



Policy Imperatives: A Case of Gender Non-Conforming Learners

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ABSTRACT

As the Bill of Rights prescribed by the South African Constitution stipulates, all people, irrespective of gender, race and religion, have a right to equal opportunities. This is articulated by the Gender Schema Theory as it stipulates that some cohorts of learners are aligned to socially accepted behaviours while other gender aschematic learners perform parallel to socially recognized behaviours. Therefore, all learners are entitled to equal treatment and they have a right to education, especially because South Africa is a country renowned for its rainbow-nation characteristic, allowing it to accommodate diverse citizens. It is for this reason that this paper investigated whether school policy logistics have an impact on gender non-conforming learners in one rural Senior Secondary in the Eastern Cape province of South Africa. Two teachers were purposefully sampled as participants for this qualitative case study research. To collect data, semi-structured interviews were administered. Using thematic analyses led to the formation of themes which were used to discuss findings. The study found that (i) there are dynamics in policy formulation and also that (ii) there is a violation of school policies. This subjects them to social exclusion and social control that marginalises gender minorities. The study recommends that gender specific school policies be redefined to promote gender neutral and inclusive schools, thus creating societies where everyone is welcome and protected as suggested by the Constitution of the Republic of South Africa.

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Publication History
Received 30th May, 2023
Accepted 30th June, 2023
Published online 4th August, 2023

Keywords: *Policy, Gender, Non-conforming, Diversity.*

INTRODUCTION

The adoption of the Constitution of the Republic of South Africa in 1996 was a turning point in redressing past injustices of the apartheid era. Among the drastic changes brought upon by the implementation of this constitution, school governance was decentralised from being the sole responsibility of the school manager, but a collective effort of the School Governing Body (SGB). As proclaimed by the South African Schools Act (1996), one of the fundamental duties of the SGB is to draft a school policy intended to govern the day-to-day running of the school in collaboration with the

School Management Team (SMT).¹ In line with the formulation of a policy that addresses diverse users, Msila (2022) articulates that dignity and good leadership practices should be at the forefront.

Furthermore, the application of the Bill of Rights led to addressing issues of discrimination in South African schools by emphasising the right to high-quality education. Preventing discrimination on the bases of race, gender, and class promotes humanity.² Because dichotomous gender-typed behaviours, practices, and activities are taking place in schools as influenced by socialisation, the authors decided to undertake this investigation to identify whether the schooling environment adheres to human rights and equality in schools. Observation of aspects of gender disregard in some schools located in the South African context prompted this study which investigates whether the approved school policies impact gender non-conforming learners in one Senior Secondary school located in the rural areas. Additionally, the inquiry for this study has been based on the Gender Schema Theory which proposed that gender schematic and gender aschematic learners operate differently when socially accepted behaviours are taken care of.³ The findings of the study are presented in subsequent sections.

LITERATURE REVIEW

Underpinning this investigation was the Gender Schema Theory.⁴ The theory declares that there are two types of learners. First, there are those that are gender schematic and who follow a pattern of socially accepted behaviours and actions. The second type is gender aschematic learners who act based on interest and not within the gender dichotomy of socially accepted behaviours. Gender schematic learners tend to sub-consciously go through a gender filter before they act, while gender aschematic learners only make decisions based on whether they are interested or not.

From an educational point of view, this is perceived as having implications that there are learners who behave in a way that is gender-typed. This results in this cohort of learners falling into a category that society perceives as ideal. Concurrently, those learners who behave in a way that is non-gender-typed are motivated by interest rather than gender. This raises some alarm bells in a schooling environment because, for excellent academic attainment, there should be equality and freedom for all.⁵ Considering that each learner is unique and essential, school policies should have a fundamental objective to support and develop learners without limiting their growth or limiting their self-expression, irrespective of gender considerations.

The seventh digit of a person's South African identity number, which is assigned at birth when a birth certificate is issued, reveals their gender, which is classified as either male or female, according to the South African Department of Home Affairs.⁶ Because of this, the only two dichotomous gender identities that support the gender binary are registered on school application forms. Lindsey argues that gender is different from binary categories of biological sexuality an individual is born with.⁷ This implies that there should be clearly defined margins for certain values, behaviours, and conduct based

¹ South African Schools Act 84, 1996. Retrieved at <https://www.info.gov.za/acts/1996/a84-96.pdf>, accessed 07 February 2023.

² Azizova Ziroat and Abdurazzoqova Zebiniso, "Legal And Pedagogical Bases Of Preparation Of Children For The Implementation Of Social Protection," *Yosh Tadqiqotchi Jurnal* 1, no. 5 (2022): 395–403.

³ Sandra Lipsitz Bem, "Gender Schema Theory: A Cognitive Account of Sex Typing.," *Psychological Review* 88, no. 4 (1981): 354.

⁴ Bem, "Gender Schema Theory: A Cognitive Account of Sex Typing."

⁵ Susan B. Goldstein, "Stigma and Stigma by Association in Perceptions of Straight Allies," *Journal of LGBT Youth* 14, no. 4 (October 2, 2017): 345–58, <https://doi.org/10.1080/19361653.2017.1326867>.

⁶ Department of Home Affairs, 2023. Available at

<https://www.westerncape.gov.za/service/applying-birth-certificate-southafrica#:~:text=The%20new%20regulations%20under%20the,city%20of%20birth%20and%20citizenship>, Accessed 09 February 2023.

⁷ Linda L. Lindsey, *Gender Roles* (Routledge, 2015), <https://doi.org/10.4324/9781315664095>.

on binary categories in restricting aschematic learners from fully participating in school activities.⁸ If lines are drawn, this is likely to maintain some levels of marginalisation.

However, Davis argues on the interest displayed in gender categories, noting that these often become mechanisms of exclusion as anticipated by public institutions and organisations like schools.⁹ Similarly, Meyer and Keenan believe that no policy can truly capture life's complexity.¹⁰ It is for this reason that these scholars advocate for fewer policies that focus on gender classification. Given that South African school policies are created by the Department of Basic Education (DBE), it is possible for social preconceptions to affect how these policies are developed and implemented through social expectations of what is ideal.¹¹

Furthermore, schools are situated within societies, and they are therefore not isolated from societal issues such as gender stereotypes and social control, which manifest as hidden curriculum in terms of shared norms, beliefs and practices that learners are expected to conform to for them to be socially accepted.¹² As noted by Cavallo and Hirniak, these societal factors, directly and indirectly, affect academic performance and quality of education, which makes them important when improving academic performance and access to quality education as enshrined in the constitution of the republic.¹³

METHODOLOGY

The research process consists of techniques and tactics that guide a research study from broad hypotheses to data gathering and analysis.¹⁴ A qualitative approach to research was used for this study. The qualitative approach assisted immensely since the main objective was to understand how people in a real-life situation live.¹⁵ As indicated by the nature of the study, the researchers felt it imperative to use a qualitative approach to investigate the school environment's tolerance of gender non-binary learners. May believes that research design is a complete strategy for data collection.¹⁶ The study adopted a case study design as this design is commended for allowing researchers to obtain data from small samples. For this empirical examination that allows inquiry into current events in their actual context, a case study proved to be vital as it enabled the researchers to analyse gender issues in a real-life schooling environment, and thus obtain insight from teachers' daily experiences. As Creswell echoes, a sample is a portion of a target group that a researcher is attempting to study to generalise about the target population.¹⁷ For this investigation, the purposive sampling strategy was used to identify suitable participants. These participants were chosen on purpose because the study site was renowned to have been identified to have consistent issues in relation to the observance of learners' human rights. Using this sampling technique, two teachers were selected to participate in the study.

⁸ Pedro Abrantes, "Full-Time Schools in Portugal: Participation and Educational Achievement," *Journal of New Approaches in Educational Research* 12, no. 1 (January 15, 2023): 139, <https://doi.org/10.7821/naer.2023.1.1166>.

⁹ Heath Fogg Davis, "Beyond Trans," in *Beyond Trans* (New York University Press, 2017).

¹⁰ Elizabeth J. Meyer and Harper Keenan, "Can Policies Help Schools Affirm Gender Diversity? A Policy Archaeology of Transgender-Inclusive Policies in California Schools," *Gender and Education* 30, no. 6 (August 18, 2018): 736–53, <https://doi.org/10.1080/09540253.2018.1483490>.

¹¹ Joyce L Epstein and Steven B Sheldon, "Necessary but Not Sufficient: The Role of Policy for Advancing Programs of School, Family, and Community Partnerships," *RSF: The Russell Sage Foundation Journal of the Social Sciences* 2, no. 5 (2016): 202–19.

¹² Jessica J. Cameron and Steve Granger, "Does Self-Esteem Have an Interpersonal Imprint Beyond Self-Reports? A Meta-Analysis of Self-Esteem and Objective Interpersonal Indicators," *Personality and Social Psychology Review* 23, no. 1 (February 26, 2019): 73–102, <https://doi.org/10.1177/1088868318756532>.

¹³ Justin V. Cavallo and Alexandra Hirniak, "No Assistance Desired: How Perceptions of Others' Self-Esteem Affect Support-Seeking," *Social Psychological and Personality Science* 10, no. 2 (March 30, 2019): 193–200, <https://doi.org/10.1177/1948550617732394>.

¹⁴ John W Creswell, *A Concise Introduction to Mixed Methods Research* (SAGE publications, 2014).

¹⁵ Government Design Service Manual, 2016.

¹⁶ May Tan, "Mathematics and Science Teachers' Beliefs and Practices Regarding the Teaching of Language in Content Learning," *Language Teaching Research* 15, no. 3 (2011): 325–42.

¹⁷ John W Creswell, *Educational Research: Planning, Conducting, and Evaluating Quantitative and Qualitative Research* (Pearson Education, Inc, 2012).

As data gathering instruments for qualitative inquiry, semi-structured interviews were administered.¹⁸ This type of interview was employed to glean information from participants experiences. The interview schedule comprised open-ended questions. As participants have the ability to provide open-ended responses, this fostered strong engagement between the interviewers and the interviewees. Some follow-up questions that were not included in the interview schedule were infused as the interviews progressed. This greatly aided in gathering rich data.

As both the interviewers and interviewees were engaging in discussions, all responses from participants were taken care of through processes of recording and note-taking. The researchers embarked on this exercise as they wanted to ensure that they were not leaving out any uncaptured and unnoticed responses anticipated to add value to the data we were collecting. As participants arrived at a stage of not supplying any new information, the researchers knew that discussions were exhausted, thus saturation. With the extensive data obtained, analysis of data began. All captured recordings were played and replayed. Simultaneously, all captured field notes were read and re-read. As they engaged in this process, all similar responses were then grouped. This led to the formation of themes, which guide the presentation of findings in the next section.

Ethical approval is an integral part when undertaking research, and the aim is to protect both the researchers and participants.¹⁹ All participants voluntarily agreed to take part in this research after it was outlined to them that their names would be kept anonymous through pseudonyms. As an indication of acceptance, participants signed informed consent forms. In alluding to privacy and confidentiality logic, the ethical principle of limited access to individuals or information was observed.²⁰

FINDINGS AND DISCUSSION

Outlined in this section are findings in relation to participants' views on school policy's impact on gender non-conforming learners. Discussions are in line with the themes identified from the data: (i) dynamics on policy formulation, and (ii) policy violation.

Dynamics of Policy Formulation

Engaging on whether aspects affecting people as diverse components of the teaching-learning environment, participants responded thus:

Our school policies focus on codes that must be followed by each registered learner regardless of their gender. Be that as it may, even though school policies are aligned with the constitution in making sure that there is no discrimination, learners are classified into males and females as it appears in their identity documents and birth certificates. (T1)

Amongst the list of formulated policies governing our school, there is a policy with disciplinary measures that help both teachers and learners ensure that bullying is dealt with accordingly. This has proved to make all inhabitants feel safe when within the schooling environment. (T2)

While the school policy is designed to cater for all learners, there is clear evidence of gender binary in terms of pairing certain sections of policy with learners' gender. This does not leave room for learners who do not conform to the gender binary, thus leading to gender socialisation. The important point here is the issue of acknowledgement of learners who do not conform to the gender binary. As much as there is no evidence that they are excluded there is also no evidence that they are acknowledged and welcome in terms of the policies.

¹⁸ Horațiu Alexandru Colosi, Carmen Costache, and Ioana Alina Colosi, "Informational Privacy, Confidentiality and Data Security in Research Involving Human Subjects," *Applied Medical Informatics* 41 (2019): 16.

¹⁹ Leslie Gelling and Carol Munn-Giddings, "Ethical Review of Action Research: The Challenges for Researchers and Research Ethics Committees," *Research Ethics* 7, no. 3 (2011): 100–106.

²⁰ Ellen Wright Clayton et al., "The Law of Genetic Privacy: Applications, Implications, and Limitations," *Journal of Law and the Biosciences* 6, no. 1 (2019): 1–36.

School policies are formulated according to the Constitution of the Republic of South Africa and SASA to prevent discrimination against any learner based on their gender, race, tribe, or any other categorisation.²¹ This is one of many tactics used to address historical injustices, but learners are expected to submit their birth certificates or identity documents before they can enroll. These documents specify their gender and categorise them as either male or female, which can be restrictive for non-binary learners since there are only two genders acknowledged, male or female. At the same time, learners are categorised as either boys or girls as contained in school policies, which further confines learners into binary gender.

Policy Violation

The daily operations of the school are governed by school policies, which are also used to assess any departures from the school's mission and goals and to prevent violations of these goals. As participants were interviewed about whether policies accommodated gender non-binary learners, one participant said:

Some aspects of the policy such as the part where it speaks to searching learners for weapons, it is stipulated that boys are searched by male teachers and girls are searched by female teachers. (T1)

Below is the response from the second participant who had a similar opinion as the first one: *Our policies are gender-neutral. An example of that is the uniform policy that allows girls to wear trousers whenever they wish. Concurrently, there are no hairstyles allowed except for short hair by everyone. From my perspective, this has a sense of being neutral because I anticipate this as a case where school policies accommodate gender non-binary learners. (T2)*

As much as searching learners for weapons in the school policy is meant to protect learners from harassment and feeling of being violated in the process by allowing teachers of the same gender to search learners,²² it further endorses sentiments that policies cannot encapsulate the complexity of life without disadvantaging others. This also endorses the idea that public institutions should not be interested in one's gender because of a lack of capacity to cater for all unique individuals, consequently leading to exclusion.²³ Some parts of the school policy demonstrated little evidence of gender neutrality. It is a good step to allow learners to choose the set of school uniforms they are comfortable with. As articulated by Meyer and Keenan, the fact that some school policies allow girl learners to wear trousers regardless of gender, and the fact that there are two sets of school uniforms to choose from, still implies that there are dichotomous acceptable characteristics that can fully encapsulate life complexity.²⁴

RECOMMENDATIONS

The study recommends that it is the responsibility of teachers to safeguard all learners by preventing bullying and social exclusion.²⁵ However, school policies cannot be proactive enough to ensure the friendliness and tolerance of these learners because policies are used as corrective measures for justice after these kinds of incidents, which does not guarantee protection but justice. In addition, learners need to be tolerated fully and not just tolerated for the sake of being in the classroom environment. This is evidence of policy shortfalls on issues of school safety and tolerance of gender non-binary learners.

²¹ Constitution of the Republic of South Africa (Government Gazette, 1996).

²² Meyer and Keenan, "Can Policies Help Schools Affirm Gender Diversity? A Policy Archaeology of Transgender-Inclusive Policies in California Schools."

²³ Davis, "Beyond Trans."

²⁴ Meyer and Keenan, "Can Policies Help Schools Affirm Gender Diversity? A Policy Archaeology of Transgender-Inclusive Policies in California Schools."

²⁵ Gavin T. L. Brown, "Is Assessment for Learning Really Assessment?," *Frontiers in Education* 4 (June 28, 2019), <https://doi.org/10.3389/educ.2019.00064>.

CONCLUSION

The main aim of this study was to investigate the impact of school policy on gender non-conforming learners. Findings revealed that despite SGBs' efforts to create school policies that are in line with the South African constitution, these policies do not apply to all learners equally without requiring that they be divided into gender categories. Such a practice poses a risk of social marginalisation and restricts learners' freedom of expression. It is therefore needless to mention that bullying is a serious problem in schools, with social preconceptions to blame. Such challenges seem to be promoted by gender socialisation, social stereotypes, and likely the school's hidden curriculum, leaving gender non-binary learners the most vulnerable to bullying.

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Mr Viwe Lungisani Feni, a teacher at Reikaeletse Secondary School, Xhariep District, Free State Province of South Africa, holds a Bachelor of Education in Technology and Mathematical Education and a Bachelor of Education Honours in Educational Policy and Management. Am proud to mention that as an emerging author, my academic writing skills get sharpened and motivated whenever I learn that my little piece of written work has received approval for publication in DHET accredited platforms. As an aspiring researcher in educational policies and school governance, my main aim is to achieve a Doctor of Education in Educational Policy and Law qualification to help in the process of transforming the system by eliminating societal and political challenges, thereby creating a healthy environment where learners can receive curriculum without being socially and politically excluded.