

**INSTITUTIONAL GENDER AND SEXUALITY POLICY IN BRAZILIAN FEDERAL UNIVERSITIES**

***POLÍTICA INSTITUCIONAL DE GÊNERO E SEXUALIDADE EM UNIVERSIDADES FEDERAIS BRASILEIRAS***

***POLÍTICA INSTITUCIONAL DE GÉNERO Y SEXUALIDAD EN LAS UNIVERSIDADES FEDERALES DE BRASIL***



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**ABSTRACT:** Over the last century, themes such as gender and sexuality have gained notoriety, strengthening social movements, such as feminist and LGBTQIA+ groups, which began to influence academic productions and the consolidation of public policies. The university, as an institution for the production and dissemination of knowledge, needs to be aware of these issues. In this sense, this study aims to map the consolidation of institutional policies on gender and sexuality diversity in Higher Education Institutions (HEIs) in the Brazilian context. It is characterized as documentary research. The search carried out at federal universities identified 48 policies on the use of social names, 16 universities with affirmative action policies, and 2 gender and sexual diversity policies. The research revealed that university autonomy enables advances in the rights of the LGBTQIA+ community, although prejudice still supports the lack of policies in some Brazilian universities.

**KEYWORDS:** Gender inequality. Social inclusion policies. Higher education.

**RESUMO:** Ao longo do último século, temas como gênero e sexualidade têm ganhado notoriedade, fortalecendo movimentos sociais, tais como grupos feministas e LGBTQIA+, que passaram a influir nas produções acadêmicas e na consolidação de políticas públicas. A universidade, como instituição de produção e difusão de conhecimentos, precisa estar atenta a essas questões. Nessa direção, este estudo objetiva mapear a consolidação de políticas institucionais de diversidade de gênero e sexualidade em Instituições de Educação Superior no contexto brasileiro. Caracteriza-se como uma pesquisa documental. A busca realizada nas universidades federais identificou 48 políticas de uso do nome social, 16 universidades com políticas de ações afirmativas e 2 políticas de diversidade de gênero e sexual. A pesquisa revelou que a autonomia universitária possibilita avanços dos direitos da comunidade LGBTQIA+, embora o preconceito ainda respalde a inexistência de políticas em algumas universidades brasileiras.

**PALAVRAS-CHAVE:** Desigualdade de gênero. Políticas de inclusão social. Educação Superior.

**RESUMEN:** Resumen: A lo largo del último siglo, temas como género y sexualidad ganaron notoriedad, fortaleciendo movimientos sociales, como los grupos feministas y LGBTQIA+, que comenzaron a incidir en las producciones académicas y en la consolidación de políticas públicas. La universidad, como institución de producción y difusión de conocimiento, necesita ser consciente de estas cuestiones. En este sentido, este estudio tiene como objetivo mapear la consolidación de políticas institucionales sobre diversidad de género y sexualidad en las Instituciones de Educación Superior (IES) en el contexto brasileño. Se caracteriza por ser una investigación documental. La búsqueda realizada en universidades federales identificó 48 políticas sobre el uso de nombres sociales, 16 universidades con políticas de acción afirmativa y 2 políticas de género y diversidad sexual. La investigación reveló que la autonomía universitaria permite avances en los derechos de la comunidad LGBTQIA+, aunque los prejuicios aún sustentan la falta de políticas en algunas universidades brasileñas.

**PALABRAS-CLAVE:** Desigualdad de género. Políticas de inclusión social. Educación universitaria.

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## Introduction

Gender and sexuality are discussed in different historical periods and in different societies. In recent history, we saw these themes gain strength from the 1960s onwards (Louro, 2012; Muszkat, 2020). Since then, groups of women and lesbians, gays, bisexuals, transgenders, queers<sup>4</sup>, intersex, asexuals and other people with non-heterosexual or cisgender<sup>5</sup> identities (LGBTQIA+) have promoted important debates that have helped to build theories and re-signify the concept of gender (Tilio, 2014; Butler, 2003), making it possible to recognize non-heterosexual identities (Miskolci, 2015).

The demand for political agendas for gender and sexual diversity is historic. However, for social changes to occur and prejudices to be broken, issues of gender and sexual diversity must be included in the learning processes of educational institutions. Such agendas are relevant for investigation within the institutional structure of the university due to the violence exercised against LGBTQIA+ subjects (Brasil, 2023; Cerqueira; Ferreira; Bueno, 2021; Benevides, 2023) and the fact that, in the current Brazilian context, governments and conservative groups advance agendas against gender equality and combating discrimination based on sexual orientation included in the Federal Constitution (CF) of Brazil (Brasil, 1988) and other instruments related to human rights. Furthermore, it is necessary to investigate how public policies for gender and sexual diversity are [re]produced and implemented in educational institutions, especially in public universities, as they are institutions that represent the role of the State in society, enabling, in turn, the promotion of values that respect the Brazilian and international legal system. Thus, this research aimed to map the consolidation of institutional policies on gender and sexuality diversity in Higher Education Institutions in the Brazilian context.

In this direction, the research was based on a qualitative approach based on the development of bibliographic and documentary research (Marconi; Lakatos, 2021). The documentary survey took place in two stages. First, an email was sent to the 67 federal universities — listed on the website of the National Association of Directors of Federal Higher Education Institutions (ANDIFES), with the exception of the Federal University of Grande

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<sup>4</sup> Queer is an English word that can be translated as “*strange*” in Portuguese. The term, which was used pejoratively to refer to people with a different gender identity or sexual orientation, began to be used by social movements. Currently, this word can be used to refer to the entire LGBTQIA+ community, as an umbrella term, or as an identity for those who do not feel represented by the movement’s lyrics (Mardell, 2017).

<sup>5</sup> Cisgender or cis is a person who has a gender identity identical to that assigned to them at birth (Mardell, 2017).

Dourados (UFGD), as there was internal institutional research — regarding the existence of public policies on gender and/or sexual diversity aimed at the LGBTQIA+ community. Of the institutions consulted, 18<sup>6</sup> responded to the inquiry regarding the existence of public policies related to gender and sexuality diversity. Of these, 11 universities stated that they have a formalized institutional policy. However, the responses sent via email were not precise regarding the instruments, although affirmative action policies and the use of social names were mentioned, as well as the existence of bodies addressing the issue. With the exception of the Federal University of Recôncavo da Bahia, all other universities indicated having a research center focused on gender and/or sexual diversity issues.

This first phase also identified that 17 institutions have some type of institutionalized body that varies between study centers (5), coordinations (4), boards (2), committees (3), commissions (2) and sector (1). The UFGD, the place where this research was produced, also presents some institutionalized policies and an institutionalized body (Studies Center) to deal with the topic.

The second stage involved consulting university websites through the use of recurrent terminological variations in the field of research on the topic: Sexual, Homop, Homos, LGBT, Gender, Lesbian, Gay, Prejudice and Discrimination. It is worth noting that it was not possible to use the descriptors “*homop*” and “*homos*” on some institutional websites, requiring the use of the full terms: “*homossexualidade*”, “*homossexuais/l*”, “*homofobia*” and “*homofóbicos*”<sup>7</sup>. In some cases, the use of the term “*sexual*” did not result in any publications containing the term “*transsexual/ais/idade*”. In this case, we also use the full terms. This survey was carried out in July 2023.

The research mixed searches in the search field on the main website and searches on specific pages dedicated to publishing resolutions and regulations. After identifying the main policies, we used the Google search engine to carry out particular searches on policies on the use of social names, affirmative actions, and gender and sexual diversity.

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<sup>6</sup> They responded to the email: 1- Federal University of Latin American Integration (UNILA), 2- Federal University of Alfenas (UNIFAL), 3- Federal University of Itajubá (UNIFEI), 4- Federal University of Lavras (UFLA), 5 - Federal University of Mato Grosso do Sul (UFMS), 6- Federal University of Pelotas (UFPe), 7- Federal University of Santa Maria (UFSM), 8- Federal University of São Paulo (UNIFESP), 9- Federal University of Uberlândia (UFU), 10- Federal University of ABC (UFABC), 11- Federal University of Cariri (UFCA), 12- Federal University of Espírito Santo (UFES), 13- Federal University of Northern Tocantins (UFNT), 14- University Federal University of Recôncavo da Bahia (UFRB), 15- Federal University of Rio Grande (FURG), 16- Federal University of Rio Grande do Norte (UFRN), 17- Federal University of Vale do São Francisco (UNIVASF) and 18- University of Brasília (UNB).

<sup>7</sup> In English the terms would be: “homosexuality”, “homosexuals”, “homophobia” and “homophobic”.

The institutional documents collected in the official media of Brazilian federal universities regarding their gender and sexuality policies, due to their specificities, were subdivided into three groups: social name use policies, affirmative action policies and sexual and gender diversity policies.

The analysis of these documents was also supported by the analysis of the main legal instruments related to the topic, in particular the Federal Constitution, Ordinance no. 233/2010 of the Ministry of Planning (MPOG), Ordinance no. 1,612/2011 of the MEC, Decree no. 8,727/2016 and CNCD-LGBT Res. 12/2015.

The procedures for processing the data results were carried out with the help of the Content Analysis Method by analytical categories (Bardin, 2016). The analytical lens used in the research was queer theory. According to Spargo (2017, p. 13, our translation), this theory “[...] is not a unique or systematic conceptual or methodological framework, but rather a collection of intellectual engagements with the relationships between sex, gender and sexual desire”. This political movement made it possible to systematize new theoretical perspectives on the phenomenon of sexual and gender diversity.

### **Institutional gender and sexual diversity policies at Brazilian federal universities**

The 1988 CF, combined with human rights, allowed and promoted advances in discussions and the construction of paths for public policies aimed at gender equality. It is under the demands of social movements and collectives that diversity begins to be built. The gender, initially discussed at the request of women, gained new contours based on the demands of black women and lesbians, intersecting with the agendas of the LGBTQIA+ movement and also inserting the discussion on sexual diversity.

Gender identities are not static, they go through a continuous process of construction and transformation, and “[...] in their social relations, crossed by different discourses, symbols, representations and practices, subjects construct themselves as masculine or feminine [non-binary and/or other expressions of gender identity], arranging and disarranging their social places, their dispositions, their ways of being in the world” (Louro, 2012, p. 32, our translation).

As for the concept of sexual diversity, it is not something fixed and must be considered “an expanding notion, as the forms of expression of sexuality and the variety of sexual practices

are historical constructions” (Torres, 2013, p. 8). Torres (2013, p. 11) adopts the term “sexualities”, in the plural, to signal “the existence of heterosexualities, homosexualities, lesbianities, transsexualities and other forms of sexuality that are yet to be constructed”, making it impossible to synthesize the forms of expression or sexual practices of the subjects, even if heterosexuality is treated as a norm (Butler, 2003).

In Brazil, a predominantly Christian country, the representation of sexual intercourse is based on the heterosexual model (Torres, 2013), referred to by Judith Butler as the “heterosexual matrix”<sup>8</sup> (Butler, 2003) and as “compulsory heterosexuality”<sup>9</sup> or “mandatory heterosexuality” by American lesbofeminist Adrienne Rich (Butler, 2003). However, understanding the sexualities of gays, lesbians and transsexuals can result in the questioning and refusal of this naturalization, revealing possibilities beyond heterosexuality.

In this context, it is necessary to be attentive to how the State deals with issues of gender and sexual diversity and how public policies are developed and implemented, seeking to look at the main epistemological and historical contributions that Gender Studies make in the social construction of the gender to the detriment of biological sex and different sexualities (beyond the norm). In this sense, forms of oppression and violence based on gender and sexual diversity have been the subject of political, theoretical and academic discussions at various levels of society, encompassing social movements, NGOs and public institutions.

Looking at public policies within the scope of Federal Education Institutions is an important step in the search for understanding how these rights are consolidated (or not) in these instances. Today, Brazil has 69 federal universities located mainly in the northeast and southeast regions (Brasil, 2023).

We carried out a mapping of institutionalized policies in IES aimed at sexual and gender diversity. The way universities deal with these issues essentially occurs through administrative bodies, committees or commissions. In total, we identified at least one institutionalized policy in 50 of the 68 public universities surveyed. These instruments are displayed in Chart 1 below.

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<sup>8</sup> Term created from the notions of “sexual contract”, by Monique Wittig, and “compulsory heterosexuality”, by Adrienne Rich, and used to “[...] designate the grid of cultural intelligibility through which bodies, gender and desires are naturalized” (Butler, 2003, p. 215-216, our translation). According to Brosin and Tokarski (2017), this expression targets the maintenance of a heterogeneous sex that is significantly separated in two different ways.

<sup>9</sup> Term coined by Adrienne Rich in the article “Compulsory heterosexuality and the Lesbian experience” (1980) — original in English: “Compulsory heterosexuality and lesbian experience”. This study is considered by many people as “[...] the first discussion to explain heterosexuality not as something natural, but rather the result of a set of social practices that impose it as the 'correct' way of relating lovingly and sexually” (Miskolci, 2015, p. 14, our translation).

**Chart 1** – Normative instruments on policies for the use of social names, affirmative actions and sexual and gender diversity policies

Universities <sup>10</sup>	Normative Instruments – social name	Affirmative actions	Sexual and Gender Diversity Policies
UFABC	Res. No. 105/2011 from the Teaching, Research and Extension Council	Res. No. 190/2018 from the Univesity Council - Reservation of spots for transgender people in interdisciplinary courses at UFABC. Res. No. 78/2021 from the Graduate Council - Affirmative Action Policy for access and retention in the <i>stricto sensu</i> graduate programs at UFABC.	Res. No. 223/2022 from the Univesity Council - Establishes the Sexual and Gender Diversity Policy at UFABC.
UFAC	Res. No. 07/2016 from the Univesity Council		
UFAM	Res. No. 08/2015 from the Univesity Council		
UFBA	Res. No. 01/2014 from the Teaching, Research, and Extension Council.	Res. No. 01/2017 of the Academic Council of Teaching - procedures, announcements, and reservations of spots for selection processes in the <i>stricto sensu</i> graduate programs at UFBA. Res. No. 07/2018 of the Academic Council of Teaching - reservation of spots in the selection process for undergraduate courses at UFBA.	
UFC	Res. No. 32/2013 from the Univesity Council		

<sup>10</sup> Federal University of ABC (UFABC); Federal University of Acre (UFAC); Federal University of Amazonas (UFAM); Federal University of Bahia (UFBA); Federal University of Ceará (UFC); Federal University of Campina Grande (UFCEG); Federal University of the Semi-Arid (UFERSA); Federal University of Espírito Santo (UFES); Fluminense Federal University (UFF); Federal University of Fronteira Sul (UFFS); Federal University of Goiás (UFG); Federal University of Juiz de Fora (UFJF); Federal University of Lavras (UFLA); Federal University of Maranhão (UFMA); Federal University of Minas Gerais (UFMG); Federal University of Mato Grosso (UFMT); Federal University of Ouro Preto (UFOP); Federal University of Pará (UFPA); Federal University of Pernambuco (UFPE); Federal University of Piauí (UFPI); Federal University of Paraná (UFPR); Federal Rural University of the Amazon (UFRA); Federal University of Recôncavo da Bahia (UFRB); Federal University of Rio Grande do Sul (UFRGS); Federal University of Rio Grande do Norte (UFRN); Federal Rural University of Pernambuco (UFRPE); Federal University of Roraima (UFRR); Federal Rural University of Rio de Janeiro (UFRRJ); Federal University of Southern Bahia (UFSB); Federal University of Santa Catarina (UFSC); Federal University of São Carlos (UFSCar); Federal University of São João del-Rei (UFSJ); Federal University of Santa Maria (UFSM); Federal University of Tocantins (UFT); Federal University of Uberlândia (UFU); Federal University of Viçosa (UFV); Federal University of the Jequitinhonha and Mucuri Valleys (UFVJM); University of Brasília (UNB); Federal University of Alfenas (UNIFAL); Federal University of Amapá (UNIFAP); Federal University of São Paulo (UNIFESP); Federal University of Latin American Integration (UNILA); University of International Integration of Afro-Brazilian Lusofonia (UNILAB); Federal University of Pampa (UNIPAMPA); Federal University of Rondônia (UNIR); Federal University of the State of Rio (UNIRIO); Federal University of Vale do São Francisco (UNIVASF); Federal University of Rio Grande (FURG); Federal University of the South and Southeast of Pará (UNIFESSPA); Federal University of Grande Dourados (UFGD).

UFCG	Res. No. 14/2016 from the Univesity Council	
UFERSA	Res. No. 01/2014 from the Univesity Council	
UFES	Res. No. 23/2022 from the Univesity Council	
UFF	Res. No. 160/2013 from the Univesity Council	
UFFS	Res. n. 11/2016 from the Univesity Council	
UFG	Res. No. 14/2014 from the Univesity Council <sup>11</sup>	Res. No. 07/2015 from the Univesity Council - Affirmative Action Policy in the <i>stricto sensu</i> Graduate Programs at UFG.
UFJF	Res. No. 06/2015 from the Univesity Council	Res. No. 67/2021 from the Higher Council - Affirmative Action Policy in the <i>stricto sensu</i> Graduate Programs at UFJF.
UFLA	Res. No. 50/2022 from the Univesity Council	
UFMA	Res. No. 242/2015 from the Univesity Council	Res. No. 3,058/2023 from the Teaching, Research, Extension, and Innovation Council - Affirmative Action Policy in the free <i>stricto sensu</i> or <i>lato sensu</i> Graduate Programs at UFMA.
UFMG	Res. No. 09/2015 from the Univesity Council	
UFMT	Res. No. 01/2011 from the Univesity Council	Res. No. 197/2021 from the Teaching, Research, and Extension Council - Affirmative Action Policy in the Graduate Programs at UFMT.
UFOP	Res. No. 1,765/2015 from the Univesity Council	
UFPA	Res. No. 731/2014 from the Univesity Council	
UFPE	Normative Ordinance No. 02/2016 from the Rectory.	Res. No. 17/2021 from the Teaching, Research, and Extension Council - Affirmative Action Policy in the <i>stricto sensu</i> Graduate Programs at UFPE.
UFPI	Res. No. 03/2015 from the Univesity Council	
UFPR	Res. No. 29/2015 from the Teaching, Research and Extension Council	
UFRA	Res. No. 315/2019 from the Higher Administration Council.	
UFRB	Res. No. 01/2015 from the Univesity Council	Res. No. 33/2018 from the Academic Council - Racial quotas for access and affirmative

<sup>11</sup> This resolution is also used by the Federal University of Catalão (UFCat) and the Federal University of Jataí (UFJ). These universities are not included in the general table as they were separated from the UFG and used the same resolution.



		actions in the graduate programs at UFRB.
UFRGS	Res. No. 506/2014 from the Univesity Council	Res. No. 01/2021 from the PPG in Languages Council - Reservation of spots for admission to master's and doctoral programs and other provisions. Res. No. 15/2023 from the University Council - Affirmative Action Program for <i>stricto sensu</i> and <i>lato sensu</i> graduate programs at UFRGS.
UFRN	Res. No. 232/2012 from the Teaching, Research, and Extension Council.	
UFRPE	Res. No. 021/2015 from the Univesity Council	
UFRR	Res. No. 06/2015 from the Univesity Council	
UFRRJ	Deliberation No. 73/2016 from the University Council.	
UFSB	Res. No. 19/2015 from the Univesity Council	
UFSC	Res. No. 59/2015 from the Univesity Council	
UFSCar	Res. No. 780/2014 from the Univesity Council	
UFSJ	Res. No. 04/2015 from the Univesity Council	Res. No. 25/2022 from the University Council - Affirmative Action Policy in the context of <i>stricto sensu</i> graduate programs at UFSJ.
UFSM	Res. No. 10/2015 from the Univesity Council	
UFT	Normative Ordinance No. 402/2015 from the Rectorry.	
UFU	Res. No. 01/2015 from the Univesity Council	Res No. 10/2019 from the University Council - Sexual and Gender Diversity Policy of UFU.
UFV	Res. No. 13/2013 from the Teaching, Research, and Extension Council.	
UFVJM	Res. No. 37/2017 from the Teaching, Research, and Extension Council.	
UNB	Res. No. 54/2017 from the Administration Council.	Res. No. 11/2020 from the Administration Council - Diversity Care Program of UnB.
UNIFAL	Res. No. 27/2016 from the Univesity Council	
UNIFAP	Res. No. 13/2009 from the Univesity Council	Res. No. 21/2022 from the University Council - Affirmative Action Policy of UNIFAP.

UNIFESP	Res. No. 127/2016 from the Univesity Council	
UNILA	Res. No. 11/2016 from the Univesity Council	
UNILAB	Res. No. 114/2023/Res. n. 31/2014 from the Univesity Council	Res No. 40/2021 from the University Council - Affirmative Action Program of UNILAB.
UNIPAMPA	Res. No. 61/2013 from the Univesity Council	
UNIR	Res. No. 425/2016 from the Higher Academic Council.	
UNIRIO	Res. No. 4.781/2017 from the Univesity Council	
UNIVASF	Res. No. 08/2022 from the Univesity Council	
FURG		Res. No. 20/2013 from the University Council - Affirmative Action Program in undergraduate courses.
		Res. No. 04/2019 from the University Council - Affirmative Action Program in graduate courses.
UNIFESSPA		Res. No. 534/2021 from the Higher Council of Teaching, Research, and Extension - Affirmative Action Policy in graduate courses at UNIFESSPA.
UFGD	Res. No. 243/2016 from the Council of Teaching, Research, Extension, and Culture - Ensures the use of social name for students.	Res. No. 412 - Development and implementation of programs and actions to ensure access and retention of students in on-campus undergraduate courses.
		Res. No. 413 - Establishes the new Student Assistance Policy for Graduate Studies at UFGD.
		Res. COUNI No. 263/2022 - Transgender students included in the list of “students in conditions that increase socioeconomic vulnerability.”

Source: prepared by the authors.

The research carried out at these universities identified 73 documents that deal with the policy on the use of social names, the affirmative action policy, and the gender and sexual diversity policy more broadly.

### Social names use policies

The main instruments found cover the use of the social name. The right to use one's social name and the recognition of gender identity in the federal public administration was first guaranteed for public servants by Ordinance no. 233/ 2010 of the MPOG and, only years later, the use of the social name by students was regulated by Decree no. 8,727/2016. Although all normative instruments of federal universities were formulated with the same essence as the Ordinance and Decree, ensuring the use of the social name, four institutions explicitly instituted them as a Social Name Use Policy: Federal University of Pernambuco (UFPE), Federal University of Alfnas (UNIFAL), Federal University of Rio Grande do Sul (UFRGS) and Federal University of Roraima (UFRR).

The pioneer in institutionalizing the use of social names for students was UNIFAP, including ensuring that forms, surveys, registration forms and questionnaires consider gender identity and sexual orientation to assist with internal inclusion policies. Since then, several institutions have established regulations on the subject. The research identified 48 documents that govern the use of social names in 50 federal universities, in which the identities covered, the public for which each policy is intended, and the basis used were identified.

It was found that the policies implemented through resolutions mostly covered transvestites and transsexuals (21), transvestites, transsexuals and transgender people (6), transgender people (1), transvestites, transsexuals, non-binary people and transgender people (1) and transvestites, transsexuals, intersex and transgender (1) and did not specify or use the term "people"<sup>12</sup>(18).

In relation to the recipients of the policies, the instruments promoted rights mainly for students and public servants, but also addressed visitors, interns, substitute teachers, volunteers and service providers, including outsourced workers. All policies established rights for students, but only 25.0% of them exclusively. The others also attributed rights to servants and other users. Policies aimed at students and teachers occur in 41.7%, while in other institutions, around 33.3%, extended the established rights to other users.

In the case of public servants, it is worth noting that 17 universities established that the use of the social name would be carried out in accordance with Ordinance no. 233/2010 of the Ministry of Planning (MPOG)<sup>13</sup>. However, this instrument, as well as Decree no. 8,727/2016,

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<sup>12</sup> All institutions that did not specify or use the term "persons", including those that dealt with other identities. We understand that, in this context, specific identities are ways of making identities visible and/or exemplifying them.

<sup>13</sup> On this occasion, the Ministry of Planning, Budget and Management.

uses only transvestite and transsexual identities. Although the CF and other instruments allow us to infer that these instruments are also applicable to other identities, we believe that this is a limitation in relation to other gender identities that can be used by conservative managers to deny rights.

In the case of UNIFESP, although the terms “transvestites” and “transsexuals” were adopted in Resolution no. 127/2016 based on its institutional commitments to combat discrimination related to gender identity and expression, and Resolution no. 12/2015, the institution expanded identities through Ordinance no. 3,492 of the Rectory, a document that provided for the use of spaces segregated by gender to be used freely according to gender identity.

This instrument stood out for its expansion of gender identities, as well as its guidelines. The main characteristics of the instrument were: guaranteeing the use of spaces according to gender identity in those spaces where there is segregation by gender; the identification of bathrooms as freely accessible according to gender identity; the implementation of individual or gender-neutral bathrooms in renovations or new construction; the use of neutral language through the word “person(s)” in institutional communications, including website, notices, forms, official ceremonies, among others; the prioritization of the term “gender” over “sex” whenever possible in registration forms and the use of filling options such as “trans woman”, “cis woman”, “trans man”, “cis man”, “transvestite”, “non-binary gender” and “others”. Furthermore, use the descriptor “intersex” when the use of the category “sex” is unavoidable, as well as giving preference to the term “filiation” instead of “mother” and “father”; carrying out educational campaigns to publicize the measures adopted.

The specification of transgender, cisgender, transvestite, non-binary and other identities highlights the differences between identities and, although it may seem to reinforce socially constructed identities, it actually reveals their plurality. For Butler, there is no way to live without gender norms, since people want to fit into existing identities and the aim is to allow people to exist freely (Butler, 2021).

The use of spaces segregated by gender was also addressed through the social name use policies at UFAC, UFES, UFRGS, UFPE, UFRR, UFSB, UFSCar, UFSJ, UNIFAL, UNILAB and UNIVASF, many of them showing that the policy applies to toilets and changing rooms.

The use of these spaces is fundamental to guaranteeing the rights and inclusion of people with different gender identities, who are often expelled from these places. The resistance that

comes from the risks of using bathrooms by trans people is not supported by any concrete data. In fact, transsexuals are people who are morally and physically violated in these spaces when they are prevented from accessing a place according to their gender identity (Benevides, 2023). This is even one of the parameters established by the CNCD-LGBT. Based on art. 3rd of Res. n. 12/2015, which states that “the use of bathrooms, changing rooms and other spaces segregated by gender, if any, must be guaranteed, according to the gender identity of each subject”, this item was included in these policies.

Regarding the LGBTIQ+ community, access occurs not only in relation to the use of physical spaces in gender-segregated environments but also affects how these people fit into the social context. The policy of using the social name is not enough to change the university space; other measures are necessary that need to guarantee the right of access and permanence of transgender students in order to allow them to complete their studies (Prado; Altmann, 2023).

Several universities explained, as a justification in the elaboration of their policies on the use of social names, the search for a guarantee of entry, and/or permanence and/or combating evasion. This fact was verified in UFABC, UFBA, UFC, UFCG, UFFS, UFMS, UFOP, UFPR, UFRA, UFRB, UFRN, UFSJ, UFSM, UFT, UFU, UFVJM, UnB, UNIFAP, UNILA, UNIVASF, UNIPAMPA and UNIR.

### **Affirmative action policies**

The issue of admission and permanence was part of the second-largest group of policies institutionalized by public universities. The research identified the establishment of affirmative action policies in 16 universities, set out in 22 resolutions that deal with the reservation of places for people with different gender identities, as set out above<sup>14</sup>. These policies were mainly aimed at people on postgraduate courses and essentially aimed to guarantee access through reservation of places. In relation to undergraduate courses, such policies were only registered in five institutions: FURG, UFABC, UFBA, UNIFAP and UNILAB<sup>15</sup>.

It is worth noting that the affirmative action policies carried out by universities, in general, result from a legal requirement for undergraduate courses and, until recently, from

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<sup>14</sup> The documents presented do not reflect all existing policies, as some of these policies were not specific to addressing the issue, but cited gender issues in an expanded manner.

<sup>15</sup> Only universities that institutionalized, through resolutions, affirmative action policies were considered.

guidance for postgraduate courses. Law 12,711/2012<sup>16</sup>, which provides for admission to federal universities, established the reservation of places for black, mixed-race, indigenous people, and people with disabilities in undergraduate courses. In the scope of postgraduate studies, the MEC issued Ordinance no. 13/2016 to induce the reservation of vacancies. However, this instrument was revoked during the Bolsonaro government by Ordinance no. 545/2020 of the MEC, which, after the negative reaction, also revoked it, making the 2016 document valid again. However, on August 9, 2023, the Chamber of Deputies approved PL n. 5,384/2020, which amends Law no. 12,711/2012 in order to make the reservation of places for postgraduate courses mandatory. This project, which extended the reservation of vacancies to quilombola people, was approved by the Federal Senate and sanctioned by the Presidency of the Republic in the form of Ordinary Law no. 14,723 on November 13, 2023.

The establishment of vacancies beyond the identities established by law demonstrated progress considering the absence of an explicit legal obligation to develop these policies aimed at transvestites, transsexuals, non-binary people, and people with other gender identities. Although necessary, they turned out to be very few compared to the total number of federal universities. A survey carried out by Folha de São Paulo in 2019 identified quotas for transgender people in 12<sup>17</sup> of the 63 existing universities (Watanabe, 2019). Since then, the creation of at least<sup>18</sup> eight more policies with reserved places have been identified by the following universities: FURG, UFG, UFJF, UFMA, UFPE, UFSJ, UNIFAP and UNIFESP.

Among the instruments analyzed, it was found that, in most policies, transvestites, transsexuals, and transgender people compete with other minorities, such as black people, indigenous people, etc., with only five universities offering exclusive vacancies for these identities. In all cases, these policies were aimed at transvestites and transsexuals, while some did not mention the transgender category. This fact raises doubts regarding the recipients of a given policy and may even be intentional, given the aspects of each identity, whereby transvestites and transsexuals are the most socially marginalized (Benevides, 2023).

However, two universities mentioned identities other than transvestites, transsexuals, and transgender, UFABC and UFMA. The first, although it did not mention transvestite identity

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<sup>16</sup> The Law No. 13,409/2016 changed art. 3rd of Law no. 12,711/2012, now also considering people with disabilities.

<sup>17</sup> The policies of UNB, UFPR, UFSB, UFF, UFSC, UFRPE and UFRJ listed by the author were not considered in this research.

<sup>18</sup> The research did not consider vacancy reserves created through notices, nor did it include the instruments found on the websites of federal universities as a research limitation.

in its Affirmative Action Policy in Postgraduate Studies *stricto sensu*, covered intersex people. The second, when establishing its policy, defined trans people as those made up of transvestites, transsexuals, crossdressers and people who identify as third gender.

As can be seen, all the instruments analyzed so far specifically address gender diversity. However, UnB, through Resolution No. 11/2020 of the Academic Council, regulated the Diversity Attention Program (consisting of financial aid, meal assistance and socio-assistance, psychosocial and pedagogical support), an action aimed at the permanence of undergraduate students in conditions of emergency social vulnerability of women, black, indigenous, quilombola or LGBTQIA+ people.

In 2022, through COUNI Resolution n. 263/2022, the UFGD included transgender students in the list of “students in conditions that increase socioeconomic vulnerability”, which now have priority in granting funds related to the Emergency Aid Program (Students in Alternation Courses) alongside people with disabilities, quilombolas, indigenous people and students with children aged 0 to 5 years old.

### Sexual and gender diversity policies

The research identified only two instruments that deal with sexualities as institutional policy. UFU and UFABC addressed the issues through Sexual and Gender Diversity Policies (PDSG).

The UFU's sexual and gender diversity policy was established through Resolution No. 10/2019 of the University Council to guide the implementation of programs and guarantee the exercise of citizenship by LGBTQIA+<sup>19</sup> people, covering all gender identities and sexual orientations outside of heteronormativity and gender binarism. The UFU PDSG establishes a series of principles that guarantee citizenship and human dignity, respect for diversity of sexual orientation and gender identity without prejudice based on origin, race, sex, color, age, and any other forms of discrimination; combating LGBTphobia and equity for LGBTQIA+ pollution, in addition to other principles relating to the production and dissemination of information and actions aimed at opening up dialogue on prejudice and discrimination, relating to sexual and gender diversity.

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<sup>19</sup> The original publication used the term LGBT.

The resolution also established the Reception and Monitoring Programs, the Teaching Program, the Research Program, and the Extension and Culture Program, assigning specific responsibilities to the vice-rectors, such as working in student collectives and providing guidance to students and staff, with campaigns to welcome and respect Sexual and Gender Diversity (DSG), encourage research, create and consolidate centers, training actions and support for various projects on DSG.

The PDSG not only created the programs, but also assigned responsibility and objectives (and actions) to be established by university management, placing emphasis on the LGBTQIA+ community. Furthermore, the creation of the Permanent Commission for Sexual and Gender Diversity Policy (CPDIVERSA)<sup>20</sup> was also determined, composed of a representative of all vice-rectorates and two representatives of students, teaching staff and technical-administrative staff.

In 2022, the CPDIVERSA released the annual report on activities related to the sexual and Gender Diversity Policy, which included, among other actions, the presentation of the policy and the resolution on the use of the social name in the reception of new students and employees and the training and qualification of employees<sup>21</sup>.

Another policy discovered during the research was that adopted by UFABC, established through Resolution No. 223/2022, with the purpose of promoting actions that guarantee the dignity, citizenship, and human rights of LGBTQIA+ people and women and combat prejudice, discrimination, intolerance and the suppression of rights that restrict the participation of these people in the institution. Like the UFU, the UFABC established the responsibilities of each of them and defined three areas of action: Reception and Monitoring; Teaching, Research, Extension, and Culture; and Management.

The set of policies analyzed reveals initiatives that guarantee rights to the LGBTQIA+ community in different ways, with an emphasis on gender identities, especially transvestites and transsexuals. However, the analysis of documents in line with CF rights and the guidelines of Resolution No. 15/2015 reveals that it is possible to extend these policies to other identities.

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<sup>20</sup> The CPDIVERSA was created through Ordinance no. 1,175 from the Rectory on December 29, 2020.

<sup>21</sup> Training courses could be offered online by government schools, for example, by the National School of Public Administration (ENAP).



## **Final considerations**

This research sought to analyze the set of central public policies to promote gender and sexual diversity institutionalized by Brazilian federal universities. In the context of federal universities, we identified the following as the main institutionalized policies: policies on the use of social names; affirmative action policies (reserving vacancies); and gender and sexual diversity policies.

Through the analyzed documents and reports, we verified that federal universities innovated in their processes of promoting gender and sexual diversity even before the drafting of decrees and ordinances by Federal Government ministries or the resolution, in this case, of the CNCD/LGBT. Although there were few in relation to the total number of universities, it is possible to affirm that the advances observed result from the university autonomy guaranteed by the CF in conjunction with other instruments that support the central policies found, such as the Declaration of Human Rights, the Principles of Yogyakarta, the Law of Guidelines and Bases, among others.

Although it was not the subject of the research, we recorded that all universities carried out some type of event, campaign, or research related to the LGBTQIA+ community. However, only social name use policies were internally regulated in most cases. In this regard, advances were also identified related to the people who benefit from these policies, specifically covering, in some cases, people without immediate ties or with indirect ties to universities, such as visitors and service providers.

In the field of affirmative action policies, universities seem to resist the expansion of those aimed at minorities already recognized by Law no. 12,711/2012, that is, black, brown, indigenous people, quilombolas, people with disabilities, and those who are socially vulnerable, despite there being recognition of the processes of exclusion, violence and resistance regarding the LGBTQIA+ community, especially people transgender (Benevides, 2023; Watanabe, 2019).

The research also showed that violence is expressed more intensely against people with different gender identities, corroborating studies and initiatives to defend non-cisgender people.

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