

Expressions of Justice and Accountability in Dealing With SOGIESC-Based Discrimination

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Abstract

The University of the Philippines Diliman (UP Diliman) has always been an icon of progressive policies, leaders, and ideals. However, lesbian, gay, bisexual, trans, queer, and intersex (LGBTQI) students still express their narratives of discrimination without the intent of officially filing complaints. Allies and resources are present but a discursive barrier between victims and concerned offices is still barely addressed. This research attempts to analyze how victims of sexual orientation, gender identity and expression, and sex characteristics (SOGIESC)-based discrimination in the University express their notions of justice and accountability through the construction of interpretative and action frames which guide them in their pursuit of justice and accountability. It was then shown that victims of SOGIESC-based discrimination balance competing diagnosis and prognosis which sometimes compete with the University's gender policy frames. These notions are also expressed in value-based evaluations of procedures which can discourage filing of complaints and encourage alternative mechanisms of accountability. Lastly, notions of justice and accountability have recognized the need for networks which play a vital role of

consolidating resources to empower victims from the processing of their experiences to deployment of their actions. These three concepts ultimately broke down the subjectivities of victims and provided a clearer understanding on victim hesitations.

Keywords: frame analysis, SOGIESC-based discrimination, injustice frames

Introduction: UP Diliman and SOGIESC-Based Inclusion

Research on Filipino LGBTQI students would often report the persistence of SOGIESC-based discrimination and violence in educational institutions (UNDP & USAID, 2014; Council for the Welfare of Children, 2016; UNDP et al., 2020). In 2017, the Human Rights Watch reported various ways that students experience denigration and other forms of explicit discrimination and stigmatization from peers, school staff and faculty, and from the overall institution they belong to. The report also drew from the study of Manalastas and Macapagal (2005) and showed that beyond negative attitudes against persons of diverse SOGIESC, issues of heteronormativity and cissexism influence the presumption that LGBTQI persons do not exist or that their concerns are not worth discussing. LGBTQI students find it difficult to access reliable information about their identities (Gastardo-Conaco et al., 2003) so that when faced with issues of bullying, harassment, and hostility, they find it difficult to understand their situation and respond appropriately (Human Rights Watch, 2017).

This scenario can give the impression that the University of the Philippines-Diliman (UP Diliman) is safe and inclusive as it provides access to information that is essential to prevent and combat issues of stigma and discrimination. In fact, the campus houses the country's leading research and policy advocacy hub on gender and women's studies. This hub is the UP Center for Women's Studies established in 1988, which was renamed in 2015 to UP Center for Women's and Gender Studies to include in its mandate the protection and advocacy for the

rights of members of the community regardless of sex, gender, sexual orientation, and gender identity (“Citizen’s Charter | UP Center for Women’s and Gender Studies”, 2018). UP Diliman also houses the UP Diliman Gender Office, under the Office of the Chancellor, which responds to the gender-related needs of the university. The Gender Office assists in the process of gender mainstreaming as well as the advancement of gender knowledge and discourses through training programs, research and publication, counseling, advocacy, organizing gender and development committees, and extension work (UP Diliman Gender Office, 2018). Furthermore, UP Diliman also hosts the longest-existing recognized LGBTQI student organization in the Philippines, UP Babaylan. Since 2008, the organization has been spearheading the UP Pride March annually to celebrate the diverse SOGIESC of the university as well as raise awareness on relevant issues.

The university also established documents and policies that aim to ensure the safety of members of the UP Community within the university and to mitigate discrimination. Two of these policies are the UP Gender Guidelines and the Anti-Sexual Harassment Code. The UP Gender Guidelines, otherwise known as the “Guidelines on Promoting Women’s Empowerment and Gender Equality in the University of the Philippines,” is a set of guidelines designed to eliminate, or at the very least reduce, the occurrence of discrimination against members of the UP Community on the basis of their gender. Since the policy’s creation, it has been utilized by the UP Diliman Gender Office to extend their programs and resources and include constituents of diverse SOGIESC. Meanwhile, the Anti-Sexual Harassment Code, hereinafter referred to as the ASH Code, explicitly incorporated “offensive remark about a person’s sex, sexual orientation, or gender identity,” in its definition of Sexual Harassment (Section 5, UP Anti-Sexual Harassment Code, 2015). The ASH Code further included “derogatory or degrading remarks or innuendoes directed toward the opposite or one’s sex, sexual orientation or gender identity,” in its list of offenses and labelled under Less Grave (Section 7, UP Anti-Sexual Harassment Code, 2015).

While these advances are recognized, and even celebrated, by LGBTQI groups in the university, there are existing discussions which suggest that

supplementary efforts should still follow. According to the data provided by the UP Diliman Gender Office in the 2018 Diliman Gender Review and in their official Facebook page, nineteen complainants and counselees disclosed themselves as part of the LGBTQI community. The complainants were stated to have raised issues of anxiety, sexual harassment, and bullying, among others (Kimuel-Gabriel et al., 2018). Moreover, the Gender Office provided a summary of their SOGIESC-related consultation series in the campus back in 2019. The summary highlighted SOGIESC-based issues that were not officially filed in their office. The report included issues of misgendering students, discrimination in housing services, discrimination from university-recognized organizations, and hate speeches from fraternities. Despite the inclusive mechanisms which are already in place, SOGIESC-based issues persist and some of them are not always formally documented.

The problem of underreporting has been recognized for quite a while. In an article printed in the UP Forum March-April 2012 issue, it was stated that formal complaints of SOGIESC-based discrimination are already rare across the university system. Some victims would withdraw their complaints before the actual investigation. One example is the complaint of an employee in UP Manila who was treated unfairly by their supervisor. Narratives of discrimination would also occasionally be shared and surfaced. Often, the people involved do not have the intent of officially filing complaints. During informal interviews with students, one reason that surfaced is that the fear of the possible repercussions of reporting the perpetrators and the added burden of humiliation (Llaneta, 2019).

Thus, this paper aims to address the question, “How can the process of reporting be improved?” First, the paper seeks to understand why some victims of discrimination distance themselves from formal redress mechanisms, existing policies, programs, and other services, despite the university’s open campaign for inclusion, the presence of allies in the administration and civil society groups, and the availability of other resources and information provided by the university.

In the succeeding sections, theories on frames, resources, opportunities, and emotions are discussed. These concepts are then

located in the victims' expressions of equality, justice, fairness, and accountability. These expressions will then shed light on the hesitations of victims. From these findings, the analysis can surface what directions future policy developments should consider.

Frame Analysis on SOGIESC-Based Discrimination and Accountability

Notions of gender equality, sexual harassment, and even feminism mean differently for different social actors. While this difference has shown consequences on how policies are shaped at the level of national and international bureaucracies (Verloo, 2005), it has also implications on how accountability is being negotiated at the level of workplaces (Marshall, 2003). Verloo and Lombardo (2007) then proposed that a frame analysis would be able to explore this diversity by focusing on how social and political actors classify problems, identify causes, and propose solutions. This approach will analyze the frames carried by victims of SOGIESC-based discrimination and the possibility of their divergence from the university's policy frames on gender or SOGIESC. Moreover, it will also analyze if the divergence influences the hesitation to formally file cases.

Frame analysis was introduced by Goffman (1974) as a way of understanding how actions of individuals are guided by how they make sense of persons, objects, and events. These acts of meaning-construction lead to what he referred to as frames or frameworks. Frames are "schemata of interpretations" (Goffman, 1974, p.21) which are utilized by individuals to recognize and make sense of events. These frames are organized in such a way that they can guide one's actions and mobilize others' to some degree.

Benford and Snow (1998) extended these definitions by specifying collective action frames which they defined as "sets of beliefs and meanings individuals associate to events which are constructed to inspire and legitimate the activities and campaigns of movements (p. 614)." Collective action frames serve as the language—the meaning-system—collectively held in order to inform individuals on how to think and act in political terrains. These frames can even be as organized as ideologies—well-

articulated, logically consistent, and highly organized political strategies of action (see Swidler, 1996).

In order to illustrate how complete and organized collective action frames can be, Benford and Snow cited Wilson's (1973) account of how well-articulated ideologies frame experiences and provide sets of actions. The study introduced three core framing tasks which are: diagnostic, prognostic, and motivational framing.

Diagnostic framing involves identifying the fundamental problem faced by the movement and the demographic which they represent. Oftentimes it seeks to find root causes of the injustices and assign blame (Wilson, 1973). Prognostic framing involves identifying strategic solutions that address the causes that are foregrounded in the diagnosis (Wilson, 1973). This process can be as thorough as including even tactics and strategies. Lastly, motivational framing involves the use of appropriate language meant to encourage people to participate in collective action. It basically provides a rationale for action (Wilson, 1973). The first two frames build consensus among networks while the third mobilizes action since knowing the causes and solutions would not automatically result in participation (Wilson, 1973; Benford & Snow, 1998).

Individual Use of Frames

Collective action frames can be relevant because these action frames can go beyond immediate networks of movement organizations. Sole individuals can utilize the frames which movements create without being necessarily involved as activists (Snow & McAdam, 2000; Marshall, 2003). Furthermore, the LGBTQI movement, which some groups have categorized as part of the new social movements, will not necessarily emphasize collective action as a vehicle for change. The personal is seen as political. There is an emphasis on the individual experience and its consequences to the broader society, whether that consequence is material or symbolic. Therefore, individual solutions are also recognized in the name of achieving autonomy and self-determination (Cohen, 1985; Melucci, 1989; Habermas, 1984-1987; Rucht, 1988, as cited in Beuchler, 1995).

Not everyone, however, would have access to networks which provide strategic frames in dealing with discrimination because not everyone is actively involved in movements or collective actions. Rather than looking at individual alignment with collective diagnoses of problems, individual subjective interpretations and organization of experiences can be considered. Marshall (2003) laid out the similarities of the three core framing tasks with Felstiner, Abel, and Sarat's (pp.1980-1981) "naming, blaming, claiming" framework used in the process of disputing. Similar to the diagnostic framing task, the disputing process begins with perception of injury which also attributes blame to external forces. The two frames differ mostly in the second stage since the disputing process emphasizes individual claims of relief rather than strategic forms of collective action. Despite this difference, both frameworks show the subjective organization of experience which allows collectives or individuals to make sense of events. The disputing process simply differs by reflecting individual acts of frame construction.

Marshall (2003) used this approach to illustrate how women in workplaces deploy various interpretative frames in determining whether an experience can be classified as sexual harassment and in negotiating with parties involved in disputes. In doing so, she also surfaced legal frames by highlighting how individuals would make use of the law to make sense of their everyday experiences. She cited the study of Ewick and Silbey (1998) to recognize the law not just as a constitution of formal institutions and actors which legitimize rules. Ewick and Silbey (1998) called attention to how ordinary people utilize legal concepts and ideas as a source of frames which they use to interpret events and guide their actions. Verloo (2005) similarly discussed the concept of policy frame by defining it as "an organizing principle that transforms fragmentary or incidental information into a structured and meaningful policy problem, in which a solution is implicitly or explicitly enclosed (p. 20)." Both of these definitions suggest that, aside from ideologies, laws and policies can also be sources of interpretative schemes which help victims diagnose problems and prescribe solutions. From these, they are then able to make informed and guided decisions on how to perceive discrimination and on how to reclaim justice or even simply comfort.

Identifying Opportunities and Utilizing Resources in Seeking Justice

Evangelista (2017) integrated the ideas of frames with concepts of political opportunity and resource mobilization. They argued that frames alone cannot fully show the entire picture. In their analysis of the meanings and negotiations of the Metro Manila Pride March, they illustrated how political opportunities and resources also play their roles in shaping people's understanding and negotiations of various meanings.

Political opportunity refers to “consistent—but not necessarily formal, permanent or national—dimensions of the political environment that encourage people from using collective action (Tarrow, 1994, p. 18).” It is often observed through the conditions among the elite—whether they're strong, divided, opposing, or supporting the movement. This line of theory argues that political opportunities must be created and responded to by groups which would make use of recognizable forms of collective action.

While an opportunity is often seen as an external factor, resources are observed internally among organizations. The idea behind resource mobilization theory is that organizations have a need to collectively control necessary resources and make it appropriately accessible to people for collective action. These resources include both material (individuals, money, technology) and non-material resources (network, legitimacy, public attention) (Fuchs, 2006; Jenkins, 1983).

Framework

The interplay of the frames, valued resources, and recognized conditions, are located in how individuals express their ideas of justice and accountability. After an individual experiences stigma, discrimination, or aggression, their ideas of justice and accountability shape how they access reporting and redress mechanisms. Figure 1 shows how this research breaks down these said expressions using the concepts mentioned.

Table 1
*Breakdown of Expression of Justice and Accountability
Based on the Three Main Concepts*

Expressions of justice and accountability by victims of discrimination			
Diagnostic frame	Prognostic frame	Valued resources	Valued conditions/ criteria
<ul style="list-style-type: none"> • Who or what is the cause of the problem/dispute? • Who or what is accountable? 	<ul style="list-style-type: none"> • What actions are necessary? • How do we uphold accountability and justice? 	<ul style="list-style-type: none"> • What resources are necessary to deploy said actions? 	<ul style="list-style-type: none"> • What conditions will be helpful to deploy said actions? • What makes a fair and just process/procedure?

Victims of SOGIESC-based discrimination can express their ideas justice and accountability by identifying the causes of their experiences and corresponding solutions. Both concepts of diagnostic and prognostic frames can capture this expression because the framing process can also be observed as a rearticulation of an ideology.

By identifying corresponding solutions to obtain justice and hold perpetrators accountable, these individuals also identify necessary resources in order to make that happen. While resources are concrete and the need for them is rational, this rationality is offset by their values as well (Evangelista, 2017). The concept of resources in this research is then borrowed in the form of how they are made sense of. How victims of discrimination value and creatively utilize resources can also be seen as expressions of their ideas of justice and accountability.

The concept behind political opportunities is also borrowed in a similar fashion. Rather than looking at opportunity structures or material conditions in the university (i.e., politics of and dynamics among decision makers), this research looks rather at the subjective interpretations of individuals. It looks at what individuals themselves would consider as fair activities or favorable conditions in deciding whether to take part in actions. Individuals, even in movements, do not simply react rationally towards external conditions. In some cases, individuals and collectives assert or create their own enabling

conditions (Evangelista, 2017). Situating this concept then within the subjective consciousness of victims of SOGIESC-based discrimination can surface their principled expectations on how university reporting structures are carried out. The values and conditions among those which carry out procedures can be evaluated by these individuals to decide whether conditions are favorable enough to take actions.

Methodology

The question on why victims of SOGIESC-based discrimination refrain from filing complaints and seeking formal redress mechanisms was approached qualitatively. The goal was to capture these expressions of justice and accountability as individuals narrated how they navigated their experiences of discrimination. As they carry themes of frames, resources, and valued conditions, the expressions of culture will be analyzed to understand how their influence on victim decisions and behaviors.

The main method of data gathering used was in-depth interviews. The participants were all students of the University of the Philippines-Diliman. They were invited to participate through an online invitation and through channels in student organizations with LGBTQI members. They were asked to provide us with their contact information in case they have narratives of discrimination or any feeling of exclusion and unfair treatment. It was decided to keep the description vague and open since their categorization of something as discriminatory and unjust was explored as well in the research. It was also done to avoid any possible invalidation of their experiences. There were a total of ten research participants of diverse SOGIE and have experienced discrimination. The students who were reached through the online invitation later refrained from coordinating with us. After every interview and documentation, participants were told that if they knew more victims who were willing to share their experiences, linking them to the researchers would be appreciated.

Because of the sensitivity of the topic, everyone in the team had to make sure that they undergo SOGIESC-sensitivity workshops before being involved in the project. The workshops were facilitated by Babaylanes, Inc. Participants were also assured of a safe space to convey their feelings and

narratives and that the confidentiality of the reports will be maintained. It was observed that the process of recalling experiences of discrimination can be emotional for the participants. In these moments, they were reminded that they could opt out of the interview without any repercussions. The team also reminded them that they could be linked with sensitive care providers if they ever needed further assistance on those matters.

The questions in the interview were semi-structured—asking the participants to talk about their experiences of discrimination and how they processed their sets of responses. A purposive documentation form was developed for an efficient documentation of the incidents. This document is based primarily on the experiences of civil society organizations and individuals from the Commission on Human Rights who are doing documentation on human rights violations.

Findings: Expressions of Justice and Accountability

The research was able to surface the narratives of how victims processed and acted upon their experiences of stigma, discrimination, and aggression. By doing so, they also managed to express their ideas of justice and accountability that are relevant in the evaluations, decision-making processes, and justice-and-accountability-seeking behaviors. This unit of analysis became the link to integrate the concepts of frames, resources, and opportunities while being mindful of the epistemologies. This approach is more holistic when understanding victim behaviors.

Most of the participants, if not all, carried, or at least were well aware of the ideology that articulates how every individual regardless of SOGIESC should be treated in a just and equal manner. This schema gave them a shared understanding that any act made on the basis of one's SOGIESC which results in them not being on equal footing is discriminatory and would have detrimental consequences on their well-being and academic performance, to name a few. The participants also subscribed to a feminist ideology in considering how discrimination is a manifestation of systems of inequality such as patriarchy,

heteronormativity, and cissexism. Consequently, they understood that forms of collective action are necessary for societal changes to happen. Expressions of human rights principles were also present. There was an acknowledgement that the problem was the inaction of state institutions to respond to discrimination. But in specific incidents of discrimination with more immediate consequences and less scope, these ideological and collective frames were balanced with frames derived from policies derived from personal and sometimes, momentary dispositions. In such incidents, the participants expressed how they balanced competing diagnostic frames.

Diagnosis: Individual Offender Responsibility vs. Systems and Institutional Blame

The recurring narrative expressed by participants in making a diagnosis is that, on most occasions, they attributed blame and responsibility to structures or institutions rather than individual offenders. Even after feeling personally offended by another person, they would not hold the perpetrator personally accountable but would rather place responsibility on the university's policies, instructions, and customs. The blame would still be on institutions that were resistant to the university's efforts of mainstreaming gender sensitivity and providing information on LGBTQI struggles.

An appropriate example is when a transgender participant expressed how the computer registration system of the university mostly relies on the students' sex-assigned-at-birth in determining dormitory and gendered class assignments. Although college professors, instructors, and staff were the ones who would carry out these instructions, they were not believed to be at fault regardless of whether their manner was discriminatory and stigmatizing. Existing policies were understood to have frames on their own. Provisions were organized in a way that sets policy problems and encloses corresponding solutions (Verloo, 2005). In this situation, the participant was convinced that existing policies which might be relevant in their situation focus only on individual responsibility or accountability or that individual offenders are seen as the cause of the dispute and are therefore liable. This type of policy frame is incongruent with the

prognostic framing that institutions should be held responsible as well—that they should review their policies and computerized information system and see how inclusion can be extended to trans individuals in the community. Rather than filing a report, trans women like the participant simply chose to reserve their energy for possible institutional changes and to focus on educating their immediate community.

There were still narratives from the participants which expressed their conviction on holding individuals accountable. These participants recognized that, while systems and institutions are to blame, individual offenders, especially in peer-to-peer cases, also have agency and therefore, liability. In situations wherein such diagnosis were made, participants considered formally filing complaints, but their other expressions of justice and accountability would complicate this decision further.

Prognosis: Restorative and Retributive Justice

What has been surfaced from the narratives of the participants is that, oftentimes, their prognostic framing is derived from their diagnosis. This observation is in congruence with the existing literature. In instances for example wherein the participants saw systems and institutions as responsible, they negotiated restorative forms of justice. These negotiations focus more on measures which give healing and restitution for the offended, and forgiveness and reintegration to the society for the offender (Jost & Kay, 2001). This focus was also reflected by trans and gender non-conforming students who were forced out of restrooms that they feel more comfortably in. A participant even mentioned being forced out of both male and female restrooms, and yet, they still did not want to file a complaint out of consideration to the custodian who committed the act. According to this student:

Hindi ko naman sila gusto ma-punish for that. Gusto ko syempre iisipin mo rin na kapag nag report ako, ano mangyayari sa kanila and syempre, at the same time, ma-i-isip mo rin na ano 'yung mangyayari dun sa i-f-file mo.

[I don't even want them punished for that. If I were to file a report, I also want to think about what will happen to them.]

This sentiment implies that, because institutions are the ones held responsible, the prognosis is for institutions to have gender-inclusive facilities and gender sensitivity training for custodians. According to a trans student with a similar experience and frame:

Ayoko naman siya mawalan ng trabaho kasi syempre kawawa naman... Pero yung ano lang, mabigyan man lang siya ng [Gender Sensitivity Training] para ma-orient siya ... or dapat kasi magkaroon nalang ng inclusive restroom ... Para i-orient 'yung mga janitor and guard na parang, kung may nakita ka na parang assigned sex at birth ay female tapos biglang pumasok sa Men's CR... okay lang yun, like wag niyo silang palabasin ... sana may ganoong policy.

[I don't want them to lose their job for it would be a pity ... but there should even be a [Gender Sensitivity Training] for them ... or simply inclusive restrooms...so that janitors and guards could be oriented that if there is an assigned female at birth entering a men's CR... they should not be automatically thrown out ... I hope there could be such policy.]

This person recognized the fault of the custodian. However, they saw more weight in the responsibility of institutions to make policies that guide the actions of staff members. Both the former and the latter participant chose not to file a report. Although their requests for restorative justice could possibly be granted by concerned offices, their worry over possible consequences on the custodians gave them hesitations.

Not everyone shared this view despite similarities in experiences. Another trans student found herself balancing competing frames. She initially recognized how the security guard who forced her out was primarily misinformed about the concepts of SOGIESC. What she thought was appropriate was to simply educate the guard on this matter through gender sensitivity programs. However, when she tried to reason out, she mentioned how he reacted to her violently. She was yelled at and humiliated in front of many people. She thought the reaction was completely unnecessary. While she acknowledged that systems of inequality

were to blame, she recognized that the security guard was an agent carrying the system itself, so he too should be held accountable. She even admitted that, at that time, she wanted him to be suspended.

Ako during that time, bet ko siyang ipatanggal. Hindi na ako [mag]papakaplastik gusto ko siyang mapatanggal. During that time kasi parang ang kine-claim niya, accepting tayo as an environment so bet ko siyang ipatanggal.

[During that time, I wanted him fired. I'm going to be honest, I really wanted him fired. Because during that time, he was ironically claiming that we have an accepting environment, so I wanted him fired.]

At that moment, she recalled wanting to deploy a retributive form of justice instead which focuses more on punishing the offender (Jost & Kay, 2001). Among the many things she did was to consult her peers on what legal or formal actions to take. There was an attempt to explore how existing policies would frame discrimination and prescribe sanctions to offenders. This decision, however, did not continue, largely because of resources but also because after quite some time, she became convinced that the problem was still the system and that focus should be directed at institutional changes.

Eventually ang gusto ko nalang mabago is yung system tapos na mas maging gender-inclusive 'yung mga bathrooms, and magkaroon man lang ng knowledge 'yung mga nagwowork, mga staff, mga security guards.

[Eventually, I thought that it would be best to simply just change the system—for bathrooms to be more gender-inclusive and for working staff members, security guards to be provided knowledge.]

Her diagnosis is that individuals are responsible and liable while her prognosis is that retributive justice is appropriate. However, she shifted to framing systems as responsible, and to forgiveness and institutional policy changes as appropriate courses of action.

Other participants shared their narratives of discrimination with instructors and professors as perpetrators. For them, these individuals are more capable of making informed actions. The participants knew that faculty members underwent gender sensitivity training and yet, blatant mistreatment on the basis of SOGIESC still occurred. Thus, the participants wanted to hold these faculty members personally accountable. The participants' prognoses were not just to let the faculty undergo gender sensitivity training but to be also sanctioned.

What these narratives show is that there are instances wherein restorative prognostic frames are weighed against ideas of retributive justice—their principles which argue on the legitimacy and rationality of the use of punishments to deal with violators of justice (Carlsmith & Darley, 2008, as cited in Hegtvedt & Parris, 2014). A transgender participant who was a victim of repetitive harassment, for example, expressed how she attempted to weigh both prognostic frames and expressed:

Sometimes kasi yung restorative justice ay nakaka-limit kasi it posits na people have that intention to learn...Pero kasi sometimes people are just not willing to learn kaya nga yung mga batas natin meron siyang restorative courses of action and punitive as well...So I think pag na-suspend sila dun nila mas ma-re-reflect kung gaano kalala 'yung gravity ng ginawa nila kasi hindi ka naman masususpend for nothing eh.

[Sometimes, restorative justice can be limiting because it posits that people have the intention to learn... but sometimes people are just not willing to learn and that is why we both have restorative courses of action as well as punitive ones...so I think if they were suspended they would get the chance to reflect on the gravity on what they have done because you can't be suspended for nothing.]

Ultimately, these narratives demonstrate how victims of SOGIESC-based discrimination balance competing prognoses and this balancing act corresponds to their diagnoses (see Table 2). When they are unable to see existing policies and programs framed the way they frame their situation, it can add fuel to their hesitations.

Table 2
Balancing Diagnosis and Prognosis

Diagnosis	Prognosis
Systems and institutions are responsible and liable	Focus, but not exclusively, on restorative actions
Individuals are responsible	Focus, but not exclusively, on retributive actions

Valued Criteria for Fairness

The participants' ideas of equality, justice, and accountability were not only expressed in diagnosis and prognosis framing. These ideas are also expressed as the participants evaluate which conditions are favorable enough to take actions. Not everyone, for example, who wanted to hold their perpetrators accountable actually reached out to the offices concerned.

The narratives show that individuals are not automatically encouraged to report their incidents of discrimination because they also evaluate the values and conditions among those who carry our reporting procedures—victims of discrimination are also evaluating based on their notions of procedural and interactional justice rules.

Procedural justice concentrates on principles and rules followed during procedures which enable fair treatment to all parties involved. This process brings out the criteria held by victims on what constitutes a fair and just procedure (Deutsch, 1975; Leventhal et al., 1980, as cited in Hegtvedt & Parris, 2014). Meanwhile, interactional justice is defined in terms of how people are treated, normally with respect and dignity. It is said that interactional and procedural justice may sometimes overlap but interactional justice is exemplified by highlighting more informal and relational rules and justifications (Jost & Kay, 2001). SOGIESC-sensitivity among those who administer procedures, for example, is a great criterion for a fair and just procedure for SOGIESC-based discrimination. However, the participants of this study also revealed other criteria which must be met in order for them to reach out and file a report. See Table 3 for reference.

Table 3
Criteria for Fairness and Corresponding Type of Justice Rule

Criteria for fairness	Type of justice rule
Sensitivity, equal treatment, allyship from administrators	Interactional justice rule
Correctability of procedures	Procedural justice rule
Urgency	Procedural and/or interactional justice rule

a. Criteria for Evaluating Formal Processes

Sensitivity and equal treatment from administrators who handle reports are favored by victims. Victims are more encouraged to report their experiences when they feel that the formal procedures and the informal interactions involved are carried out with sensitivity and inclusion. More than that, a more favorable scenario for them is when individuals in relative positions of power in offices, councils, and relevant units in the investigation and documentation are not only sensitive about SOGIESC but are also considered to be their allies actively fighting for their rights. For example, a participant initially did not want to report their experience. However, after remembering that they have built advocacy partnerships with notable individuals in certain offices, they quickly realized that it may be easier to share their experience and that doing so may lead to more ideal resolutions. According to them:

Nag-go through ako doon sa proper process ng UP about things like this pero dahil nandoon yung [separate allied office] na willing tumulong and kumilos in other forms if walang mangyari.

[I went through the proper process of UP about things like this but it's because there's the [separate allied office] that's willing to help me and act in other forms if nothing will come out of it.]

This participant felt more secured to go through the process knowing they supported by allies in different offices. Without seeing these allies who are capable of responding to their vulnerabilities and are aware of the power dynamics between parties, victims may yet again feel discouraged to report.

Some of the participants even expressed feelings of anxiety when reporting their experiences of discrimination. They felt like they were not in equal footing with a professor. According to another participant who also happened to be acquainted with people of similar stories;

Hanggang ngayon, marami pa ring students na natatakot mag-share ng stories of discrimination nila. Primarily because of power relations.

[Until now, there's still a lot of students that are afraid of sharing their storied of discrimination primarily because of power relations.]

Another participant who actually reported their professor even expressed feelings of regret after being exposed to further cissexist remarks and retaliation when they filed a report.

Sana hindi ko nalang pinush kasi para akong nag open ng box na hindi ko gustong makita. Doon ko nalaman yung ruok na kayang gawin ng prof ko pala ay ganoong level pala.

[I wish I never pushed it through since it's like I opened a box I didn't want to see. That's how I found out that the extent of what my professor could do can reach that level.]

They also stated they were told to be careful and prepared in case the professor files another case against them. What these experiences ultimately suggest is that victims feel vulnerable in times of discrimination as they are exposed to the different ideologies and principles of people in positions of power. They are under the impression that the odds are against them so having allies like the first participant makes them see that there are opportunities for voices to be heard.

Another favored condition or criterion raised was correctness of procedures. Participants were hoping that perpetrators, regardless of their status in the university, can be held accountable by the administrators. Offices concerned should show that they are capable of assuring victims that changes can be made after reporting.

With regard to this condition, another participant expressed their thoughts about a sexual harassment case which they have witnessed prior. They recalled that no sanctions were made against the perpetrator because the incident was beyond the jurisdiction of the university. While they understand the limitations of the offices involved and the differences of their cases, they could not help but fear being in a similar position. They fear the trouble of going through a lengthy process only to reach an undesired resolution.

The next criterion raised in the interviews is the urgency among administrators and of the process. The participants understood that offices cannot simply hasten the investigations and resolutions for victims of discrimination. They were well-aware of the bureaucracy involved and never took it against the office staff members. This understanding however did not stop them from feeling discouraged. According to a student who filed a report:

Para kang maghihintay ng reply sa sariling oras nila. Tapos nandun pa yung initial, walang sense of urgency about it so mas nakakadiscourage kasi mag-aantay ka lang sa bureaucracy na kailangang pagdaanan ng case.

[It's like waiting for a reply on their own time. There's the lack of urgency at start that is discouraging because you have to go through the bureaucracy in place.]

This student added that because of the lack of urgency, victims of discrimination like themselves seek other ways to hold their perpetrators accountable.

It is also worth noting that the reason why victims refuse to seek assistance from offices is not always because they could not see their favored criteria in these formal mechanisms. The participants admitted

that most of the time they just did not have a clear understanding of the existing policies, programs, and services provided by the university.

It is actually possible that the university is capable of meeting the expectations and values held by victims. In fact, all of the participants who raised this concern experienced discrimination when the ASH code was already in place. But the participants suggested that these formal mechanisms were not communicated in a way that is responsive to the values and expectations of victims. The mechanisms were not communicated in a way which clearly frames a wide scope of what can be considered as SOGIESC-based discrimination, who can be considered liable, and what appropriate sanctions or resolutions are available.

b. Seeing These Criteria in Alternative Processes

When favorable conditions are not perceived in available formal procedures, victims seek alternative means of seeking justice or accountability. A participant compared filing a case versus taking matters to social media. In doing so, she mentioned the significance of urgency:

Sobrang tagal noong pacing ng kaso. So kaya rin hindi natin maisisi yung kapwa nating estudyante na hindi na nagrereklamo . . . parang bakit mo pa gustong mag-look ng justice, mag-patutsada ka nalang sa Twitter, mas may ma-a-achieve ka pa doon. It may sound petty or social media supreme court pero kasi anong magagawa ko eh yun nalang yung redress mechanism ko eh para singilin sila.

[The case had a very slow pace. That is why we can't blame our fellow students who refrain from filing cases . . . why would you seek justice if you can simply call them out on Twitter—you can get more out of it. It may sound petty or social media supreme court but what else can I do when that's the only redress mechanism I have to hold them accountable.]

She understood the limitations of this act and she was aware of its possible unintended consequences and yet, she still understood why others like her would settle with publicly calling out perpetrators on social media.

She saw the immediate consequences in these activities, which for her, mattered significantly in those moments. She also added that there were fear-inducing impressions that cases in general were not always favorable towards victims, suggesting once again how conscious attention to victim's vulnerabilities and disadvantages is significant.

Another participant also resorted to social media to settle her issue with a sorority that prohibited her from applying solely because of being a lesbian. Aside from also favoring the less procedural and more immediate approach, she also felt she had more voice in the process. According to her:

I get to control what I have to say in the situation. I think that's one good thing about posting on social media: it's accessible to a lot of people and you control your narrative and *parang* you get to say your side.

She did not need to evaluate whether procedures are fair based on her criteria. In online spaces, she managed to obtain autonomy over how her story can be heard.

The act of creating your own fair conditions rather than evaluating fairness is not limited to this narrative. Narratives on informal arrangements made by trans students in gendered dormitories were also surfaced by transgender participants. They narrated how, aside from the detriments of being excluded from facilities for women, being placed with men has placed them in a vulnerable position of stigma, discrimination, and harassment. What they decided to do was to coordinate fellow trans students and ask their dorm managers if they can be placed in the same rooms. This action enabled them to carve a safe space for themselves and avoid unnecessary microaggressions.

She also added that doing this initiative seemed less intimidating and more approachable, and in effect, more accessible.

Managers are very friendly and approachable. They're super nice, I think that's part of the training and requirement of dorm managers na, yes you can be strict but you also need to be approachable. *Meron din kasi na this air na kapag binakla mo sila, mapapa-yes mo sila...*

[Managers are very friendly and approachable. They're super nice, I think that's part of the training and requirement of dorm managers na, yes you can be strict but you also need to be approachable. There's also this air that if you act friendly towards them they'll say yes.]

This less formal and less procedural approach provides victims of discrimination more immediate resolutions and attention to their safety and peace of mind. For this reason, trans women like her tend to focus on informal approaches rather than undergoing lengthy formal procedures.

I think it's really the formal procedure making it more difficult for trans people and gay people and lesbian people to cope. It's really the formal institutions that are presenting hindrances for us to negotiate . . . It's very bureaucratic. It's very process-heavy.

It does not make such informal arrangements automatically better than existing formal procedures. The participant even recognized that some offices involved even exhibit these valued qualities. However, concerned offices should still reflect and build on these glossed over qualities to potentially offset the bureaucratic procedures.

What all of these stories suggest is that we should understand the ideas of justice that victims of discrimination carry in order to provide them with the justice they need. This understanding can be done by collectively reflecting on the subjective criteria and preconditions expected by victims. Doing so establishes to the victims that holding perpetrators accountable or struggling for inclusion would not be an added burden. The process also essentially provides a safer space for victims to process their situations and talk freely about discrimination.

Valued Resources

Resources were also observed to be relevant among the participants. A large part of their decision of whether to formally report their incidents of discrimination or not was influenced by their access to self-identified necessary resources.

All the participants expressed how, after experiencing stigmatization and discrimination, what became very significant was their membership to a collective—formal or informal. Having a network gives one a degree of social capital that enables them to navigate and utilize available resources more effectively in their response to the acts of discrimination. They consider themselves fortunate because these networks encourage them to share their narrative even when they think that their criteria for just and fair procedures are not present. In fact, for some of these participants, it was their network of peers that enabled them to even label their experiences as discriminatory.

Being part of a network meant having access to consolidated information. It is through networks that victims get to construct, refine, or validate their frames or notions of justice and accountability. The participants mentioned that the frames which they used to process their experiences of discrimination were those frames that they learned from their peers. One of them narrated how several months had already passed when she finally realized how her exclusion from an application process was discriminatory. When she finally wanted to do something about it, she still consulted her peers to check if her evaluations were correct.

I didn't want to speak about that *nang wala akong kinoconsult kasi baka overreacting lang ako*. That's why I asked [my peers] just to evaluate *kung ano yung nararamdaman ko*. Is what I'm feeling *ay tama*? Is it like a proper response and should I speak about it? I just want to think about it critically before I move.

[I didn't want to speak about it without consulting because I might just be overreacting. That's why I asked [my peers] just to evaluate what I am feeling. Is what I'm feeling right? Is it a proper response and should I speak about it? I just want to think about it critically before I move.]

This is also the reason why some of the participants settled with calling out their perpetrators publicly. Whenever they shared their experiences on social media, they were easily directed by their virtual network to different information and different individuals who could help them deal with what happened.

Having a wide range of networks also helps in filing reports. A participant for example never planned on speaking up about the cissexism they were receiving from their professor. They mentioned concerns over lack of time, energy, skills, and knowledge which they thought would become essential in filing a report. But when their network got a hold of this information, they decided to provide what they could so that they could pursue whichever action they thought was necessary. Eventually, they decided to seek assistance from multiple offices and authorities. As a collective, they explored the different actions which they could take and they formulated their strategic approaches. Even how they collectively acted on the matter was a way of addressing their concern of time and energy restraints. Most importantly, there was guaranteed emotional support in every step of what they were doing.

Kasi pag ako lang mag-isa, parang ilang beses kong pagdadaanan yung nangyari sa kinang ako lang mag-isa yung nagtatake-in ng info. Syempre nandun din na hindi ko naman ... alam mo yung kahit email napakaformal ng setup ng email so paano ka magrereport ng nangyari sayo kung ikaw mismo ay nahihirapan kang iprocess siya.

[Because if I were on this alone, I would have to go through what happened again many times alone ... and the act of emailing has also been too formal so how would you report what happened to you if you find it difficult to process.]

Networks and other resources essentially are valued because they enable victims to refine their frames of justice and accountability and because these resources are legitimized by the same frames they construct.

Participants with access to multiple resources considered themselves fortunate because they could not imagine what they would have done otherwise. They even suggested that part of the reason why they were able to participate in this study was due to the existing networks which linked us together. This network can be credited for the ease in facilitating rapport-building which made it easier and safer for the participants to freely talk about their experiences.

Conclusion

This research shows that despite the availability of progressive policies, SOGIESC-sensitive administrators, and resources provided by formal reporting structures, victims of SOGIESC-based discrimination are still discouraged to report their experiences. Victims of discrimination have different ways of attributing blame and negotiating justice which might run contrary to the gender frames of existing policies. They also carry multiple criteria and expectations on what a fair and just case-handling procedure is, something administrators have not yet responded to. Procedures can also mean resources which victims alone cannot fully mobilize. In these instances, victims may even be led to undertaking informal mechanisms of preserving justice and negotiating safety and inclusion.

This process has been possible through the integration of the concepts of frames, resources, and opportunities or conditions of fairness. These concepts were originally borrowed from social movement theorizing. There have been attempts to locate frames in individuals, but attempts show how even resources and the idea behind opportunities can be as well. Furthermore, integrating these concepts cover a wider scope of narratives explaining their reasons.

Recommendations

It is suggested that the university should revisit its approaches on gender or SOGIESC equality by analyzing whether their policy frames align with the interpretative and action frames of LGBTQI students. Information campaigns on these policies should also be designed to communicate their frames to the victims well. Administrative bodies should enter dialogues with victims and the LGBTQI community on how to ensure that the practices of administrators consistently respond to their criteria, expectations, and realities.

Victims should also be provided, not just with material resources, but also with social capital, which Bourdieu (1986) defined as “aggregate of the actual or potential resources which are linked possession of a durable network of more or less institutionalized relationships of mutual

acquaintance and recognition” (p. 251). Civil society organizations and informal support groups should be supported for their proven capacity to equip victims with skills, information, and other resources. These groups can maximize the extent of their role in ensuring the safety within the university by reaching out to more people, especially to those who have no affiliation to any organization.

Emotions in Justice Processes

It is clear that frames, resources, and criteria of fairness influence the decisions of victims of discriminations when holding their perpetrators accountable in different ways. However, the interviews also surfaced processing of emotions which can also add more depth to the narratives.

Even when they had access to multiple resources, the conditions are observed to be favorable, and the frames are affirming them to file reports and hold perpetrators accountable, the participants expressed that, oftentimes, they still chose not to do anything. According to a participant, she was more motivated to stand against discrimination, even mobilize campaigns, when she was not the one directly victimized in the situation.

Feeling ko iba yung response ko kung ako mismo yung directly affected kasi mas humiliating na for me.

[I feel like my response would have been more different if I were directly affected because it would be too humiliating for me.]

For another participant, asserting one’s gender identity might lead to further humiliation and this fear stops them further from doing anything.

Parang nawalan ka ng power to assert yourself kasi kapag nag assert ako ay parang idadrag ko lang yung nangyari so mas ma-prolong lang yung agony ko sa situation.

[It’s like you lose power to assert yourself because once I do, it’s like I would drag what happened further which only prolongs my agony in that situation.]

Another participant narrated that despite being very active in the movement, she still refrained from simply sharing her experience with her fellow advocates.

Nahihiya din ako na mag open up about it or natatakot din ako kasi . . . I felt like walang ibang taong nakaexperience nun . . . it felt like no one else experienced that which made it hard for me to open up kasi paano sila makakarelate sa isang bagay na hindi naman nila naexperience . . . napahiya ako, na hindi ko magawang makapag open up sa mga tao.

[I also feel embarrassed to open up about it or I'm also afraid because . . . It felt like no one else experienced that which made it hard for me to open up because how can they relate with something they have not experienced . . . I was humiliated that I could not open up to people.]

She had many resources at her disposal. She even had an immediate support group. She was also aware that free counseling is provided by the Diliman Gender Office. She knew how to deal with all the negative emotions but the feeling of shame and pity which she had for herself kept her from talking about her experiences. There were many negative emotions which arose from the victims after being discriminated against in the university. This feeling of shame and self-pity were the emotions observed to have hampered their attempts of seeking justice and accountability.

While these findings are valuable, a separate research which zeroes in on this aspect would be more fruitful. Scholars have also begun taking into consideration how emotions play in justice processes or in the process of constructing frames. Adams (1965) discussed the unpleasant emotional responses that may arise after failing to meet the victims' criteria of justice or fairness in their situations. Moreover, there is also the need to relieve themselves from these emotions. Aside from emotions as driving forces, emotions can also have moments of influence on an individual's frames or justice processes (Hillebrandt & Barclay, 2013). Some studies have shown how affective meanings serve as precursors to cognitive appraisals and

justice evaluations (Scher & Heise, 1993; Cropanzano et al., 2011; Mullen, 2007), while other research have shown how moods in particular influence the processing of different information (Sinclair & Mark, 1992). What is clear so far is that emotions should not be left out of the equation when understanding how victims navigate SOGIESC-based discrimination.

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