the protest of the Faculty of Theatre and Cinema students who protested against the deprivation of freedom of their institution. Among those who have publicly spoken out in favour of it, there are also essential personalities such as the Oscar-nominated director Ildiko Enyedi.

Recently, Hungarian obscurantism took a further step thanks to a law banning all media and educational content promoting consensual same-sex practices or affirming one's gender to children.

This provoked a reaction from the European Commission, which initiated legal proceedings against the Hungarian government. In response to this, the National Election Committee approved the government's request to hold a referendum to protect anti-LGBT legislation "from Bussel's attacks"⁹⁵. The seriousness of this law is also to be identified in the harmful assimilation made between paedophilia and homosexuality, putting the two on the same level. Specifically, on 15th December 2020, the parliament amended the Hungarian Constitution to include the following sentence to Article L, which

⁹⁴ Civicus Monitor, attacks on freedom of thought, 2020. Retrieved from: [\(https://monitor.civicus.org/updates/2020/06/05/concerns-over-democratic-decline-transgender-rights-and-freedom-speech-under-attack/\)](https://monitor.civicus.org/updates/2020/06/05/concerns-over-democratic-decline-transgender-rights-and-freedom-speech-under-attack/) (October 2021)

⁹⁵ National Election Committee approval. Retrieved from: <https://civicspacewatch.eu/hungary-concerns-over-the-erosion-of-the-rights-of-lgbtqia-persons/> (October 2021)

relates to family and marriage: "*The mother is a woman, the father is a man*". The second change, Article XVI (1), states that "*Hungary protects the right of children to self-identify according to their sex at birth and provides an upbringing under the values based on Hungary's constitutional identity and Christian culture*"⁹⁶.

A further hard body inflicted on the LGBT+ community is the legislative proposal presented on November 10, 2020, with which the Justice Committee of the Hungarian Parliament has requested the abolition of the Equal Treatment Authority (ETA). Over the years, the ETA has been the most influential institution for advancing the community's demands, showing great interest in the LGBT+ community. Otherwise, according to this proposal, the competences would end up under the competence of the Hungarian Commissioner for Fundamental Rights, who does not show the same interest in the cause of the community⁹⁷.

On May 19, 2020, the Hungarian Parliament passed a series of decrees about registering only the sex assigned at birth. The new law, in effect, makes legal recognition of transgender and intersex people impossible⁹⁸.

The national data protection authority has declared the law to breach the EU's General Data Protection Regulation (GDPR). In addition, the Hungarian Constitutional Court stated that this prohibition cannot be noted retroactively, so those who have started the transition path must be put in a position to complete it⁹⁹.

⁹⁶ 15th December 2020, the parliament amended the Hungarian Constitution. Retrieved from: ['Mother - woman, father - man' constitutional amendment passes - EURACTIV.com](#) (October 2021)

⁹⁷ For more details see the following link: (https://verfassungsblog.de/a-new-chapter-in-the-hungarian-governments-crusade-against-lgbtqi-people/?fbclid=IwAR1qJr-AiF_HAApodNOx79G3Rk14iyYZKmCp2L6M1EfZ6BijzI9ij-tpk8) (retrieved October 2021)

⁹⁸ Civicus Monitor, democratic decline and transgender rights, 2020. Retrieved from: <https://monitor.civicus.org/updates/2020/06/05/concerns-over-democratic-decline-transgender-rights-and-freedom-speech-under-attack/> (October 2021)

⁹⁹ Civicus Monitor, Concerns over the erosion of the rights of LGBT+ persons, 2020. Retrieved from: . (<https://civicspacewatch.eu/hungary-concerns-over-the-erosion-of-the-rights-of-lgbtqia-persons/>) (October 2021)

In conclusion, therefore, there is a strong opposition and contrast to transgender demands, forcing these subjects to be subjected to solid discrimination. This situation, starting from a cultural context of solid opposition, unfolds its effects also on the academic world, highly controlled and guided by the political action of the party currently in power.

CONCLUSIONS

The aim of this paper has been to identify the protections provided for the gender non-conforming community, focusing on the European reality and identifying good practices that can be extended in the university context.

As shown in the first section, the study of the LGBT+ community in academia is highly focused on LGB members. Most of the studies carried out to date concentrate their attention more on the US than the European reality. Similarly, it has been highlighted that Diversity Management is one of the approaches that can promote and valorise members of the academic world (workers and students), allowing them to express their full potential. The current period is a suitable time for a change in universities. The sudden situation that has shocked the whole world (Covid-19) has shown that at the centre of future policies must be the individual who must have the opportunity to express himself in total freedom and respect of the natural environment. Inclusion in the academic context is central to the formation of individuals. Generally speaking, it is recommended that there be an explicit policy in universities that has as its object the visibility and promotion of inclusion in sexual and gender diversity. An entity that does not only stand out symbolically and proclaims the rise of these values without allocating economic resources, spaces and people dedicated to informing and supporting those who require help.

Subsequently, the second section identified a series of epistemological, bureaucratic, and symbolic barriers. Emphasising how university environments, which are inclusive by nature, hide a series of inherent discriminants. The architectural layout confirms the binary system, as shown by the exclusive presence of bathrooms divided between males and females. There is also the absence of openly visible LGBT+ figures in the academic realities or queer issues in the educational curricula. A series of factors lead to the reinforcement of an exclusionary vision of the gender non-conforming reality.

Therefore, based on all the considerations made in the pages dedicated to this section, a series of measures have been identified that universities can implement to integrate transgender people into the academic environment fully. First of all, a qualitative and quantitative survey of LGBT+ people in the academic environment must be carried out, taking into account professors, students and administrative and service staff. In this way, it is possible to identify critical points and intervene where necessary. This aspect of monitoring is accompanied by the elaboration of an internal legislative plan for the University. Specifically, the university must draw up a sexual and gender diversity plan that is disseminated and promoted. These measures can also be included in broader frameworks that take into account diversity. Still, some specific indicators and means related to the issue of gender and sexual identity must be established and decided. These two actions lead as a natural consequence to the need to develop an intervention protocol in those hypotheses where discrimination occurs. A central point, underlined by the position of the various associations and the reports presented there, for transgender people, the possibility of changing their name to reflect their gender identity is of considerable importance. This, in the academic reality, translates into the opportunity for these subjects to change their name and gender in the documentation without the need to submit the start of the conversion procedure. Moreover, in addition to the production of documentation, training is needed for administrative and technical staff who often do not have the appropriate tools to meet the needs and requirements of this category.

In the third section, we then analysed two specific contexts: the Spanish and the Italian ones. Both have been preceded by the presentation of the broader legislative plan in favour of the protection of this category. Therefore, it was identified how the safety of gender non-conforming persons is rooted in the protection of human rights, taken up both at the international and European level. At an academic level, the need to abandon the idea that the environment is a mere place of learning, which by nature adopt an aseptic approach, is also pointed out. This is a highly

relevant issue, especially if we turn our attention to the regulation and protection of transgender staff. Although in many of the realities examined, there is a general framework of protecting the individual from discrimination. However, few realities protect the transgender community. Above all, as pointed out in the study, those most discriminated against are those who have not completed their transition, exposed to prejudice and summary judgments by other people.

The political debate, specifically in the academic environment, seems to be much more heated in the Spanish context. At the same time, the issue still suffers censorship in Italy due to the broader context of opposition. This tacit consent, however, and being discriminatory, therefore contrary to the very mission praised by the academic reality, can worsen the situation of protection of transgender people. This general situation in Spain and Italy is also reflected in the measures implemented by universities and their promotional activities. A radical approach can be seen practically by looking at the two concrete cases, the University of Zaragoza (Spain) and the *Politecnico di Milano* (Italy). The Spanish university has adopted a Strategic Plan to protect gender non-conforming people. By contacting the associations and the QUAD, office one can also see a growing commitment to promoting through social networks.

On the other hand, in Italy, *Polimi* promotes LGBT+ issues, but these fall more into the practice defined as 'rainbow washing'. The Italian university, in fact, according to the information provided by the LGBT+ association that operates within it, not only in practical terms is not carrying out any targeted action for the protection of the community, but the promotion itself that is carried out is relegated to specific times of the year. In short, the effort put in place by the Polytechnic is an intermittent one.

The fourth and last section focuses on the sensitive Hungarian context. This specific section presents the symbolic aspect that LGBT+ rights have taken on in the social landscape and the growing opposition that has emerged over the years at a political level. After initial attention to the issue and

protections introduced for transgender people, the community has been subjected to instrumental and ideological attacks. The Háttér Society and Civicus interviews highlighted the actual condition to which gender non-conforming people are subjected in the Hungarian academic context. All this demonstrates the importance of the context and society and the values promoted and taught.

Moreover, we presented the "resistance" carried out by students and associations: meetings, protests, research projects and dissemination of good practices. All this demonstrates the importance of the context and society and the values promoted and taught. Respect for inclusiveness by definition is the primary activity of the educational world and must find expression in the academic world, which has the duty and obligation to allow all individuals to have access to the means of education and training, without the fear of suffering any discrimination due to their gender expression and/or identity.

As the paper's analysis has shown, central in many contexts has been the action of associations pushing transgender issues onto the agenda of universities. Therefore, the need for greater involvement of them in the universities' activities is identified. Associations represent the engine and the vanguard of the changes taking place at an institutional level. The University, in this sense, must abandon the positivist epistemology, positioning itself clearly in favour of inclusion. This position must be visible in the measures and spaces introduced and the public statements that are made. For example, a critical point to date that could be addressed is the introduction of LGBT+ issues in academic curricula. Often, the curricula of the various courses provide for LGBT+ studies. Still, they are "free choice" on many occasions and therefore limited to students who already have an interest and tools regarding these issues. In addition to these immaterial interventions, there are purely architectural ones. Universities could provide for the elimination of the binary barriers that the transgender community faces daily. Bathrooms, locker rooms, for example, are just two of the central points of affirmation of the binary system. The implementation of mixed

spaces, accompanied by appropriate pedagogy and supervision, could help combat violence against transgender people who feel in danger, especially in traditionally masculine ones. In parallel, this could be an excellent time for implementing queer theories in the sporting environment, which would allow for improved inclusivity in a strongly binary and discriminatory context (For further studies, see Sykes, 2009; Fuente-Miguel, 2015; Pérez-Samaniego et al. 2016). All this is part of the broad framework that society, and consequently the university itself, is imbued with, namely the machismo that continues to impose a specific binary and heteronomous view of many environments. Therefore, the implementation of these kinds of measures would help produce a transformation of universities under the lens of masculinity and its values. Ultimately, there is a need to implement an investigation into sexuality and gender identity that places its focus on the context in which it operates.

It is necessary to take a critical view of diversity management in institutions in the neoliberal context. Therefore, an interdisciplinary analysis is increasingly required, especially in a field that involves the sociocultural, biological, economic and political spheres.

In conclusion, it could be said that the recognition of diversity in the university environment presupposes an enormous richness in the two main areas into which university life is divided: the level of coexistence, that in which life in common develops, as on campuses; and then that of learning. And as Sandra Harding points out, "objectivity has never been and can never be enhanced by value neutrality. Instead, efforts for anti-authoritarian, anti-elitist, participatory and emancipatory values and projects increase the objectivity of science" (Harding, 1996 p.25).

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