

# Introducing the Nonbinary Sex Category in Institutional Data: The Case of a Successful Public University

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## About the Authors

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## Abstract

This article delves into the challenges of institutional data collection processes in higher education, particularly regarding diversity reporting. The study this article is based on focuses on enhancing inclusivity by introducing a nonbinary sex category into the institutional data of a distinguished Chilean public university. In the Chilean context, national- and university-level efforts have been made to acknowledge that gender identities extend beyond the conventional female/male dichotomy. By incorporating the nonbinary sex category into institutional data, this article illuminates the significance of capturing information about gender identities that are diverse. The examination centers on a public university, and illustrates a progressive initiative to foster inclusivity and to acknowledge gender diversity within higher education.

The introduction of the nonbinary sex category is commendable in addressing gender diversity within university communities. Nonbinary signifies a departure from the traditional female/male binary, and acknowledges the multifaceted nature of gender identity. While the nonbinary category might not encompass the entirety of sexual diversity, it nonetheless signifies positive progress. The shared view that there are more than two gender identities has implications for data collection and reporting, and creates the need for

adaptations in information systems to accommodate this reality that now includes a third category, the nonbinary sex. Our discussion emphasizes the importance of integrating a gender perspective into the management and administration of university databases.

**Keywords:** institutional research, University of Chile (Universidad de Chile), gender equity, data management, higher education, inclusive data, nonbinary sex

## INTRODUCTION

Data systems and statistical information, in general, do not accommodate sexual diversity. Inclusive data exist only when the mechanisms for registering information permit people to update their gender marker, thus leading to an update of the data systems that reflect their gender identity—an identity that might or might not comply with traditional notions of binary gender (male/female).

In data systems, the notion of binary gender still prevails when formatting the data collection process of population demographics. This means that, if asked their gender, people must choose either male or female.

Both the collection process of institutional data and the need for reporting systems that better represent diversity in the distinct sectors of higher education institutions present challenges on how to register, store, administer, and access information on previously unrepresented minority groups. Which strategies have higher education institutions used to include information about sexually diverse groups in their data systems? This question arises in the context of sexual minorities demanding greater

visibility and recognition of their gender identity, and in the context of the institutions that must adapt to these changes. Moreover, there are currently laws in Chile that require registration of the legal sex; those laws raise awareness of the expansion of gender categories that go beyond the traditional binary male/female category.

In this regard, how is the information about the gender identity of the people who make up the higher education community collected and measured? Feminist authors have highlighted the need for an operationalization review of the binary gender, and the consideration of other alternatives of nonbinary gender in the data analysis process. Ford et al. (2020) emphasize the data collection methods and policies that provide a more inclusive view both for the information gathering, and for general work with data on minority sexual populations in higher education.

Millennials are more likely than any other generation to publicly identify themselves as nonbinary. This means that, among other things, there are now more students and academic staff in higher education that identify as nonbinary. It is thus increasingly important and, indeed, necessary for academic institutions to educate themselves about the nonbinary population (National Academies of Sciences, Engineering, and Medicine [NASEM], 2022).

The first efforts to address inclusive data systems have been made within the past decade. Certain countries, such as the United States, have made important advances, including associative action between distinct governmental experts, to address an issue that is both complex and multidimensional.

In the case of Chile, the gender identity law of 2019 means that data systems must include the distinct

alternatives of legal gender as defined by the law: male, female, and nonbinary. This study of a public university of excellence offers a view of inclusive data and recognition of gender diversity in higher education, and how this 2019 law has brought about challenges in adapting processes in information gathering, information registers, and institutional databases.

In this study, the research questions were as follows:

- Which strategies have higher education institutions used to include information on sexual minorities in their data systems?
- What has the Chilean experience of incorporating a gender perspective in institutional data been like, particularly in a public university of excellence?

In addition, the general objective of this study is to determine in what ways higher education institutions have introduced the nonbinary gender category in their institutional data.

The relevance of gathering these data inclusively in higher education is to contribute to the creation of a more comprehensive view of the higher education community and to recognize that diversity exists in terms of sex and gender identity. Additionally, these data help to transform the culture and formation in higher education concerning the values associated with human rights, equality, and nondiscrimination—elements that radiate throughout society.

Furthermore, the gender perspective and gender data allow cross-referencing with other institutional data to carry out better multidimensional analysis related to the issues that are specific to higher education itself. Thus, higher education institutions should be permitted to detect if gender is relevant in the data that they have analyzed and to determine if they need to take focalized measures.

Currently, there is an evident lack of information about the diversity and number of sexual minorities. With more-accurate data, the institutions can assign resources in a more effective way, and, with more equality, the institutions can meet the different needs that members of the higher education community have, thus guaranteeing equal opportunities to its members independent of their gender identity. In this sense, having these data available is essential for the creation of policies and strategies that guarantee and promote acceptance, respect for diversity, and equal opportunities for sexual minority groups. Undoubtedly, having inclusive data on gender diversity and sexual minorities in higher education is key to advancing matters related to diversity, equality, and inclusion. Additionally, those data allow institutions to direct their support services, policies, and initiatives to meet the unique needs of these sexual minority groups, thus contributing to a more inclusive and safer environment.

This article is structured as follows: the first section, “Background,” reviews the feminist demands in Chilean higher education institutions related to a nonsexist education and the visibility and recognition of the diverse sex-gender; this section permits a brief reflection on the evolution of the concept of gender and the discussion around the nonbinary gender. In the next section, “Context,” we analyze the case of the university system in Chile, and the University of Chile (Universidad de Chile). In particular, we examine how a public university of excellence works through the incorporation of the nonbinary gender category in its gathering and treatment of data. We analyze the University of Chile by comparing it with universities in the United States. In the “Results and Analysis” section, we identify essential strategies for inclusive data management in higher education. We also explore the main

challenges that higher education institutions face when they commit to inclusive data practices. We then discuss best practices for nonbinary sex data collection processes. Finally, the “Conclusions” section reflects on the need for inclusive information on the dimensions of gender and gender identity by using categories that provide evidence of the social plurality that includes diverse sex-genders, and the breaking of traditional binarism.

## BACKGROUND

### **Demands for a Nonsexist Education in Higher Education in Chile, and the Break in Binarism**

During the past decade in Chile, the emergence of the feminist movement has helped with regard to the fundamental central demands in the recognition of rights, particularly with efforts to eradicate gender-based violence. These social movements have also penetrated the university community: it was the feminist movement, in May of 2018, that mobilized higher education students from all of Chile against sexual harassment and sexist education.

This feminist movement in higher education involved students and staff (both academic and nonacademic), all of whom participated actively in discussion groups, engaged in elaborating proposals for actions, and participated in distinct creative activities in the higher education environment. These proposals demanded the visibility and establishment of measures to address and eradicate violence and sexism in higher education. Other demands were to incorporate the gender perspective in the development of higher education curriculums and to

recognize gender diversity. Likewise, the proposals demanded that the transversality of gender is to be incorporated into all aspects of higher education work. This resulted in 30 universities that belong to the Chilean Board of Rectors (Chilean Consejo de Rectores) creating offices for Gender Equity to adapt their protocols and to raise awareness of and deal with and sanction sexual harassment.<sup>1</sup>

The feminist movement in Chilean higher education, together with the entire higher education community, thus questions and makes visible the gender discrimination that is present in higher education institutions, as well as the necessity for establishing measures to guarantee the recognition and equality of gender diversity in those institutions.

### **System Sex-Gender and Its Extension**

The word *gender* is part of everyday language and is frequently misused as a synonym for *women* or *sex*. In fact, the term *gender* refers to the social differences attributed to men and women related to their morphological differences. Gender breaks with the idea of sex, which is based on biology.

From the beginning, the concept of gender has implied the recognition of the social division of the sexes modeling two identities—male and female. This concept responds to the dichotomy between nature and culture, and applies a category that interprets reality as binary. The distinction between the concepts of sex and gender enables us to have a more in-depth conversation about what is determined by biology versus what is influenced by society. However, this differentiation and its usefulness in developing social analysis constricts and overshadows diversity. The concept of gender

1 . The Chilean Board of Rectors is made up of 18 public and 12 traditional private universities.

has developed as a category of analysis, and allows the critical observation of social reality, which in turn permits the expansion of feminist theories. Incorporating this concept has made it possible to distinguish the male and female social construction, and situates the understanding of asymmetric power relationships as based on the hierarchy between sexes.

More recently, the gender identities that have themselves been excluded, the nonbinary and sexual diversity identities, question the reach of gender. This questioning has allowed the feminist movement to form a fixed category (male/female) of relational character where people are capable of assigning meaning to their vital experiences and defining their gender identity. In this way, gender is perceived as situating and embodying a place that recreates, and names, by gender dissent. For Butler (1990), gender is a dynamic project in its cultural construction as much as in each individual's personal choice.

For Monro (2007), gender-fluid identities challenge the binary category and therefore cause difficulties in social relationships; those identities also impact the binary dynamic. The binary category is reductionist and excludes sexual diversity as it is expressed in the body and in social relationships. Monro questions the binary model for its insufficiency in demonstrating social reality. That model's theoretical amplification is necessary to deepen male/female diversity and to include people who have different bodies and social roles. Although they are distinct theoretical proposals, Monro (2007) backs a pluralist theory of gender where diverse identities exist—including intersex, androgynous, and third sex—and goes further than the binary system.

Scott (1986) proposes rejecting fixed binary categories and subjecting those categories critically to the social framework of the construction of the sex-gender system. For that reason, when applied to the reflection of work with data, Scott highlights the need for widening the binary categories to consider at least the categories of male, female, and nonbinary.

## CONTEXT

### The University System in Chile

Regarding the IT systems in Chile, higher education institutions did not separate statistics in higher education by sex until the start of the 2000s. That is, the databases containing information about students and academics showed only a total number, and it was not possible to distinguish how many of those students and academics were male or female. It was through a program of modernization managed by the state that Chile established the incorporation of the perspective of gender as an area of work; this program turned into (among other initiatives) the incorporation of the variable of sex in databases. More than two decades later, the variable of sex is still understood as male/female in the management of databases. Sexual minority groups have challenged this notion for some time, however; they demand greater consciousness and recognition by society. To that end, several distinct initiatives have started to deal with this phenomenon.

In the case of the policies on gender equality, particularly in the case of the Chilean higher education system, there is a regulatory and legal framework. One of these regulations includes orientation for the inclusion of lesbian, gay, bisexual, transgender, intersex, queer, and other sexual and gender orientations (LGBTIQ+) people in the Chilean

education system (Ministry of Education [Ministerio de Educación], 2017). Law No. 21.094 also exists and regulates state universities with regard to the incorporation of nondiscrimination and gender equality as governing principles in higher education (Ministry of Education, 2018). In Chile, this regulation has driven the 18 state universities to recognize the preferred names of students; currently, in higher education, more than half of the institutions in Chile use this regulation.<sup>2</sup>

Similar to other countries, Chile, both on a national level and in the higher education system, has not always had IT systems and databases that are inclusive of sexual minorities. In this context, different types of strategies for data gathering and registration are currently in use to reflect the diversity of gender identity. On the one hand, there is recognition that the dimension of sex is made up of more than male/female categories; to that end, we have added an additional category of nonbinary to the institutional data. On the other hand, there is the challenge of adapting technology and IT systems to adequately capture the new category of nonbinary sex.

The Chilean higher education system, like that of the United States, is diverse. It is made up of both public and private institutions. In terms of size, the Chilean system is small when compared with that of the United States. The former has 128 higher education institutions in the whole country, while the latter has more than 6,000 institutions (Integrated Postsecondary Education Data System [IPEDS], 2022). As of 2021–2022, the United States had a student population of almost 25 million (IPEDS, n.d.), while Chile had 1.2 million. The academic body in 2023 was significantly larger in the United States,

with 1,377,442 academics [IPEDS, 2022], while Chile had 100,000 academics (Vice-Ministry of Higher Education [Servicio Información de Educación Superior], n.d.).

In Chile, the higher education system is made up of distinct types of institutions, including universities, technical colleges, and professional institutes. As of 2023, of the 128 Chilean institutions, 55 are universities, 41 are technical colleges, and 32 are professional institutes. The whole system has 1.2 million students: 55% of those students (693,335) are in universities, compared with 11% who are in technical colleges and 34% who are in professional institutes. When it comes to participation by sex, the number of women has increased significantly in the past decade: in 2013, 52.1% of all university students were men; 10 years later, in 2023, this statistic was inverted, and 55% of all university students were women.

When it comes to academic offerings, both undergraduate and postgraduate programs exist, but only universities can offer postgraduate programs. There is a national admission test for entry to university; admissions can be competitive, especially when it comes to the more prestigious universities. All institutions charge both tuition fees and an enrollment fee, and the prices are very high compared to the average Chilean income. Although there are public policies for help and financial assistance—the most relevant in recent years being free tuition—these are offered only to the most economically vulnerable sectors. In addition, there are categories of student financial aid related to university study (enrollment fees, accommodation, and food). Concerning quality assurance, the accreditation of university education has been obligatory since 2018 and the

2 . A preferred name is the name that a person uses related to their gender identity, and is the name that they prefer over their legal name.

universities must undergo periodic evaluations. The National Agency of Accreditation (La Agencia Nacional de Acreditación) is the body responsible for supervising this process; as part of its 2018 criteria, it established gender equality through this new higher education law (Law No. 21.091). This new law requires universities to comply with a comprehensive policy against sexual harassment, violence, and gender discrimination; if not, they risk losing their accreditation.

### **University of Chile: A Public University of Excellence**

The University of Chile has been a pioneering institution in incorporating the perspective of gender in its policies, and has established the nonbinary category in its institutional data.

The University of Chile, the oldest university in the country, was founded in 1842. With more than 40,000 undergraduate and postgraduate students spread across 71 undergraduate degrees, 117 master programs, 42 doctorates, and 83 medical specialties, the university expands its influence through its graduates—not only in the rest of the higher education system, but also in different aspects of the development of the country. Concerning the percentile of registered students, in the past decade the University of Chile has significantly reverted the composition according to the sex of the student body, and now shows a higher participation of women than men registered in undergraduate degrees, with 53% female students versus 47% male students.

During its history, the University of Chile has had great relevance and impact on the decision-making process of public policy in the country. Evidence of this is the university's graduates who stand out in the most important aspects of the country's development. For example, 21 out of a total of 34 presidents in Chile's history, including the country's current president, have been graduates of the University of Chile. In 2023, the cabinet was composed of 24 ministries, 14 of which were led by the university's graduates; one of those cabinet members is even a full professor at the University of Chile. Concerning national medal prizes, the university stands out for its significant contribution in all matters related to the sciences, arts, and humanities. As of 2023, of the 257 national prizes that have been awarded, 209 have gone to graduates and/or academics of the University of Chile (n.d.).

Since 2018 the University of Chile has been a pioneer in the country in establishing the Mara Rita procedural instruction; this instruction is related to the use of preferred names and the nondiscrimination of people due to their gender identity.<sup>3</sup> This procedural instruction permits transgender or nonbinary people who study or work at the university to use their preferred names in registers, class rosters, documents, and written and oral communications; for internal effects; and in curricular, extracurricular, and work matters (University of Chile, 2021).

This advance in the recognition of sexual diversity inside the university has brought about the challenge of having to adapt forms and databases in IT systems to record name changes and register

3 . This procedural instruction is named after Mara Rita, who was a writer and lecturer at the university from 1991 to 2016.



sex changes to include a third category of nonbinary. Additionally, a synergy has been created between the distinct areas involved, incorporating expert consultancy in matters of gender by the Office for Gender Equity (Dirección de Igualdad de Género), the area in charge of these matters at the level of the university's central government. Its contribution has been to focus on finetuning the instruments for data collection through surveys, especially with regard to the use of the categories of sex, gender, and sexual orientation (the questions) and the alternative categories (the replies).

## Literature Review

This study uses the methodology of document review from an up-to-date systematic search across academic databases including PubMed, JSTOR, and Google Scholar using four keywords: (1) gender equity, (2) data management, (3) inclusive data in higher education, and (4) nonbinary sex. This document review does not constitute an exhaustive analysis encompassing all possible documents. This study has systematically explored the literature, however, and has considered the distinct nuances and perspectives found therein. In addition, the analysis is complemented with quantitative data from national statistics produced for the University of Chile.

In compiling the information, we established two criteria. The first relates to the short term, and uses documents produced in the past eight years (2016–2023). The reason we selected those years is that scholars have addressed this subject relatively recently; the earliest document we found was published in 2016. The second criterion has been to review literature from only two countries—Chile and the United States. We used Chile because our analysis is from Chile and deals with a Chilean public

university, and we used the United States because it is an international referent.

Regarding the data analysis, we took an approach approximating the thematic content of the selected bibliography based on the four aforementioned keywords. The objective was to capture the principal actions and strategies used in both countries, as well as the challenges and best practices associated with inclusive data in higher education in Chile and the United States.

To ensure the reliability and accuracy of the study, the methodology we used was that of pairing experts who met with the research team to discuss the issues arising, to resolve discrepancies, and to refine the interpretation. Through a series of work meetings, the institutional research and information technology teams collaborated with gender and equity policy experts from the University of Chile to discuss data collection on nonbinary sex. These meetings were productive because they helped us understand the importance of consistency for collecting such data across all information collection systems. In addition, the workgroup agreed on the importance of having clear terms to define the categories of sex and gender, as well as the importance of considering the privacy of the information collected.

## Gender Diversity and Institutional Data

Current practices of data gathering are moving toward a place that, suitably, better reflects the reality of the LGBTIQ+ population. The feminist movements and the sexually diverse communities have paved the way for recognition, respect, and greater visibility of diversity; nevertheless, the members of these groups still suffer from discrimination and gender-based violence. In the past decade, and in the context of information and



data becoming ever more relevant, there are initiatives that evidence the need for greater information about these groups, which is currently scarce. The availability of demographic information is necessary to estimate the number and identity of these people. Thus, we included data that allow a better understanding of the challenges faced by nonbinary populations in higher education (NASEM, 2022).

There has been a growing recognition of sexual and gender diversities internationally in the 21st century. Many countries and higher education systems are developing initiatives to support this recognition, at both the national and international levels.

Starting in 2009, several Latin American countries, including Argentina, Chile, Mexico, and Uruguay, have implemented gender identity laws that recognize the alternative gender identity *X* or *nonbinary* in their civil registry identity documents. Similarly, at least 12 countries in Europe have also introduced similar initiatives, according to Ellis Montalbán & Bartolomé Peral's research from 2020. In recent years, some European countries, including Germany, have started recognizing sexual diversity by adding it to their current "Diversity" category in registries; other countries allow national identity documents to reflect a third alternative, as is the case in Malta and the Netherlands (Ellis Montalbán & Bartolomé Peral, 2020).

It is interesting to note that some Asian countries, including Nepal and Pakistan, have officially recognized the "Other" category as a marker for nonbinary sex in their documents. This shows how these countries are becoming more inclusive and accepting of different gender identities.

Regarding higher education, two main groups of institutional policies stand as the most relevant.

One group is related to the information available on sexual minority groups, while the other group has to do with the delivery of diplomas and titles with gender-inclusive language. Some Latin-American countries, including Argentina and Mexico, have already started to include nonbinary sex in the student-level population census. Uruguay has also begun to include nonbinary sex in the statistics of some higher education institutions. Some universities in Chile, Colombia, and Uruguay recognize a third pronoun when writing the titles that appear on diplomas and certificates, which is seen as a step toward inclusivity (Torres et al., n.d.).

In the case of higher education institutions, the recognition of diverse sex-genders has advanced step by step. In this sense, differentiated strategies can be seen according to the objective of gathering and registering information. With different degrees of development in different countries, the United States is a case in point for the initiatives implemented to manage data from a gender perspective. The Chilean case, and particularly the case of the University of Chile as a public university of excellence, is useful to illustrate that there are common strategies that build capacity to advance in the construction of more-inclusive environments in higher education, despite the differences regarding the number and level of development of the distinct national higher education.

### **BRIEF OVERVIEW: MAIN INITIATIVES OF INCORPORATING THE NONBINARY SEX IN THE UNITED STATES**

Concerning data gathering in the United States, there are certain requirements to ensure that the information collected is inclusive. These methodological, conceptual, and technological requirements aim to put certain standards in place

when working with data. These requirements can be valuable recommendations for countries that are interested in advancing these matters. In addition, the requirements can also apply at both at the national and higher education levels.

The National Academies of Sciences, Engineering, and Medicine (2022) indicates that both concepts of sex and gender should be clearly defined. These two concepts must not be based exclusively on biology, nor should they be used as synonyms. Given that each concept has a specific social representation, identity, and expression, the existence of definitions that truly capture these distinct realities is very important. Another point to consider is that the recognition of the diversity of sexual orientation must also be incorporated and measured, including the concepts of LGBTIQ+ (American Association of Collegiate Registrars and Admissions Officers [AACRAO], 2019; Office of the Chief Statistician of the United States, n.d.).

In the United States, the groups campaigning for LGBTIQ+ rights have pushed a series of initiatives that have influenced the discussion on how to gather information on these sexual minority groups and on what should be the main principles and considerations at the time of measuring the LGBTIQ+ population (Office of the Chief Statistician of the United States, n.d.). These social groups have lobbied for inclusive information gathering for all agencies who work carrying out surveys at the federal level. For this reason, working groups have been set up in some ministries to recommend good practices when gathering information about sexual orientation and gender identity through the various surveys that governmental agencies carry out.

Regarding the higher education sector, the association of admissions offices has started

associative work that deals with the necessities established in Title IX, the law stipulates that higher education needs to consider the legal gender of students, now including a nonbinary gender. We argue that the role of the admissions process is important, since it contributes to promoting more-inclusive environments in higher education institutions. Among good practices in data gathering is the act of updating self-reported sex/gender information to include a nonbinary category. On the other hand, making a nonbinary gender category available as an alternative among the other available categories is another step in the right direction in administrative processes such as enrollment and registering for courses. Another aspect is to find ways for information to be consistent across different IT systems. The aim is to have information that contributes to a better understanding of the needs of minority groups, thereby focusing institutional actions on supporting their trajectory in higher education.

#### **BRIEF OVERVIEW: MAIN INITIATIVES FOR THE INCORPORATION OF THE NONBINARY SEX IN DATA IN CHILE AND IN HIGHER EDUCATION**

The actions to incorporate the category of nonbinary sex is evident on multiple levels. These levels include, among others, the national level, higher education system level, and, in this particular experience, the University of Chile. On a national level, there are laws and surveys carried out by the National Institute of Statistics (Instituto Nacional de Estadística; INE) for the census of the population. On a more specific level, there is the implementation of the use of a preferred name in the higher education system during the university admissions test. Specific to the University of Chile is Mara Rita, a landmark procedural instruction in the university community

when it comes to preferred names, where people, via an institutional process, can change their legal name for their recognized preferred names.

Regarding national legislation, Law No. 21.120 stands out because it recognizes and protects the right to gender identity (Right to Gender Identity [Derecho a la Identidad de Género], 2018) via a voluntary rectification of legal sex and name. This regulation aims to answer the lack of legal recognition of gender identity when that identity differs from the sex assigned at birth (National Library of Congress of Chile [Biblioteca del Congreso Nacional de Chile, BCN], 2022). In this regulation, gender identity is considered to be the personal and internal conviction to be male or female as the person perceives themselves, which may or may not coincide with the sex and name on their birth certificate (Art. 1). This establishes the right to be recognized and the protection of the expression of gender identity, as well as the person's freedom to develop and to be recognized and identified by that expression of gender identity. Higher education institutions, therefore, allow people to register and rectify their name and sex a maximum of two times. About the technical elements, the law stipulates that, once the legal sex has been rectified, all instruments (including IT data) where a person figures in official registries must match said identity (Art. 4) (INE, n.d.). Due to Law No. 21.120, all systems for registering information must be updated to include the option of a nonbinary sex. The Civil Registry (Registro Civil; the office responsible for registering births and issuing official national and international identification documents) has had to face the major challenge of incorporating this change in their databases. Since this change is a legal requirement, the law obliges higher education institutions to incorporate these changes in their data registration and storage systems.

INE, the organization responsible for producing the country's national statistics (INE, n.d.) has generated standards for measuring sex, gender identity, and sexual orientation when surveying homes and conducting censuses of the population. These standards are part of their methodological guidelines. In this context, these guidelines have been useful for governmental and nongovernmental organizations that measure and report on these disintegrations. The reach of the standard is limited, however, since it was designed for the evaluation and implementation of surveys in homes and for the census of the population. Thus, the use of this standard for other types of statistical operations and administrative registers requires an adaptation and methodological evaluation.

Among the importance of measurements taken under these standards, INE underlines that this information must take on a central role in responding to the demands for recognition by citizens and by LGBTQ+ organizations. Adopting these measures that are more inclusive of sexual minority groups strengthens the national statistics system driving it toward the production of statistics that better evidence, with greater precision, the socioeconomic and cultural reality of the country.

INE distinguishes between sex and gender identity as concepts that are both different and interrelated. INE indicates that sex refers to people's sexual characteristics, such as sexual and reproductive organs, hormones, genes, and chromosomes. Meanwhile, it indicates that gender is a multidimensional concept in which cultural aspects intervene, as do social and self-identification aspects, about the differences that manifest in people related to certain identities, and expressions that are female, male, and nonbinary (Australian Bureau of Statistics, 2020; National Statistical Office, Canada, n.d.).

## University Admissions Process

In Chile, access to the main universities is principally via a unique national admission system (National Admission System [Sistema Único de Admisión]); students must take the standardized university entrance test called Higher Education Admission Test (Prueba de Acceso a la Educación Superior, PAES). Since the year 2018, the Department of Evaluation, Mediation, and Educational Registrar (Departamento de Evaluación, Medición y Registro Educativo, DEMRE), which is the Chilean organization responsible for writing and carrying out PAES, allows students to take the exam under a preferred name. DEMRE states that, regarding principal guidelines for gender identity recognition and protection (DEMRE, 2018), the student taking the test must, upon registration, declare if they have a preferred name different from their legal name. Additionally, they must complete the document entitled “Declaración y solicitud de utilización de nombre social” (Declaration and request for use of a preferred name) (DEMRE, 2024a). If a student indicates a preferred name, this is the name used when calling students to the room to take the PAES exam. Their legal name will still appear in official documents, however, and in the system for registration purposes, notification of the exam results, university acceptance, and enrollment. The legal name will show in official documents only once the individual makes the change at the Civil Registry; the Civil Registry will then issue a revised birth certificate under the terms set out by law (DEMRE, n.d.).

Regarding the people enrolled in the PAES exam to access higher education and who requested the use of a preferred name, 432 people, out of a total of 287,599 enrolled people, requested the use of a preferred name in the 2023 exam (DEMRE, 2024b).

## Experience of the University of Chile: Gender Diversity and Data Registration

The University of Chile collects its information through the procedural instruction for a name change, Mara Rita, and through some surveys directed at students. The recognition of a preferred name started at the University of Chile in 2017. In this public university, ranked one of the best in Latin America according to QS World and Shanghai University Rankings, a group of students in the government faculty drove forward the recognition of sex–gender diversity, and established the need for a preferred name, as a way of reflecting their gender identity, in the students’ academic records. The procedural instruction Mara Rita began December 2017 and was updated in 2021; it establishes that a preferred name can exist at all levels in the university, and that those who choose a preferred name will have that name shown in all university registers. The members of the university community, therefore, can request that the university use their first name or preferred name internally for matters such as subject registration, attendance lists, and ID cards, among others.

Thus, any person with a link to the University of Chile can request that the university use their preferred name that conforms to their gender identity and/or expression; they are also allowed to register names that might or might not be gendered. This process is simple and takes up to 60 working days for all changes in the person’s university documents and registrars to be carried out. Thereafter, the preferred name is used in class lists, identification in tests and exams, institutional email, digital platforms, university ID cards, institutional communications, internal candidatures, and any other written information from the university. Also, as a minimum requirement, all members of the university

community must (in oral or written communication) address the person under their preferred name and gender identity, showing the respect and dignity that each person deserves.

Since 2018, almost 200 members of the university community have requested a change to a preferred name, increasing gradually from 5 requests in 2018 to more than 60 requests in 2023. It is primarily students who make these requests across all areas, but the requests are more frequent in social sciences and humanities. Few requests have come from academic and nonacademic staff.

In the University of Chile, the Mara Rita procedural instruction, which was established in a public higher education institution, states that it is the minimum required and that it is only correct that there is respect for gender identity and expression, under the understanding that (1) this establishment is an intellectual reserve of the nation characterized by its social conscience, (2) it is critically and ethically responsible, (3) it tends to the common good and the formation of citizens, (4) it is inspired by democratic values, (5) it is guided by the principle guidelines of free thinking and expression, (6) it reflects pluralism, (7) it is an attitude that is reflexive, open to dialogue, and critical in the exercise of intellectual tasks, and (8) it contributes to the formation of people with ethical values, civic and social solidarity, and respect for others (University of Chile, 2021, 4).

### **Student Affairs and Admissions Process Surveys in the University of Chile**

Every year the University of Chile sends out the Student Characterization Form (Formulario de Caracterización Estudiantil, FOCES), which is a form for characterizing the student body. Among

the purposes is to describe the conditions of the student body, and to identify the particularities of diverse priority groups. FOCES started as a pilot program in 2018, and 2019 was its first official academic year. It is useful to develop support mechanisms proper to the real needs of the minority groups, thus favoring their trajectory in the university system (FOCES, 2020). To characterize the students, the FOCES survey asks about their sex and gender identity. Based on the self-declared information collected by FOCES, 50.8% of students surveyed declare themselves as female gender, and 44.2% as male gender. In addition, 1.7% declare themselves to be nonbinary, 0.9% do not know or prefer not to answer, and 0.3% belong to the other-gender category (FOCES, 2022).

Undergraduate students entering the University of Chile for the first time are required to answer an admission survey. In 2024 this survey will incorporate questions about legal sex, including a nonbinary category, as well as a second question about gender identity.

## **RESULTS AND ANALYSIS**

### **Strategies for Inclusive Data in Higher Education**

In general, data gathering in higher education is not always inclusive of gender diversity and sexual minorities (NASEM, 2022). Some higher education institutions, however, have started to generate their own strategies for collecting information about the university community, including information on the nonbinary category. Until now these efforts have focused on the characterization of the student body, this being the mechanism most commonly used when designing surveys. In some cases, also,

there have been attempts at adapting technology to register information in databases and software.

In Chile the feminist movements, and movements of the sexually diverse groups, have raised their demands; among the fruits of their labor is the enactment of the gender identity law of 2019. Specific to the higher education system, the initiatives are related to the recognition of greater sexual diversity that goes further than the traditional definition of the binary sexes. Universities have started to recognize the use of a preferred name; in half of the public universities some mechanisms allow people to choose what they want to be called, and how they want to be identified, within the institutions. Nonetheless, to comply with the gender identity law, all higher education institutions have put actions in place to permit the recognition of a preferred name.

In Chile, the integration of indicators of gender diversity is in the first stages of development. That is, it is the continuing focus on the means and mechanisms for gathering information that, in reality, captures greater representation. Naturally, these first steps refer to the conceptual delimitation of the categories of sex and gender identity, and how those identities can be operationalized for measurement purposes. These conceptual and methodological definitions are incredibly relevant to the impact on data construction and access to those data. These considerations evidence that sex and gender identity are different concepts and are not interchangeable.

The appropriateness of gathering data that reflects sexual orientation, and the respect for privacy and confidentiality of sensitive information, has become a talking point in Chile. Informed consent is not required for questions on sex and gender identity to be part of an institutional database, however. As

good practices in data management recommends, questions regarding sexual orientation should be used in direct surveys belonging to specific studies, and informed consent should be required. Until now efforts have focused on gathering and storing information, but not as much effort has been spent on generating practices for use of the data to benefit those populations that are subject to discrimination and gender-based violence in daily life, while at the same time respecting their confidentiality and privacy.

### **Challenges of Incorporating Nonbinary Sex in Data**

Sex, gender identity, and sexual orientation are key indicators of the social diversity of a community. Until now the gathering and registration of these indicators has been scarce, both globally and in higher education. That scarcity has considerably hindered the possibility of better understanding populations belonging to gender diversities and sexual minorities, groups that are subject to discrimination and that rarely receive the opportunity to reflect their true identity in information registration systems. In this sense, all those initiatives that work to collect information about these characteristics of the population will allow the improvement of public policy and the advancement in equal opportunities—this implies recognizing differences and demanding respect and acceptance.

Until now the barriers or difficulties of incorporating demographic information on LGBTIQ+ populations are given in general terms due to theoretical, methodological, and technological aspects. The theoretical dimension is related to the understanding that sex is not solely made up of the male/female binary categories and that gender identities are plural and broad, and permit

a wider view than that of sex. That is to say that the dimensions of neither sex nor gender can be reduced to the categories of male/female or masculine/feminine.

Another barrier that exists in the process of inclusively gathering information on diversity and sex-gender minorities, is methodological, and is related to the use of the concepts of sex, gender, and sexual orientation as if they were synonymous and interchangeable. Feminist theory has done a good job informing us about these differentiations; today there are lobby groups who recommend how these concepts should be used—each group with its own definition—and its specific form of measurement. This is very important because the measurement and form in which this information is gathered and analyzed is dependent on the definitions themselves. This data gathering should have shared criteria as a starting point and minimum standard, thus allowing the data to be analyzed comparatively.

Concerning the technological barriers, there are some important weaknesses. The reason is that IT systems are not yet sufficiently prepared to incorporate the composition of the dimension of sex, permitting a true reflection of sexual diversity. Systems that are formatted to register male and female as 0 and 1, respectively, when faced with a third category of nonbinary sex, would have to codify a third element (which could be 2), so we would have 0, 1, and 2. On the surface, this seems like a minor change but it implies an important change in IT systems that register information. Lately, some recommendations of good practice have been established; these practices are consistent with the definitions (both conceptually and methodologically) of sex, gender, and sexual orientation, so that the software used by higher education institutions can effectively register, store, and access information on sexual minorities (AACRAO, 2019).

A brief comparison of the data-gathering practices according to the nonbinary sex category that exists between different institutions (national and international) follows:

- Data gathering in the United States centers principally on the student body. Interestingly, in the case of University of Chile and the procedural instruction Mara Rita, the use of preferred names extends to the whole university community, meaning the student body, academic staff, and nonacademic staff. The focus on academic and nonacademic staff is a distinctive characteristic, given that until now the focus in higher education has been primarily on students.
- The United States gathers information on the nonbinary sex category through surveys and academic studies. Chile also uses surveys. Particularly in the University of Chile, this new nonbinary sex category is being incorporated directly into the records that feed the institutional databases.
- The discussion in the United States is more centered on how to measure sexual diversity and gender identity, and on clarifying the concepts. In contrast, Chile is recently beginning to discuss and witness the first practices of registration of preferred names; preferred names are a concept of sex and gender as nonbinary. The University of Chile case is a pioneer forerunner for the whole university system and has a long history of advancing gender equity in Chilean higher education.

The United States has a higher level of development than Chile does when it comes to information security and data confidentiality of minority groups. In contrast, Chile still has a long way to go in terms



of data security. This is partly because Chile's efforts are currently focused on collecting information on nonbinary populations, which has left data security as a secondary concern for now.

### **Good Practices in the Collection of Data on the Nonbinary Sex**

"I don't know how to address them, or where to go to get information about students I have who are different." This statement seems to be more common than we would expect among higher education administrators. From addressing a person by their name to supporting those who may be transitioning in how they define their gender, there is a whole spectrum of situations that reveal the need for having more institutional communication channels, as well as more-inclusive information systems where the same people can be represented in a broader sense than that of the nonbinary sexes. In the United States, educational communities have already integrated pronouns as part of a person's identification. And today other types of initiatives have come to complement gender markers, allowing others to identify individuals according to their preference. In Chile, the initiatives are more recent; for example, the use of pronouns is not very widespread but it is starting to be incorporated into some information on academics.

So, how to move forward? This seems to be a gigantic task when thinking about the weight of social and cultural reality faced by minority populations. The challenges are not only in information gathering, but also in how the higher education systems register the information, how every individual's privacy is protected, and what will be the final use of the data.

The influence of the political demands by feminist and sexual minority groups has brought about the establishment of laws and regulations that recognize and protect a greater representation of sex-gender identities. Through these laws and regulations, these movements have even managed to influence a sphere that has not always been addressed, as in the case of data. An example is that, upon the right to change to a preferred name by law or the possibility of marking a third alternative of nonbinary sex, important challenges become evident and show that the social demands made by the aforementioned LGBTIQ+ groups are ahead of the IT systems, and their demands for social recognition move far faster than can be answered by the IT systems and the institutions themselves. In the presence of the challenge of obtaining more-inclusive data, strategies have appeared that could be better ways forward, and might serve as an example of good practice for other higher education systems.

The starting point should be combining criteria regarding the content or definition of the concepts, in addition to which dimensions to observe; being clear about the implications of each dimension is critical when it comes to designing how to measure said concepts in practice. Next, we summarize some of the concepts used in the framework of initiatives used to face the nonbinary variable in working with data in Chile.

The first concept refers to the registered legal sex. Sex is usually understood as the administrative register of biological sex (male/female) assigned at birth. Declaratory or registered sex can also be used according to the law (Law No. 21.120), which recognizes and protects the right to a gender identity.<sup>4</sup> It is for this reason that, when the variable of sex is referenced, the declaratory or registered

4 . The University of Chile recognizes a preferred name via the procedural instruction called Mara Rita (University of Chile, 2021).

sex must be considered, admitting in this case the categories of male, female, and nonbinary (INE, 2022, 19).

The second concept is gender identity, which refers to a social construction of social and cultural differentiation that expresses feminine, masculine, and nonbinary. This concept includes gender identity (personal experience) and gender expression (expression of social interaction). These dimensions are dynamic over time. Gender identity that coincides with the biological sex assigned at birth is defined as cisgender, while the gender identity of a person that is not that of the sex assigned at birth is defined as transgender. Not all transgender persons identify with the binary sexual assignment male/female. So, in addition to transmasculine and transfeminine persons, a trans-nonbinary person is also included.

Finally, a third concept that is being used is sexual orientation. Sexual orientation refers to the form in which a person identifies their affectionate or sexual attraction to another according to their sex or gender (INE, 2022, 23). This question is recommended for specific studies that aim to characterize and estimate sexually diverse groups, and whose methodological design permits responses from a surveyed person (i.e., self-identification), thus guaranteeing confidentiality and privacy of the person in the moment with informed consent (INE, 2022, 31).

Institutions need to consider the relationship between the concept and the form used to gather information to effectively capture data about sexual minority populations. This is shown in Figure 1, which provides a brief look at how the concepts are measured according to their definitions.

**Figure 1. Relationship between Concepts and Type of Measurement**

<b>Sex</b>	<b>Gender Identity</b>	<b>Sexual Orientation</b>
Male	Female	Gay
Female	Male	Lesbian
Nonbinary	Transgender female	Bisexual
	Transgender male	Heterosexual
	Transgender nonbinary	Other
	Other (queer, fluid, agender)	

Source: INE 2022.

While the United States has made significant strides in integrating pronouns and other initiatives into educational communities, Chile is in the early stages of such developments. The task at hand appears daunting, considering the weight of social and cultural realities faced by minority populations. The influence of political demands from feminist and sexual minority groups, however, has led to the establishment of laws and regulations recognizing diverse sex-gender identities, even influencing the sphere of data collection. The challenges posed by these demands often outpace the responsiveness of IT systems and institutions. Despite these obstacles, strategies for obtaining more-inclusive data have emerged as potential models for higher education systems. A crucial starting point involves combining criteria for defining concepts, considering dimensions to observe, and understanding the implications of each. As illustrated in Figure 1, this approach can guide the practical measurement of nonbinary variables, offering a foundation for future advancements in data collection practices within educational institutions.

## CONCLUSIONS

The strategies outlined in this article highlight the imperative for a steady commitment to inclusivity within the higher education sector. By incorporating the nonbinary sex category into the institutional databases of a Chilean public university of excellence, this study adheres to global calls for diversity. It creates an environment where everyone feels acknowledged and valued.

Incorporating institutional data is crucial in shaping strategies for inclusion. It enables organizations to track their progress, identify areas for improvement, and make informed decisions. Therefore, it is

apparent that adding the nonbinary sex category should not be viewed as a mere checkbox task on a diversity list. Instead, it should be seen as a deliberate, data-driven effort to effect lasting change.

The reflections shared in this article highlight the importance of ongoing collaboration and sharing of best practices worldwide. As higher education institutions work toward including the nonbinary gender category, a joint effort to exchange experiences, successes, and challenges will speed up progress. This conclusion emphasizes the positive contribution to establish partnerships among different agencies and institutions of higher education to implement good practices regarding the use of gender perspective in the work with data. Collaborative work between institutions can be a powerful strategy to achieve this goal. For instance, the success of associative work within the AACRAO's officers in the United States and the initiation of a survey initiative by an interministerial group exemplify effective collaborative models recommended as best practices.

The recommendations highlight that the information collected on nonbinary populations should be done in an integrated manner so that information on gender identity is consistent across all data systems and information collection sources. The latter is relevant because higher education institutions tend to count with different means to record the demographic data of their community. Collecting information on nonbinary populations in an integrated manner is crucial. Integrating data collection systems can standardize data after defining key concepts of sex and gender. Standardizing key terms makes it easier to collect and store data, which can improve its quality. Having integrated information systems adds value by aligning the work within higher education institutions.

Since nonbinary individuals are often victims of discrimination and gender-based violence, it is crucial to ensure the security and confidentiality of their personal information. Therefore, it is highly recommended that institutions create protocols that govern the use, protection, and access to information concerning these vulnerable populations.

After reviewing international literature, two major initiatives have been identified. The first initiative pertains to gender identity laws that legally recognize the existence of a third category of sex at the country level: nonbinary sex. The second initiative involves the creation of statistics and data collection systems on minority populations for which information was previously unavailable. Legal recognition initiatives seem to emerge first, followed by the need to record data on these sexual and gender identity minority populations that emerge as a result of this new legal framework. This information suggests that institutions can prepare themselves in advance to adapt to these new laws by adapting information systems to the challenges posed by these gender identity laws once they are enacted in their respective countries.

Another recommendation is to incorporate a gender perspective into institutional research. Doing so can improve data analysis capabilities by emphasizing the importance of using data-driven strategies that contribute to closing the gender gap in higher education. Additionally, taking a gender perspective can be beneficial because it considers multiple factors that impact reality and lays the groundwork for collaborative work with other specialized areas or offices that work on gender issues. This approach can help to develop a better understanding of the reality of university work, which can lead to a more accurate interpretation of the gender-inclusive data. In short, incorporating a gender perspective can be an effective way to improve institutional analysis.

The University of Chile has been at the forefront of institutions that have incorporated the gender perspective into their policies. As a result, it has established a nonbinary category in its institutional data. The university has a long-standing commitment to gender equality and continues to make steady progress within and in the Chilean higher education system. Given its significant influence in the rest of the country, this commitment can potentially shape the gender policies of other institutions in Chile.

Future research could provide deeper insights by exploring the long-term impacts of gender-inclusive data practices on the academic and social experiences of gender diverse individuals.

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