

*Exploring EDI Leaders'  
Perspectives on LGBTQIA+  
Programming and Policy in Scottish  
Universities*

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# Declaration of authenticity and author's rights

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A handwritten signature in black ink, appearing to be 'D. M. ...', is written over a light blue rectangular background.

Signed:

Date: 26th November 2024

# Acknowledgements

This thesis is a tribute to the bravery of LGBTQIA+ activists, both past and present, whose relentless fight for equality has made it possible for voices like mine to be heard. Your courage in the face of adversity, your resilience in pushing boundaries, and your determination to create a world where all of us can thrive fills me with deep gratitude. I stand on your shoulders, and it is your spirit that fuels my work. Without your tireless advocacy and sacrifice, none of this would be possible, and for that, I thank you with all my heart.

I am immensely grateful to the participants of this research, whose voices and insights have been at the heart of this work. Your honesty, vulnerability, and willingness to share your experiences have shaped this research in ways that go beyond words. This thesis would not exist without your contributions, and I am humbled by the trust you placed in me to tell your stories.

I would like to express my heartfelt thanks to my supervisors, Professor David Kirk, and for a period, Dr. Dillon Landi, and Siqi Zhang. Your guidance, encouragement, and belief in my potential have carried me through this process. You've challenged me to think deeply and critically, and I am thankful for the patience and wisdom you've shown me.

To my family and friends, your support has been a constant source of strength. Whether through laughter, encouragement, or simply reminding me to step away and breathe, I couldn't have done this without you. You know who you are.

Richard, your love and understanding throughout this journey have been my anchor. Thank you for standing by me, for your endless patience, and for being there through every moment of uncertainty and triumph. I am truly blessed to have you in my life.

This work honours those who are no longer with us. Your presence continues to guide me, and your memory will forever be a source of strength and inspiration.

Finally, I want to remind you, the reader, that at times in this dissertation, there are personal stories that may be triggering to some, including stories of homophobia.

## Abstract

This thesis critically examines how Equality, Diversity, and Inclusion (EDI) policies within Scottish Higher Education Institutions (HEIs) have evolved and been enacted since the introduction of the Equality Act 2010, with a particular focus on LGBTQIA+ inclusion. The core problem addressed is the persistent and systemic gap between policy ambition and lived inclusion, a disjuncture exacerbated by neoliberal institutional logics that prioritise measurable compliance and external reputation over substantive structural justice.

Adopting a critical, qualitative approach, the study investigates this policy-enactment gap by integrating four analytical lenses derived from critical policy studies and queer theory: Interpretive Space, Material Supports, Instrument Mix, and Governance/Sabotage. Data were collected through the comparative analysis of pre- and post-Equality Act 2010 policies from four major Scottish universities and detailed semi-structured interviews with EDI leaders and policy advisors from these institutions and a National Education Staff Organisation (NESO).

Findings reveal that while institutions have broadened symbolic visibility, or representation, of LGBTQIA+ identities, they consistently fail to deliver material inclusion through resource redistribution and embedded accountability. The enactment process is frequently undermined by inadequate funding and staffing (termed 'governance through scarcity'), resulting in performative policies that prioritise institutional image over structural justice. Moreover, the research identifies the high demands of emotional labour placed upon EDI practitioners as a precarious

deficit of material support, sustaining inclusion work within resistant and under-resourced governance structures.

The thesis argues that achieving meaningful LGBTQIA+ inclusivity requires systemic change beyond legal minimums and tokenism. It provides a framework for translating equality law into institutional practice, emphasising the need for clear accountability, dedicated material supports for intersectional training and resourcing, and a shift in leadership culture towards proactive structural commitment. This approach is essential to address the profound disjuncture between the Equality Act's legislative ambition and equitable outcomes in Scottish higher education.

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## Abbreviations

- ASC (Athena SWAN Charter)
- ATPs (Allyship Training Programmes)
- CBE (Commander of the Order of the British Empire)
- ECU (Equality Change Unit)
- EDI (Equality, Diversity and Inclusion)
- EHEA (European Higher Education Area)
- EHRC (Equality and Human Rights Commission)
- EIA (Equality Impact Assessments)
- FOI (Freedom of Information)
- GRA (Gender Recognition Act reform)
- GRR (Gender Recognition Act [Scotland])
- GV (Governance/Sabotage)
- HE (Higher Education)
- HEIs (Higher Education Institutions)
- ILGA (International Lesbian, Gay, Bisexual, Trans and Intersex Association)
- IM (Instrument Mix)
- IS (Interpretive Space)
- LGBT (Lesbian, Gay, Bisexual, Transgender)
- LGBTI+ (Lesbian, Gay, Bisexual, Transgender, Intersex, plus others)
- LGBTQ+ (Lesbian, Gay, Bisexual, Transgender, Queer, plus others)
- LGBTQIA+ (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, and other minoritised gender and sexual identities)
- MS (Material supports)
- NESO (National Education Staff Organisation)
- PIS (Participant Information Sheet)
- PSED (Public Sector Equality Duty)

QS (Quacquarelli Symonds Top Universities)

REC (Race Equality Charter)

SFC (Scottish Funding Council)

SHRG (Scottish Homosexual Rights Group)

SIMD (Scottish Index of Multiple Deprivation)

SMG (Scottish Minorities Group)

STEMM (Science, Technology, Engineering, Mathematics, and Medicine)

TUC (Trade Union Congress)

UK (United Kingdom)

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# Chapter 1: Introduction

## 1.1 Context and rationale

This study examines how LGBTQIA+ inclusion, understood here as the range of sexual orientations and gender-diverse identities named in policy and EDI practice, is interpreted and enacted within Scottish Higher Education Institutions (HEIs) policy and practice. It focuses on how institutional actors, such as Equality, Diversity and Inclusion (EDI) professionals and university leaders, interpret and enact national equality legislation, particularly the Equality Act 2010, and associated policies and programmes. My aim is to understand how inclusion is framed, implemented, and/or resisted across HEIs in Scotland, with a specific emphasis on queer and trans experiences.

Across the United Kingdom (UK), significant attention has been paid to how HEIs address equalities issues (Advance HE, 2022; Equality and Human Rights Commission [EHRC], 2023; Universities and Colleges Union [UCU], 2022). Scotland, while often perceived as more progressive in terms of social policy (Scottish Government, 2019), continues to experience tensions between national policy goals and institutional delivery. The Scottish Funding Council (SFC, 2020) and Equality and Human Rights Commission (EHRC, 2023) have issued reports emphasising the need for sustained structural transformation in universities to achieve equality. Yet research suggests that efforts to improve Lesbian Gay Bisexual Transgender Queer Intersex Asexual+ (LGBTQIA+) inclusion remain inconsistent, often tokenistic, and shaped by a compliance mindset (Formby, 2017; Woodfield, 2014; Colgan, 2011). This thesis situates itself within these tensions, interrogating the disconnect between

policy ambition and practice, and asking what forms of knowledge, resistance, and critique emerge in that space.

Evidence of ongoing challenges facing LGBTQIA+ people in Scottish HEIs is suggested by the continued policy attention these issues receive. The Scottish Funding Council's ongoing equality mainstreaming reports (2021-2025, 2025-29) demonstrate that Scottish universities are still required to actively work toward meeting Equality Act 2010 requirements, suggesting that full compliance and inclusion have not yet been achieved. The Scottish Government's *LGBT Evidence Review* (2013) acknowledges significant research gaps regarding LGBT experiences in Scottish educational settings, noting that this lack of comprehensive data itself represents a barrier to effective policy development. While detailed statistics on LGBTQIA+ experiences specifically within Scottish universities remain limited, this data gap, combined with ongoing policy requirements and the continued focus on equality outcomes, suggests that substantial challenges persist in translating legislative frameworks into meaningful institutional change.

While research into LGBTQIA+ experiences in UK HEIs is slowly expanding, it remains significantly under-researched compared to other protected characteristics such as race or disability (Formby, 2017; Taylor, 2020). Where LGBTQIA+ identities are explored, the focus tends to be on individual student wellbeing or campus culture, with limited critical engagement with institutional EDI policy enactment, intersectional marginalisation, or queer and trans staff experiences (Brookfield, 2022). There is also a noticeable gap in studies that explore how institutional mechanisms, funding regimes, or compliance structures shape the inclusion or exclusion of queer and trans people in the context of widening participation, knowledge economies, or structural policy change. This thesis responds to that gap

by critically examining how LGBTQIA+ inclusion is conceptualised, enacted, and resisted within the formal policy frameworks and strategic agendas of Scottish HEIs.

This research is driven by a desire to centre queer and trans experiences in institutional analysis. Rather than treating LGBTQIA+ issues as one among many EDI categories, I foreground them as critical to understanding the structural dynamics of inclusion and exclusion. By this I mean that queer and trans perspectives are not simply another strand of equality work, but a lens through which the workings of institutional power become visible. Focusing on queer and trans politics exposes how policies, funding structures, and cultural practices are organised around cisheteronormative assumptions, and how these assumptions shape what counts as inclusion in the first place. This positioning allows me to interrogate not only whether LGBTQIA+ people are named in policy, but also how their lives are regulated, made intelligible, or rendered invisible through institutional processes. In doing so, I explore how heteronormativity, cisnormativity, and gender binarism shape policy enactment in subtle but powerful ways (Warner, 1993; Butler, 2004; Nicolazzo, 2017). I also attend to the broader ideological and political landscapes within which universities operate, particularly the pressures of neoliberalism, performative inclusion, and the rise of managerialism, which complicate efforts to create inclusive environments.

These policies do not operate in isolation; they are deeply embedded in the wider societal dynamics that shape how inclusion is understood, enacted, and/or resisted in higher education. Among these are the increasing neoliberalisation of the university, where inclusion is often commodified or reframed as marketable 'diversity' (Ahmed, 2012; Taylor, 2020). Austerity and public funding constraints further limit the scope of meaningful inclusion, often pushing institutions toward symbolic gestures

over structural change (Bhopal, 2022). Simultaneously, the rise of anti-gender and anti-trans moral panics, fuelled by media narratives and political actors, creates a hostile climate for queer and trans inclusion, particularly in policy areas such as curriculum design, campus speech, and access to facilities (Pearce et al., 2020; Whittle, 2021). For example, the Equality and Human Rights Commission's (EHRC) recent review of single-sex and gendered space policies shows how cisheteronormative norms can persist within institutions even in compliance contexts (EHRC, 2025). At the same time, an Amnesty International UK report highlights how anti-rights campaigns, which target reproductive freedoms and LGBTQIA+ rights, are intensifying: 65 anti-rights groups operating in the UK collectively spent over £106 million between 2019 and 2023, a 33% increase in just a few years. These examples highlight how broader political economies, and hostile social currents continue to shape the terrain in which universities may or may not attempt to enact inclusion (Amnesty International, 2025). Government-level discourse around 'freedom of speech' in universities also works to re-centre dominant voices and de-legitimise equity work as 'ideological' (Bhambra et al., 2020). These socio-political forces fundamentally shape not just what gets included in institutional policies but whose identities are recognised, protected, or marginalised within them. My study is positioned within these broader social and ideological dynamics, recognising them as integral to both the content of EDI policies and the tensions that emerge when such policies are interpreted and enacted within institutions.

The core problem this thesis addresses is the persistent gap between EDI policies and their enactment within Scottish HEIs. Despite the legislative foundation of the Equality Act 2010 and Scotland's devolved public sector equality duties, lived experiences of queer and trans staff and students continue to reflect marginalisation,

performative inclusion, and uneven institutional implementation (Advance HE, 2020; Pearce et al., 2020). These tensions became particularly visible amid political debates over gender recognition reform (BBC News, 2022; Brooks, 2025), media-driven anti-trans narratives (Topping, 2021), and institutional decisions regarding Stonewall affiliation across UK public bodies and universities (Morrison, 2021; University College London, 2021; Sabbagh, 2023). This problem extends beyond policy absence, instead highlighting symbolic or contested enactment, a concern documented within the Scottish context but under-explored in relation to LGBTQIA+ inclusion. As Riddell and Weedon (2009, 2014) show, inclusion discourses in Scottish education often conceal structural inequalities and institutional inertia, especially under conditions of austerity and devolved governance.

My rationale for focusing on Scottish HEIs rests in two areas. First, Scotland's devolved education system presents a distinctive policy environment, characterised by its own specific public sector equality duties for Scottish public authorities (CRER, 2024; University of Edinburgh, 2024), and a funding and governance landscape in which universities negotiate national Outcome Agreements with the Scottish Funding Council in return for public investment (Scottish Funding Council, 2023a, 2023b). This sits alongside a long-standing policy commitment to free undergraduate tuition for Scottish-domiciled students, framed in public discourse around access based on *“ability to learn rather than ability to pay”* (Adams, 2025). Second, in my professional experience working within the Scottish higher education (HE) sector, I observed firsthand how institutional actors negotiate both UK-wide mandates and devolved priorities, often generating policy slippage, conflict, and critical absenteeism in institutional practice. This research therefore seeks to explore how LGBTQIA+ inclusion policies are interpreted and enacted within the specific political and

institutional textures of Scottish HEIs through the eyes of EDI practitioners, and how these interpretations reveal broader challenges in operationalising equity frameworks.

The issues outlined above point to a significant and unresolved set of concerns within Scottish higher education. While legislative frameworks such as the Equality Act 2010 and institutional commitments to EDI may appear comprehensive, there remains a persistent gap between policy intention and lived experience. This gap is particularly visible in relation to the inclusion of queer and trans people, whose needs are often addressed symbolically rather than substantively. The complexity of this context, and the contradictions that emerge between formal equality and everyday institutional practice, form the backdrop to this study.

While the primary focus of this study is on Scottish HEIs, it also incorporates insights from a key National Education Staff Organisation (NESO). The NESO plays a sector-wide role in advocating for LGBTQIA+ equality, shaping national policy guidance, and influencing institutional practice across Scotland. Including perspectives from NESO representatives allows the study to capture cross-institutional dynamics that individual universities alone cannot provide. This broader lens complements the institutional case studies, ensuring that the research addresses both the local enactment of policy within HEIs and the wider sectoral forces that shape these enactments.

In the next section, I define the specific research problem that this thesis seeks to address. I consider how LGBTQIA+ inclusion is understood and operationalised within university policy, how these policies are enacted in practice, and what these

processes reveal about the limits and possibilities of institutional change in higher education.

## 1.2 Framing the research problem

The societal dynamics of cisheteronormativity, the interlocking assumption that heterosexuality and cisgender identities are the norm, often realised as gender binaries and entangled in broader structural inequalities, continue to shape the experiences of LGBTQIA+ people in higher education. The phrase *gender binaries* refers to the socially enforced division of gender into two mutually exclusive categories: male and female. This binary logic rests on the normative assumption that biological sex naturally produces a corresponding gender identity in a linear and coherent way. Butler (1991) challenges this logic in *Gender (In)subordination*, arguing that *'there is no 'I' that precedes the gender that it is said to perform'* (p. 24), thereby disrupting the idea that gender simply expresses an underlying sexed truth. Such assumptions frequently shape institutional policy and practice, leaving little room for trans, non-binary and gender-diverse identities. This is closely linked to cisnormativity, the assumption that all people identify with the gender they were assigned at birth, which frames non-cisgender identities as exceptional, disruptive, or invisible within policy frameworks (Enke, 2012; Johnson, 2016). Enke (2012, p. 64) makes this explicit by stating 'Cisnormativity refers to the cultural and legal assumption that all people are, and should be, cisgender'. These dynamics intersect with legislative frameworks such as the Equality Act 2010, which mandates action on nine protected characteristics, including sexual orientation, gender reassignment, and sex. However, protected characteristics can often operationalise in reductive or siloed ways, obscuring intersectionality and lived complexity (Crenshaw, 1991; Ahmed, 2012). The Equality Act provides a minimum legal baseline, but in practice,

the interpretation and enactment of this legislation are deeply influenced by institutional priorities, leadership ideologies, and socio-political context.

This study is situated in the period from 2020-2023, which represents a particularly turbulent era for LGBTQIA+ policy in Scottish and UK HE. Key developments include the Scottish Government's Gender Recognition Act reform processes (2018–2019; 2022), which generated significant political and public controversy, as reported through national outlets such as the *Scottish Parliament News Service* (Scottish Parliament, 2022). During this period, growing opposition emerged regarding UK universities' partnerships with Stonewall, culminating in University College London's formal withdrawal from the Stonewall Diversity Champions Programme and Workplace Equality Index in December 2021 (University College London, 2021). Similar tensions surfaced in Scotland, where several universities, including the University of Glasgow, University of Edinburgh, and Robert Gordon University, declined to participate in Stonewall's Workplace Equality Index for 2022, a development covered by national media debates over the role of Stonewall in higher education governance (Kelleher, 2022). Parallel to these debates, the UK Government advanced proposals for strengthened freedom of speech duties in universities through what would become the Higher Education (Freedom of Speech) Act, framed in media reports as part of a wider political emphasis on free speech and academic freedom (ITV News, 2025). Collectively, these developments created uncertainty about institutional commitment to LGBTQIA+ inclusion, amplifying the pressures and contradictions faced by EDI practitioners tasked with interpreting and enacting inclusion policies within a rapidly shifting political landscape.

Given this contested political context, the concept of inclusion, while ubiquitous in university policy and discourse, remains contested. Scholars argue that inclusion is

frequently framed through a neoliberal logic that prioritises visibility, representation, and reputational gain over structural justice (Ahmed, 2012; Puar, 2007; Halberstam, 2011). Initiatives such as Stonewall Workplace Index submissions, LGBTQ+ History Month events, and unconscious bias training are often celebrated as signs of progress. Yet these efforts may mask ongoing harm, exclusion, or resistance experienced by LGBTQIA+ staff and students, especially those who are trans, non-binary, racialised, or working class (Nicolazzo, 2017; Bachmann and Gooch, 2018; Seidman, 2005).

In this thesis, I use the acronym LGBTQIA+ to reflect a commitment to inclusivity, even while acknowledging that the policies examined and participants interviewed may not always fully represent the full diversity of this umbrella term. Most institutional EDI frameworks formally refer to 'LGBT' or 'LGBTQ+', and participant identities within this study are primarily lesbian, gay, bisexual, trans, or queer-identified. However, I intentionally use LGBTQIA+ as a political and ethical gesture, recognising a broader spectrum of sexual and gender-diverse identities, including intersex, asexual, and agender people, who are often erased in institutional discourse. This usage aligns with queer, trans, and feminist commitments to naming absence and resisting normativity (Ahmed, 2012; Nicolazzo, 2017). Where specific terms (e.g., 'trans', 'non-binary') are used in research or documents, I reflect that language directly. This approach balances the need for accuracy with a critical awareness of the gaps and exclusions within EDI policy itself.

I also refer to 'the LGBTQIA+ community' and, at times, 'the LGBTQIA+ HEIs community.' I acknowledge that the term 'community' can risk oversimplifying or homogenising a group of people with diverse, and at times conflicting, identities, experiences, and politics (Formby, 2017; Nicolazzo, 2017). The use of 'community'

may suggest unity or shared purpose, when in fact power differentials, exclusion, and fragmentation often exist within and between LGBTQIA+ groups, particularly across intersections of race, class, disability, gender identity, and trans inclusion. As Formby (2017, p. 84) states, 'not everyone feels a sense of belonging to an LGBT community. For some, it can be an exclusionary or even hostile space'. I use the term critically and intentionally to resist the depoliticised individualisation often present in institutional discourse, and to signal a collective struggle against cisheteronormativity and institutional marginalisation. Where specificity is needed, I refer to particular identity groups (e.g., trans students, queer staff).

Throughout this thesis, I use both gay man and queer individual to describe myself. This was not a deliberate progression from one to the other, but rather a reflection of how my sense of self shifted depending on context, tone, and what I was trying to convey. Sometimes *gay man* felt more appropriate, particularly when discussing personal experiences of sexuality, discrimination, or policy. At other times, *queer individual* better captured the critical, politicised, and non-normative stance I take as a researcher engaging with issues of structural inequality and resistance. As Halperin (2003) notes, these terms are not mutually exclusive, one can be both gay and queer, and many people move between them fluidly. My use of language reflects this fluidity. The term *queer* allows for resistance to fixed categories and normativity (Jagose, 1996; Warner, 1993), while *gay* speaks to a more specific identity that remains significant to me. Callis (2014) argues that using multiple labels is not a contradiction but a way of expressing the complexity of lived experience, and Formby (2017) similarly highlights how LGBTQ+ people often shift between identity terms based on mood, audience, or purpose. This movement between terms in my

thesis is intentional in its inconsistency, it reflects the nuance, multiplicity, and emotional truth of writing from a queer, critical, and personally invested position.

### 1.3 Key Concepts and terminological clarifications

This thesis engages with several interrelated concepts that are central to understanding the mechanisms of exclusion and the politics of inclusion in HE.

These include heteronormativity, the gender binary, neoliberalism, marketisation, homonormativity, microaggressions, and the policy-implementation gap. Rather than defining these terms in this chapter, I signpost them here to highlight the conceptual foundations that underpin my investigation. These concepts are critically unpacked in Chapter 2, where they are situated within the broader theoretical framework, drawing on critical theory, queer and feminist theory, and scholarship on higher education policy and governance. This allows for a fuller exploration of how structural inequalities are reproduced, resisted, and reframed within the institutional and policy contexts of Scottish higher education.

In this thesis, I use the term programming to describe structured institutional interventions aimed at promoting LGBTQIA+ inclusion. Programming is a deliberately broad term that encompasses a range of practices: formal policies, staff and student training, awareness campaigns, allyship initiatives, support groups, and events led by EDI teams. Within this framing, training is treated as one important component of programming, but not the only one. This choice reflects my intention to analyse programming as the broader infrastructure of institutional practice, while recognising that training receives particular attention in both my policy analysis and interview data. I ensure consistency across the thesis, so that references to training are always understood as part of a wider set of institutional initiatives by defining programming in this way.

## 1.4 Researcher positionality and motivation

This study is motivated not only by scholarly interest but by personal and professional experience. I have worked in Scottish HEIs since 2018, in roles focused on EDI at both institutional and national levels. During this time, I directly observed how EDI policies were developed, implemented, and resisted within organisational structures, particularly around LGBTQIA+ inclusion, which often appeared tokenistic, depoliticised, or surface level. My work took place during a period of heightened political and policy debate in Scotland and the UK more broadly: the rise and backlash to the Gender Recognition Act reform (2022), Freedom of Speech Bill proposals, polarised media discourse around trans students and staff, and increasing scrutiny of organisations aligned with Stonewall. These developments shaped the institutional climate I worked within and ultimately motivated this research.

My own identity also informs this work. At various points, I refer to myself as a gay man or a queer individual, not inconsistently, but reflectively. These descriptions reflect different moments of self-understanding during the research process. The term 'queer' allows me to align with anti-normative, politicised critiques of institutional structures, whereas 'gay man' has been more useful in navigating formal professional spaces. This fluidity mirrors the very challenges queer and trans people face within categorised policy frameworks. As a working-class, neurodivergent queer person working inside elite academic and policy spaces, I am positioned at the intersection of multiple systems of privilege and marginalisation. This positionality shaped how I interpreted institutional texts, how I approached participants, and how I analysed resistance to policy enactment. Rather than presenting myself as a neutral

observer, I locate myself within the problem, not outside of it, and use this position to guide a reflexive, critical methodology throughout.

In framing these research questions, I am particularly interested in how the 'effectiveness' of EDI work is understood within institutions. Effectiveness here relates directly to my aim of exploring the perceived value and limits of LGBTQIA+ inclusion policies, and how these are interpreted in practice.

I use the term 'effectiveness' not in a positivist, measurable sense, but in a more interpretive and situated way. Rather than offering generalisable assessments or quantitative evaluations, I focus on how participants perceive the success, failure, or contradictions of EDI policies and practices in their institutional settings. This approach is grounded in interpretive policy analysis, which centres meaning making and lived experience over predefined outcomes. Following Ball's (1993, 2012) conceptualisation of policy enactment, I understand effectiveness as contingent, negotiated, and often shaped by institutional politics, discourses, and resistance. Moreover, this study considers not only perceptions of effectiveness, but also the broader effects of EDI initiatives, including symbolic or non-performative actions (Ahmed, 2012), unintended consequences, and the institutional logics they reproduce.

## 1.5 Research questions

This thesis is driven by four key research questions that aim to unpack the intricacies of policy development, leadership perceptions, and the practical realities of LGBTQIA+ programming in Scottish universities. These questions are designed to explore both the historical evolution of EDI policies and the current perceptions of those responsible for their enactment:

- **RQ1:** How have official university policies evolved in relation to EDI issues and protections following the Equality Act 2010?

This question aims to chart the changes in institutional policy frameworks, analysing how universities have responded to the legal obligations imposed by the Equality Act 2010. It seeks to uncover whether these policies have developed to reflect the changing social and legal expectations around equality and inclusivity, particularly in relation to LGBTQIA+ individuals.

- **RQ2:** What types of LGBTQIA+ inclusive programming have EDI leaders implemented at universities to align with institutional policies?

The second question focuses on the practical measures that universities have put in place to support LGBTQIA+ students and staff. It examines the specific initiatives and programmes designed to promote inclusivity, looking at how these align with broader institutional policies and whether they successfully meet the needs of LGBTQIA+ individuals.

- **RQ3.1:** How do university EDI leaders perceive the usefulness of LGBTQIA+ programming in serving LGBTQIA+ individuals within their institutions?

This question seeks to understand the perspectives of EDI leaders, investigating their views on the effectiveness of LGBTQIA+ programming. By focusing on their perceptions, the research aims to assess whether these programmes are seen as effective tools for fostering inclusivity or if they face barriers to implementation and success.

- **RQ3.2:** What are the perceptions of EDI leaders regarding the role of EDI policies in facilitating or restricting the implementation of quality LGBTQIA+ programming?

The final question explores how EDI leaders view the role of institutional policies in either enabling or hindering the success of LGBTQIA+ initiatives. It focuses on the practical challenges that arise from policy implementation, asking whether these policies are seen as supportive frameworks or as obstacles that limit the scope of meaningful inclusivity.

While these research questions are framed around the experiences of staff within Scottish HEIs, the inclusion of the NESO provides sector-level insights that highlight how national policy guidance and advocacy shape institutional responses.

Taken together, these questions are anchored in the conceptual frameworks that underpin the thesis. RQ1, which examines the evolution of institutional policies following the Equality Act 2010, is situated within the macro-level logics of neoliberalism and the dynamics of policy implementation versus enactment. RQ2, which explores programming and institutional initiatives, engages with meso-level mechanisms, including cisheteronormativity, heteronormativity, and the reproduction of gender binaries in HEIs practice. RQ3.1 and RQ3.2, which focus on the perspectives of EDI leaders, are grounded in queer and trans politics and highlight how institutional actors negotiate the policy-implementation gap. Across all questions, intersectionality functions as a cross-cutting analytic, emphasising how multiple systems of power and identity intersect to shape both institutional policy and lived experience

## 1.6 Conclusion and structure of the thesis

This introduction has outlined the background to the study, the rationale for undertaking the research, and the theoretical and policy context that frames it. The remainder of this thesis is organised as follows. Chapter 2 reviews relevant literature on equality law, EDI policy frameworks, and theoretical perspectives, with a

particular focus on neoliberalism (Ball, 2016), queer theory (Butler, 2004; Ahmed, 2012), and intersectionality as critical social theory (Collins, 2019). It also situates the study within debates on the policy-implementation gap (Barnhizer, 2004; Hudson, Hunter, and Peckham, 2019), a persistent challenge in HEIs equality work. Chapter 3 outlines the methodological approach, including the qualitative research design, data collection, and analysis procedures. Chapter 4 presents the policy analysis of LGBTQIA+ EDI documents from Scottish universities, while Chapter 5 examines insights from interviews with representatives of a National Education Staff Organisation. Chapter 6 focuses on the perspectives of EDI staff within universities, analysing how policy is interpreted and enacted in practice. Finally, Chapter 7 synthesises the findings, discusses their implications in relation to existing literature and theoretical frameworks, and concludes by outlining the contributions of the study, its implications for policy and practice, and directions for future research.

## Chapter 2: Literature Review – situating policy, power and queer and trans resistance, and theoretical framework

### 2.1 Overview and purpose

In this chapter, I bring together key literature, theoretical traditions, and political critiques to establish the conceptual and analytical foundation of this study. I do not treat theory as abstract or separate from lived experience. Instead, I position it as something grounded, embodied, and situated. The voices I cite, scholars, activists, and practitioners, are not simply referenced but engaged with critically. They help me question how inclusion is framed, enacted, and resisted in higher education, particularly in the Scottish context. This chapter does not aim to provide a neutral

overview of 'what the literature says,' but rather to map the discursive landscape that this research both draws from and intervenes in.

I begin by querying the concept of inclusion. Drawing on my own professional and lived experience as a queer researcher and EDI practitioner, I ask what it means to be 'included' into systems that remain shaped by cisnormativity, whiteness, market logic, and institutional control. I then introduce the four intersecting theoretical lenses that underpin my research: queer, trans, and feminist theories (Butler, 1990; Halberstam, 2011; Ahmed, 2012), critical and neoliberal theory (Brown, 2015), and critical policy studies (Ball, Maguire, & Braun, 2012; Shore & Wright, 2015). These perspectives are not added on for conceptual decoration, they shape the way I read documents, listen to participants, and analyse institutional discourse.

Next, I clarify and define key terms that are essential for the thesis. I do so not as an exercise in rigid categorisation, but to make transparent how language functions politically in this work. These terms are not static. They are organised, resisted, and redefined by those who live through the institutional landscapes I examine.

The chapter then turns to the question of how policy is enacted in HEIs. I use insights from policy enactment theory (Ball, Maguire and Braun, 2012) to explore why inclusion policies often fail to translate into meaningful change. This leads into the introduction of my analytical framework, which centres four dimensions of enactment: interpretive space, material supports, instrument mix, and governance/sabotage. These provide a practical and critical scaffold through which I examine how inclusion policy is interpreted, resisted, and reworked across institutions.

Finally, I map the broader institutional and historical landscape. I trace the development of EDI in UK and Scottish HEIs, including the impact of legislative milestones such as the Equality Act 2010 and the Public Sector Equality Duty (PSED) the legacy of Section 28, and the rise of charter marks like Athena Swan and the Stonewall Diversity Champions programme. I also consider the pushback and resistance to these initiatives, including media coverage, 'freedom of speech' debates, and institutional fatigue. Throughout this discussion, I remain committed to viewing inclusion not as a tick-box outcome, but as an ongoing struggle, one that is relational, deeply political, and always unfinished.

This chapter, then, is not simply a review of literature. It is a space where I situate myself, where I make explicit the conceptual and political commitments that guide this research, and where I prepare the ground for the policy and interview analysis that follows.

Before turning to the theoretical and political frameworks that shape this study, I first define key terms such as heteronormativity, neoliberalism, and intersectionality to support the reader's understanding throughout.

## 2.2 Key Concepts and definitions

### 2.2.1 Acronym use and language positioning

Throughout this thesis, I use the terms LGBTQIA+, queer, and trans with intention and care. I recognise the limitations and contested nature of umbrella acronyms, particularly in their tendency to flatten complex identities and political struggles (Fox and Ore, 2010; Riggs, 2007). I have chosen to use LGBTQIA+ as the primary term to encompass lesbian, gay, bisexual, transgender, queer, intersex, asexual, and other minoritised gender and sexual identities, while also recognising that this acronym is neither exhaustive nor universally accepted.

In some instances, I use the shorter terms LGBT, queer, or trans depending on the policy document, participant language, or context under discussion. Where direct quotes or policy extracts use alternative acronyms, I retain these to maintain fidelity to the original text. My broader use of the term queer is both political and methodological, informed by queer theory's attention to normativity, power, and social reproduction (Butler, 1990; Sedgwick, 1993; Ahmed, 2006). Where appropriate, I pair queer and trans together to centre gender variance and trans experiences, particularly when discussing forms of institutional exclusion and norm enforcement (Spade, 2015; Nicolazzo, 2016).

Moreover, I use both sexual orientation and sexuality, depending on context. Sexual orientation is typically used in legal and policy discussions, particularly where alignment with protected characteristics in the Equality Act 2010 is relevant. In contrast, I use the term *sexuality* in more critical and theoretical contexts, drawing on queer theory and sociocultural approaches to explore how desire, identity, and normativity are constructed and regulated. This deliberate variation reflects the dual nature of this study, situated within both policy frameworks and critical queer and trans analysis, and acknowledges the tensions between fixed legal categories and fluid lived experiences.

Understanding the complexities and political dimensions of language and identity is central to this study, but terminology alone cannot account for the deeper mechanisms through which exclusion and power operate. So, I can analyse these mechanisms within HEIs policy and practice, it is necessary to clarify the conceptual landscape that highlights this research. The following section defines and situates key terms and concepts that form the basis of the analytical framework. These are not neutral definitions, but critical and situated ones, selected for their relevance to

the research questions and informed by the theoretical traditions of queer, critical, feminist, and policy studies. Each term is presented in relation to how it functions within the broader social and institutional contexts explored in this thesis.

Given the interdisciplinary nature of the research, concepts are drawn from education studies, policy sociology, gender and sexuality studies, and critical theory. The purpose here is not only to define terms but to explain how they are operationalised within the analytical framework and applied to the data. They are presented in an order that reflects both the ideological and practical dimensions of higher education, moving from broad structural logics to more situated, embodied experiences.

#### *2.2.1.1 Neoliberalism*

Neoliberalism is treated as a governing rationality that reduces education to economic exchange and knowledge to marketable product (Brown, 2015; Rizvi and Lingard, 2010). It is the backdrop against which inclusion policies are often developed, offering solutions to problems it itself generates. This paradox is key to understanding why many policies appear progressive while remaining largely symbolic. Neoliberalism's influence on how universities structure their priorities and communicate inclusion must therefore be foregrounded. Neoliberal logics are central to understanding how inclusion is shaped and constrained in contemporary HEIs. Brown's analysis is particularly useful here, as it highlights how neoliberal rationality reframes institutions, subjects, and social relations through market-based thinking. As Brown (2015, p. 31) argues, 'Neoliberal rationality disseminates the model of the market to all domains and activities - even where money is not at issue - and configures human beings exhaustively as market actors, always, only, and everywhere as homo oeconomicus'. I follow Brown here because this definition

captures how neoliberalism reframes HE into a market system, within which EDI itself becomes economised.

#### *2.2.1.2 Marketisation of HE*

Marketisation follows as a mechanism of neoliberal governance. It refers to the restructuring of universities along market lines, including the adoption of corporate management practices, performance-based metrics, and student-as-consumer models (Slaughter and Rhoades, 2004; Brown, 2015). This reorientation has implications for how inclusion is framed, often in ways that are quantifiable and brand-friendly but disconnected from the lived realities of staff and students.

#### *2.2.1.3 Policy implementation gap*

While neoliberalism frames institutional logics and marketisation shapes organisational practice, this study also attends to the policy-implementation gap, the disconnect between policy intentions and their real-world enactment. Drawing on Ball et al. (2012), the policy-implementation gap helps to frame how inclusion policies can falter in translation, whether due to lack of institutional commitment, insufficient resources, or inconsistent interpretations by staff. The term also reflects Barnhizer's (2004) critique of policy failure and Cheung and Chan's (2008) exploration of the limits of policy support. This thesis explores the lived disjuncture between official rhetoric and daily practice.

#### *2.2.1.4 Heteronormativity*

One intersecting axis of inequality that emerges across policy and institutional culture is heteronormativity. As described by Warner (1991) and Ahmed (2006), this concept refers to the institutional and cultural assumption that heterosexuality is the norm or default. In the context of HE, heteronormativity is deeply entangled with cisnormativity, forming what trans studies scholars such as Stryker (2008), Enke

(2012), and Johnson (2016) describe as *cisheteronormativity*: the mutually reinforcing expectation that people are both heterosexual *and* identify with the gender they were assigned at birth. Heteronormativity shapes university policies, pedagogies, and social life, and is central to understanding the kinds of exclusions that operate even within formal frameworks of inclusion, which often presume binary gender roles and heterosexual identities. Ahmed (2006, p.91) is explicit, 'Heteronormativity is a regime that organises the world through the assumption of heterosexuality as the foundation of social life'. This definition highlights heteronormativity as a regulatory force, not a neutral descriptor, which is why I adopt it for analysing HEIs policy.

#### *2.2.1.5 Gender binary*

Closely tied to heteronormativity is the gender binary, a socially constructed division of gender into two opposite and complementary forms: male and female. Defined by Butler (1990, 2004) and expanded through Serano (2007), the gender binary reinforces many aspects of institutional policy and practice and functions as a structuring norm that delegitimises non-binary and trans identities. Its persistence in policy design limits possibilities for trans-inclusive approaches. Butler (1990, p. 43) captures this by arguing that 'Gender is the repeated stylization of the body, a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce the appearance of substance'. I adopt this definition because it aligns with my queer and trans framework that treats the binary as performative rather than natural. Moreover, Nicolazzo (2017, p. 25) writes that 'trans people challenge the notion of what is assumed to be absolute (e.g., the gender binary),' and that some even 'readily embrace cultural unintelligibility' (p. 24). I draw on this to argue that trans identities go beyond binary norms. Yet, Scottish HEIs policies often assume those

binaries still hold, making it difficult for gender identities to be recognised or supported in practice.

#### *2.2.1.6 Homonormativity*

Even within queer inclusion, homonormativity (Duggan, 2002) shapes which identities are legitimised. This concept describes the assimilationist politics that elevate certain queer identities (e.g., white, middle-class, gender-conforming gay men) while marginalising others. In policy discourse, homonormativity may manifest through selective representation or prioritisation of palatable queer narratives, reinforcing dominant norms under the guise of inclusion.

#### *2.2.1.7 Post-closet era*

Discourses around visibility, particularly the so-called post-closet era, further complicate how inclusion is understood. Drawing on Sedgwick (1993) and McCormack (2012), this term refers to contemporary assumptions that being out is now safe, expected, or neutral. However, such framings can obscure ongoing risks and exclusions faced by queer and trans individuals. The post-closet thesis often fails to account for intersecting marginalisations and geographic or institutional unevenness.

#### *2.2.1.8 Microaggressions*

At the level of day-to-day interactions, microaggressions expose the limitations of institutional inclusion. Defined by Sue et al. (2007) and Nadal et al. (2011), microaggressions are subtle, everyday insults, invalidations, or exclusions that accumulate over time to create hostile environments. Their relevance to this study lies in how they evidence the gap between formal policy commitments and actual lived experiences.

### *2.2.1.9 Intersectionality as a critical conceptual tool*

While not used as a core analytical lens within this thesis, intersectionality plays an important conceptual role in informing how institutional policy and lived experience are understood. Originating in the work of Crenshaw (1991), intersectionality draws attention to how systems of power, such as racism, sexism, transphobia, ableism, and classism, interact to produce layered and compounding forms of marginalisation. In the context of LGBTQIA+ inclusion in higher education, this concept is crucial to understanding how some identities become more vulnerable to institutional exclusion than others, even within well-intentioned EDI frameworks.

Intersectionality is particularly relevant in highlighting the limitations of policies that treat LGBTQIA+ identities as a singular or isolated category. For example, a university policy that references 'LGBT staff support' may appear inclusive but often fails to consider the different lived realities of a white cisgender gay man compared to a racialised non-binary person with a disability. Crenshaw (1991) termed this kind of oversight structural marginalisation, and more recent work by Collins (2019) has pushed intersectionality into the realm of critical social theory, emphasising its usefulness in interrogating the distribution of institutional power and recognition. These critiques resonate with Ahmed's (2012) call for institutions to examine how policies not only include but also exclude through their framing of 'diversity'.

Throughout this thesis, intersectionality is referenced as a conceptual anchor that supports deeper analysis of how LGBTQIA+ staff and students experience HEIs. While it does not support the design of the analytical framework directly, it provides a critical lens through which to assess policy omissions and participant narratives that signal uneven access to inclusion. The concept is most relevant where participants discuss compounded forms of exclusion, such as being both queer and working

class, or trans and disabled, and where policies fail to account for such intersectional realities. Collins (2019, p. 46) offers a critical definition, 'Intersectionality references the complex, irreducible, varied, and variable effects which ensue when multiple axes of differentiation... intersect in historically specific contexts'. I work with this definition because it moves intersectionality away from a checklist of identities and towards a way of thinking about power and history. This fits my study as I am less interested in simply naming different social categories and more concerned with how they interact in practice, how class, race, gender and sexuality combine to shape experiences of inclusion or exclusion in Scottish HEIs.

These concepts form the foundation for both the analytical framework and the interpretation of empirical data, shaping how inclusion, marginalisation, and institutional change are understood in the context of HEIs.

#### *2.2.1.10 Intersectional perspectives: socioeconomic factors*

While gender and sexual identity remain foundational to understanding LGBTQIA+ experiences, economic conditions critically shape these experiences in higher education. Notably, LGBTQ students often face heightened material hardship even within research institutions, impacting housing, food security, and academic stability (Mollet et al., 2024). Similarly, LGBTQ professionals, encounter persistent structural barriers related to race and class, complicating equity goals in institutional settings (Wright-Mair et al., 2022).

Moreover, socioeconomic status metrics such as income and homeownership remain lower for gay and bisexual men compared to heterosexual peers regardless of education levels, suggesting that institutional proximity does not negate broader economic disadvantage (Hernandez et al., 2023). Among black and ethnic minority LGBTQ people, lower family SES lacked encouragement to pursue HE but did limit

access to vital application information and support, making resource gaps more significant in HE pathways (Conron, 2023).

Incorporating a socio-economic lens enriches the interpretive frame of this study. Institutional EDI policies often presume resource access and financial stability, overlooking the lived realities of marginalised groups who may struggle to engage meaningfully with inclusion initiatives. This intersectional perspective enhances the critical analysis of policy coverage and participant narratives throughout the thesis.

In the following sections, I introduce the theoretical and conceptual lenses that shape this thesis, beginning with neoliberalism and marketisation. These frameworks help explain the institutional and economic logics that highlight the performative inclusion practices discussed throughout the study.

### 2.3 Theoretical framework: a critical, lived and structural approach to EDI policy in higher education

Throughout the research process, I have been motivated by scholarly interest and lived experience. As a result, the research is grounded in a deliberately critical and interdisciplinary theoretical framework. As someone who has worked in, around, and sometimes against the systems that claim to advance EDI, I approach theory as both a set of conceptual tools and a political practice. The policies and interview data I analyse in this thesis are not simply technical documents or responses to my questions. They are shaped by institutional priorities, economic logics and discursive constraints that often determine whose lives and needs are represented and whose are overlooked.

I use the term representation throughout this thesis to mean inclusion of queer and trans identities in institutional documents, language, and curriculum examples, such

as policy wording and diversity statements. In contrast, material inclusion extends beyond symbolic representation, focusing on tangible outcomes, including increased presence and influence of queer and trans individuals in positions of institutional power and decision-making roles, as well as deliberate citation politics that amplify queer, trans, and feminist scholarship.

I bring together four overlapping areas of theory: queer, trans and feminist theory, critical theory, neoliberal and class analysis, and critical policy studies, to examine how LGBTQIA+ inclusion is understood and enacted in HEIs. These bodies of work inform the four analytical lenses that guide the thesis; interpretive space, material supports, instrument mix, and governance/sabotage, which are applied flexibly across the data.

This framework is not designed to fix problems with policy delivery. Rather, it seeks to disrupt the conditions under which EDI in HEIs is imagined, who it is for, how it is performed, and who it leaves out. I position inclusion not as a linear or technical solution, but as a contested and often uncomfortable process shaped by uneven power relations, competing priorities and limited resources.

### 2.3.1 Neoliberalism and class

This section of the framework situates EDI policy within the broader economic and structural logics that shape the university. I draw on a wide range of critical literature to position HEIs not simply as neutral providers of knowledge, but as active agents in the reproduction of social and economic hierarchies. I understand universities as operating within increasingly corporatised and marketised systems, where academic capitalism (Slaughter and Rhoades, 2004) has redefined education as a product, students as consumers, and inclusion as a reputational asset. Therefore, I approach neoliberalism not only as a set of economic policies but as a rationality that redefines

what it means to be educated, who deserves access, and how value is assigned within the academy (Brown, 2015). It is within this context that EDI policy is often designed, implemented, and experienced.

The corporatised university, as described by Kirk (2014) drawing on Steck (2003), is characterised by the adoption of managerial practices, brand culture, and entrepreneurial leadership. In this environment, institutional priorities are shaped not only by funding pressures and global rankings, but also by business-like metrics of performance, efficiency, and output. This shift has profound implications for the way EDI policy is framed and enacted. It is no longer sufficient to promote justice or equity on moral grounds, initiatives must demonstrate their alignment with strategic goals, audit requirements, or funding conditions to be legitimised.

This is echoed by Hazelkorn (2015) and Molesworth, Scullion, and Nixon (2011), who argue that the pursuit of visibility, branding, and competitive advantage often overrides slower, more relational forms of change. Initiatives like Stonewall rankings or Athena Swan awards are prioritised because they offer measurable outcomes and external recognition. Meanwhile, critical pedagogies, long-term cultural work, or intersectional approaches to inclusion remain underfunded, sidelined, or rendered invisible. Brown's (2015) critique of neoliberal rationality is particularly helpful here: she argues that neoliberalism does not necessarily reject the principles of equity or inclusion, but reconstitutes them in ways that are measurable, marketable, and depoliticised.

As Ball (2012) puts it, universities have become saturated by the logic of performativity. In this culture, value is assigned to what can be evidenced: policy

becomes performance, and impact becomes something to be demonstrated rather than felt.

From my own perspective working in and with EDI teams, I have witnessed how this dynamic constrains policy action. Research on sector EDI practices shows that funding is frequently tied to external recognition schemes and reputation management rather than meaningful internal change (Advance HE, 2020; Ahmed, 2012). Training can become superficial or compliance-oriented, functioning as a box-ticking exercise rather than a space for critical engagement (Fleming, 2021; Ahmed, 2012). The emotional and labour burdens of this work disproportionately fall on minoritised staff, who are often positioned as both symbolic and practical agents of change (Loveday, 2018; Taylor, 2020). As Brown (2015) argues, neoliberal rationality can co-opt the language of inclusion while hollowing out its transformative potential.

Kirk's critique further reminds us that managerialism and entrepreneurialism are increasingly seen as desirable traits in university leadership. This is not a neutral shift. It shapes how EDI strategies are framed, who is empowered to lead them, and what kinds of knowledges are deemed legitimate. Lieberwitz (2005) and Silvey (2002) have warned that these new alliances between universities and private interests often conflict with academic values, a tension that becomes particularly sharp when inclusion is instrumentalised for institutional gain.

This lived tension is central to understanding how policy is interpreted and enacted. As Breeze, Taylor, and Costa (2019) argue, neoliberal universities not only restructure institutions, but also reshape subjectivities. Staff are increasingly required to internalise values of productivity, flexibility, and competitiveness. For queer, racialised, or working-class staff, those whose bodies, ways of knowing, or lived

realities challenge dominant norms of academic success, this creates deep friction.

The emotional regime of EDI work becomes another site of inequality.

This critical synthesis of neoliberal governance, managerialism, performance cultures, and the market logics shaping HEIs supports my broader analytical framework. It helps explain why funding is often conditional on visibility, why training is frequently superficial, and why implementation tools are selected for their auditability rather than their transformative potential. It also frames how I interpret the 'material supports' and 'instrument mix' explored later in this chapter and sets the groundwork for understanding policy not as a neutral or benevolent force, but as one shaped by the structural and ideological conditions of the neoliberal university.

Neoliberalism not only shapes institutional governance but also constructs knowledge itself as a commodity. Within the knowledge economy, HE is framed as a site of economic value production, where the logics of competition, efficiency, and quantifiable outputs dominate. As Rizvi and Lingard (2010) note, this has led to the marketisation of learning, where students are reframed as consumers and inclusion becomes a reputational asset. These dynamics set the stage for understanding how EDI policy is positioned and instrumentalised in universities.

In this thesis, neoliberalism is therefore not simply a backdrop to inclusion policy, it is the terrain on which inclusion is negotiated, shaped, constrained and sometimes resisted. The following sections extend this critique by exploring how queer, trans and feminist theories interrogate the identity categories and politics of recognition that operate within this terrain.

### 2.3.2 Queer, trans and feminist theory

My approach to this research is deeply rooted in feminist, queer, and trans perspectives that interrogate power, normativity, and the structural and affective conditions shaping inclusion. These theories are not simply abstract frameworks for me, but lived lenses through which I have experienced education, as a student, a teacher, and a queer, working-class researcher navigating the performative landscapes of EDI in academia. I draw on these perspectives not to suggest a singular truth, but to open space for situated, relational, and justice-oriented understandings of policy.

Butler's work, particularly *Gender Trouble* (1990) and *Undoing Gender* (2004), remains a critical point of departure for how gender is understood not as an innate essence but as a socially regulated performance, constituted through repeated acts and reinforced through institutional norms. In the context of this study, Butler helps highlight how HEIs policies and EDI initiatives often *position themselves* as challenging gender binaries and normativities yet end up reproducing them through institutional norms and regulatory practices. While Butler's theory of performativity has offered a powerful tool to disrupt essentialist notions of gender, it has also been critiqued, especially by trans theorists, for insufficient attention to materiality, embodiment, and the lived consequences of gendered oppression (Enke, 2012; Spade, 2015). I acknowledge these tensions and, in this thesis, use Butler not as a fixed authority but as one part of a broader critical repertoire.

Indeed, my concern is with how gender and sexuality are made legible within institutional policy regimes, often through narrow metrics or tokenistic gestures that fail to capture the complexity of queer and trans lives. Feminist theorists such as bell hooks (1984) and Ahmed (2006; 2012) have long emphasised the structural

dimensions of marginalisation in education, where inclusion can become a burden placed on those already excluded. Ahmed's concept of the 'non-performative' (2006), in which institutional speech acts such as equality statements, policy commitments, or declarations of intent name an action without bringing it into effect, is particularly relevant to how EDI discourses circulate in Scottish universities. These speech acts, I argue, often function to secure institutional legitimacy while leaving structural inequalities intact.

Queer and trans theorists extend these critiques by questioning the very terms of inclusion, asking, for example, what forms of queerness are deemed acceptable or fundable within neoliberal universities. Nicolazzo (2017) and Puar (2007) argue that institutions may welcome certain expressions of queer or trans identity so long as they do not disrupt heteronormative, settler-colonial, or ableist logics.

Drawing from Nicolazzo's *Trans in College\**, it becomes clear that symbolic commitments to inclusion often fail to materially support trans students. Nicolazzo (2017) shows how policies that appear progressive, such as adding "gender identity and expression" to nondiscrimination statements, frequently function as '*caution tape*' (p. 145), offering an appearance of protection while leaving structural conditions untouched. Nicolazzo further argues that these inclusions may amount to '*mere symbolic gesture[s]*' that do little to improve 'the life chances of highly marginalised populations' (pp. 145). Their work demonstrates how universities selectively recognise queer/trans subjects so long as they do not disrupt the gender binary, administrative norms, or the institution's reputational interests.

Puar (2007), through their analysis of homonationalism, similarly critiques the conditional nature of institutional recognition. She argues that certain queer bodies

become incorporated into national and institutional imaginaries when they align with whiteness, respectability, or marketable diversity, while others, often racialised, disabled, migrant, or gender-nonconforming bodies, are rendered threatening or unintelligible. In the context of higher education, this helps explain how LGBTQIA+ initiatives may celebrate *palatable* forms of queerness while sidelining those that expose or challenge heteronormative, colonial, or neoliberal logics. Taken together, these arguments highlight that institutional “inclusion” is not neutral: it often reaffirms the very structures that produce marginalisation in the first place.

In my experience as a queer researcher engaged in EDI work, I have witnessed how universities may celebrate Pride events or fund LGBTQIA+ initiatives while simultaneously distancing themselves from more radical critiques of whiteness, capitalism, or cisnormativity. These internal contradictions often emerge through surface level policy practices, for example, when institutions update equality statements or publish celebratory campaigns without addressing structural issues such as discriminatory curricula, precarious labour conditions, or hostile campus climates. Rather than being incidental, such patterns may indicate that the sector is at risk of instrumentalising diversity for reputational gain, where inclusion is promoted symbolically while deeper structural reforms remain unaddressed

Feminist and queer work also foregrounds the affective and embodied dimensions of institutional life. As Ahmed (2012) notes, diversity work is often emotionally taxing and structurally unsupported, a reality echoed by many of the practitioners interviewed in this study. These feelings are not just personal; they are symptomatic of how institutions manage dissent and depoliticise critique. I therefore position this

research within a tradition of feminist and queer scholarship that treats policy not as neutral or technocratic, but as a site of struggle over meaning, recognition, and resources.

This lens, then, enables me to critically interrogate the framing of LGBTQIA+ inclusion in HEIs policies, not only in terms of who is counted or protected, but also who is erased, silenced, or deemed expendable. Through Butler, Ahmed, Nicolazzo and others, I analyse how gender and sexuality are made to work (or fail to work) within EDI discourses. This section lays the groundwork for my later examination of policy enactment, where I consider how these theoretical insights help to explain the messy, often contradictory realities of inclusion in practice.

### 2.3.3 Critical theory: legitimacy, symbolism and the politics of recognition

Critical theory allows me to interrogate the language and discourses of EDI policies as sites of symbolic power. Ahmed's (2012) work is an important starting point.

Ahmed's analysis of institutional 'non-performative' speech acts demonstrates how organisations can articulate commitments to equality while simultaneously resisting the structural transformation that such commitments require. Diversity work, in this sense, can become a mechanism of institutional self-protection, where marginalised people are recruited into EDI roles but the critiques they raise are absorbed, deflected, or rendered administratively inert.

Foucault's (1977, 1980) work on discourse and power/knowledge further highlights how policies do not simply describe institutional reality but actively construct it. The ways EDI is spoken about in strategy documents and training sessions help determine what counts as legitimate knowledge, whose experiences are valued, and which issues are framed as solvable. Through this lens, policy becomes a

technology of power: a mechanism that organises what can be said, known, and acted upon.

Fraser's (2003, 2009) distinction between recognition and redistribution adds an additional layer of critique. Her work highlights how policies may acknowledge identities without redistributing power or resources, thereby producing symbolic gestures that do not necessarily translate into structural change. Within neoliberal institutions, this tension is especially visible, as inclusion initiatives are often legitimised through visibility and recognition while leaving underlying hierarchies intact.

These theories inform the lens of governance and sabotage: the ways in which policies are shaped, contained or hollowed out through language, bureaucracy and selective implementation. They also help explain how institutional legitimacy is maintained even when lived experiences of exclusion remain unresolved.

#### 2.3.4 Critical policy studies: enactment, tools and the policy implementation gap

The final strand of the framework draws on critical policy studies, particularly those that reject linear models of implementation in favour of more situated, interpretive approaches. Ball, Maguire and Braun (2012) and Priestley and Philippou (2018) argue that policy is not simply delivered but enacted through multiple layers of meaning making. Policy texts are pre-texts: starting points for interpretation, negotiation and contestation.

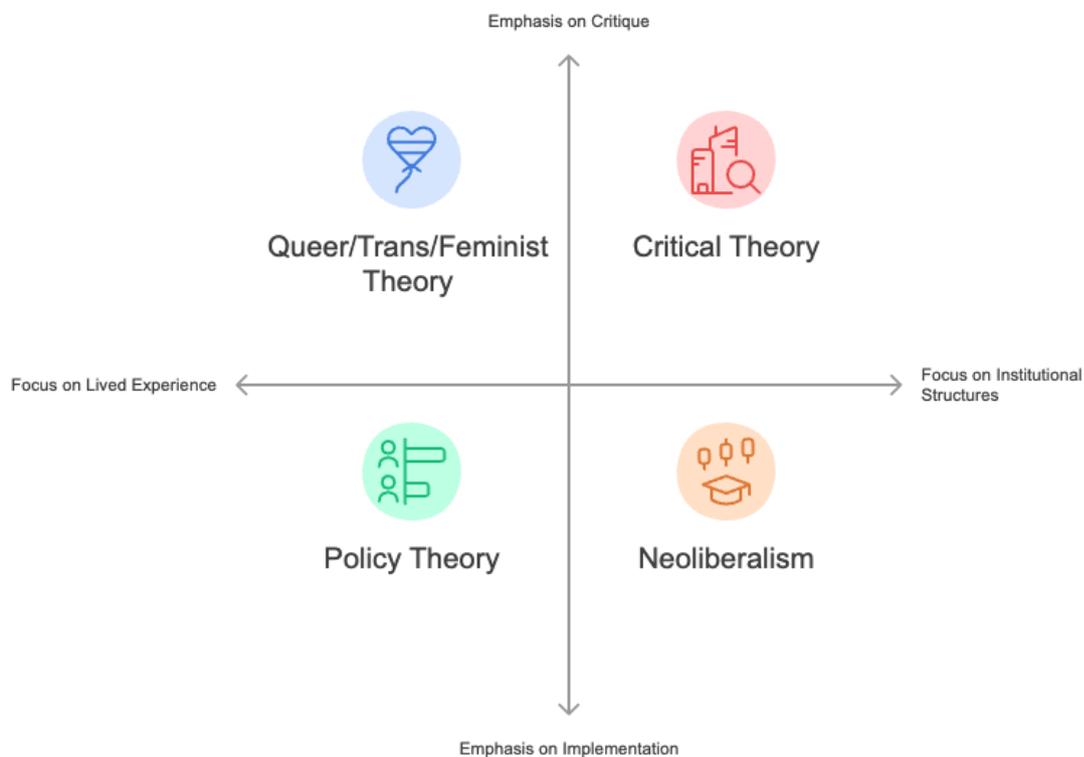
Gunn (1978) and Hudson, Hunter and Peckham (2019) remind us that successful implementation is rare, especially when resource constraints, organisational cultures and contradictory incentives are involved. Smith's (2021) typology of policy tools, communicative, organisational, procedural, provides a useful way to analyse the

mechanisms through which EDI goals are pursued. Barnhizer's (2013) concept of sabotage further illuminates how vague wording, unfunded mandates and weak accountability structures allow institutions to appear committed to inclusion while avoiding meaningful change.

These insights are not just academic. They reflect what I have observed through practice: that even well-intentioned policies can falter when they are stripped of clarity, commitment or credibility. This thesis applies these tools not only to diagnose problems, but to understand the dynamics that sustain them.

The following visual representation maps the four theoretical frameworks that underpin this thesis. Each framework contributes a distinct analytical lens: Critical Theory offers a foundation for interrogating power and ideology;

### Theoretical Frameworks in EDI Policy Analysis



Queer/Trans/Feminist Theory foregrounds lived experience and structural exclusions, in relation to cisheteronormativity; Policy Theory enables an analysis of enactment, operationalisation and implementation with keen attention to power; and Neoliberalism functions as a critical backdrop shaping

Figure 1 - Theoretical Frameworks in EDI Policy Analysis

institutional logics and values. This quadrant diagram reflects how these theories are positioned along two intersecting axes, ranging from critique to implementation, and from structural analysis to lived experience, which are central to my policy analysis and interpretation throughout this thesis.

### 2.3.5 Conclusion

Together, these theoretical and analytical tools allow this thesis to examine LGBTQIA+ inclusion policy not as a neutral or linear intervention, but as a dynamic and contested site of power, identity and labour. The queer, feminist and trans theories I draw on insist on the importance of lived experience and structural critique. Critical theory helps expose the discursive and symbolic practices that institutions use to maintain legitimacy. Neoliberal analysis brings attention to the economic logics that shape policy design and delivery, and critical policy studies offer a framework for understanding how policies are enacted, reinterpreted and sometimes resisted.

This is not a framework of certainty, but one of curiosity and commitment. It reflects my desire to think beyond tick-box approaches to inclusion and towards more expansive, relational, and accountable practices. It also recognises that inclusion, if it is to be meaningful, must be rooted in justice, not merely representation. This framework, therefore, becomes a tool for holding policy to account, for asking not just what it says, but what it does, and to whom.

I recognise that to do this work effectively, it is essential to clarify the conceptual foundations upon which this thesis rests. The terms explored in the following section are not offered as fixed definitions, but as working concepts that help frame how I understand power, marginalisation, and transformation within the context of HE. These concepts shape both the analytical lens and the questions I pose to policy, practice, and institutional narratives.

## 2.4 From polished policy to lived inclusion: why the gap persists

### 2.4.1 Acts that inspire, metrics that disappoint

The Equality Act 2010 declares that public bodies must ‘eliminate discrimination and advance equality of opportunity’ (Equality Act, 2010, s. 149). Scottish universities echo this commitment in their strategic plans, yet formal policy often fails to penetrate everyday practice. An Advance HE (2023) report found that fewer than half of all academic departments have embedded trans-inclusive curriculum guidelines, despite 100 percent of institutions reporting a gender-transition policy (Advance HE, 2023). Moreover, a national Stonewall survey revealed that 65 percent of trans staff and students were unaware of their university’s own transition support provisions, highlighting serious breakdowns in communication and accountability (Stonewall, 2021). This misalignment between lofty policy aims and operational reality exemplifies what Hudson, Hunter, and Peckham (2019) term the ‘policy-implementation gap.’ Investigating the structural and cultural barriers that sustain this gap is therefore essential for evaluating the real impact of equality legislation in HE. Exploring why this gap endures is central to understanding the effectiveness of equality policies in HE.

### 2.4.2 Why the linear model falters in universities

Traditional implementation theory often views policy as a straightforward sequence of decisions: politicians set goals, officials design programmes, and practitioners deliver outcomes (Hill and Hupe, 2015). This linear view is comforting to managers because responsibility for failure appears simple to assign; if outcomes disappoint, blame typically rests with frontline staff. Yet Pressman and Wildavsky's (1973) foundational study demonstrated how complexity multiplies after policy leaves ministerial hands, creating barriers unforeseen by policymakers. Similarly, Gunn (1978) detailed ten demanding preconditions necessary for 'perfect implementation,' none of which are fully achievable in practice. Universities intensify these implementation challenges; faculties fiercely guard their curricular autonomy, budgets fluctuate with international student numbers, and students themselves reshape educational experiences. Consequently, the neat relay baton depicted by linear models frequently gets dropped, duplicated, or passed unpredictably. Thus, Hill and Hupe (2015) warn against relying too heavily on achieving 'fidelity between policy intentions and operational performance' (p. 29), as this overlooks deeper structural barriers to successful implementation.

### 2.4.3 Policy enactment: three routine translations

Policy enactment theory offers a more realistic framework, proposing that policy documents act merely as 'pre-texts' that evolve through multiple stages of interpretation (Priestley and Philippou, 2018, pp. 152–153). Firstly, 'personal translation' occurs as individual staff interpret policy through their personal beliefs and experiences. Secondly, 'organisational translation' filters policy through local routines, resources, and departmental culture. Lastly, 'interactive translation' emerges when students and other stakeholders engage with the enacted policy,

reshaping it further through acceptance, negotiation, or resistance. Under enactment theory, divergence in how universities implement the same policy is expected rather than surprising. Thus, institutions might respond differently yet equally legitimately to the same national directive to foster 'good relations' (Equality Act, 2010), such as by creating LGBTQIA+ bursaries in one university, inclusive language training in another, or embedding diversity principles into existing frameworks like Athena Swan awards.

#### 2.4.4 Sabotage: when failure is designed in from the start

Interpretive flexibility alone cannot account for implementation shortfalls when motivated staff encounter systemic barriers. Barnhizer (2013) identifies this as 'policy sabotage' (p. 1), describing situations where policy effectiveness is deliberately or inadvertently undermined through design. Legislative sabotage embeds escape clauses within aspirational language, phrases like 'subject to resources' or 'where resources permit' transform obligatory actions into optional aspirations. Executive sabotage arises later, manifesting through inadequate allocation of funding, staff, or monitoring systems. For example, universities frequently mandate annual equality impact assessments but then assign insufficient staff making meaningful compliance impossible.

#### 2.4.5 Partial remedies: delivery units and balanced tool kits

Attempts to bridge the implementation gap have led some policymakers to adopt specialised structures known as 'delivery units.' Barber (2015) argues effective delivery units need six non-negotiables: 1) Clear responsibilities, a precise mandate that prevents dilution of purpose; 2) A senior champion, high-level advocacy that

protects the unit's authority; 3) Shared metrics, agreed indicators that align actors across the system; 4) Direct access to decision-makers, ensuring that insight and evidence can prompt timely action; 5) Dedicated budgets, resources that enable the unit to initiate and sustain its work; and 6) Regular evaluations, mechanisms for continuous learning and course-correction (pp. 75–83). However, Hudson et al. (2019) caution that losing any one component, particularly senior advocacy or funding, swiftly reduces delivery units to ineffective bureaucratic routines.

Selecting appropriate policy tools is equally crucial. Smith (2021) categorise tools, a framework originally developed by Jacob et al. (2008), into three types: 1) communicative tools (laws, statements of intent); 2) organisational tools (dedicated committees, roles); 3) procedural tools (impact assessments, allocated budgets). Communicative tools aim to influence policymakers' cognition and behaviour, often adding to institutional structures without mandating significant changes to existing routines. Examples covered in the report include constitutional and legal provisions (such as the Public Sector Equality Duty and the Welsh Specific Equality Duties) and strategies, plans, and objectives (like the Strategic Equality Plans). Organisational tools change the organisational and institutional structure of government and have the potential to create new actors or bodies responsible for the cross-cutting policy issue. These include committees (such as the former Standing Committee on Equality of Opportunity), mainstreaming teams and units (like the central Equality Team), and equality champions and leads placed within individual departments. Finally, procedural tools 'alter the core procedures for decision-making' (Jacob et al. 2008, p. 28) by incorporating equality into established decision-making routines. The report covers the use of policy appraisal and assessment (such as Equality Impact Assessments and the Integrated Impact Assessment), budgeting (including steps like

the Budget Advisory Group for Equality), and consultation and engagement with civil society actors and organisations.

Smith's (2021) audit of Welsh equality policy shows how communicative tools rapidly lose effectiveness without organisational backing, committees become merely symbolic without funding, and procedures turn into superficial compliance exercises without robust oversight, becoming mere 'box-ticking exercises' (Smith, 2021, p. 42). Therefore, balanced toolkits combining inspirational rhetoric, strong organisational structures, and rigorous procedures, supported by clear oversight and sufficient resources, are vital for lasting impact.

#### 2.4.6 The neoliberal undercurrent: market signals distorting equality

Implementation of equality policy also faces distortion from neoliberal market pressures described as 'academic capitalism' (Slaughter and Rhoades, 2004). Neoliberalism operates as a governing rationality that reduces education to economic exchange and frames the university as a site of economic value production (Mintz, 2021). Universities operate within competitive markets defined by metrics and diversified revenue streams, where inclusion itself is often commodified or reframed as marketable 'diversity' (Ahmed, 2012; Mintz, 2021).

This market-driven approach prioritizes quantifiable outcomes, leading institutions to invest in EDI initiatives that visibly enhance market reputation, such as Stonewall rankings or Athena Swan accreditations. This pursuit of reputational gain is severely intensified in the contemporary HE moment by austerity and precarious funding constraints (Bhopal, 2022). For Scottish HEIs, this pressure is heightened by the reliance on internationalisation strategies and the pursuit of global rankings and research outputs as proxies for excellence (Quacquarelli Symonds [QS] Top

Universities, 2023a, 2023b)). The core problem remains whether HEIs can transition to serve diversity, equity, and justice missions without sacrificing fiscal standing (Chicas-Mosier, Fogelman, and Peretz, 2023).

The institutional policy enactment process is frequently undermined by inadequate funding and staffing; a phenomenon identified as governance through scarcity. This scarcity pushes policies toward symbolic compliance rather than structural justice.

Furthermore, this neoliberal restraint now operates alongside the rise of hostile socio-political currents. The rise of anti-gender and anti-trans moral panics, fuelled by political actors, creates a hostile climate for queer and trans inclusion. This extreme right-wing conservatism is financially supported, with anti-rights campaigns operating in the UK collectively spending over £106 million between 2019 and 2023 (see section 1.1), representing a 33% increase (Amnesty International, 2025). In this environment, initiatives promoting slower cultural change, such as critical humanities research into gender and sexuality, struggle for sustained investment, as institutions prioritize quantifiable outputs over their social mission (Mintz, 2021). Thus, market-driven logics, coupled with political anxieties and governance through scarcity, often reshape even well-designed equality measures towards superficial improvements rather than deeper, systemic change.

#### 2.4.7 Analytical framework: conceptual origins and application across this research

To understand how universities interpret and enact LGBTQIA+ inclusion policy, this study draws on a layered analytical framework comprising four interrelated lenses: interpretive space, material supports, instrument mix, and governance or sabotage. Rather than assigning each lens to a single research question or data type, they are used flexibly and iteratively across the thesis to explore the tensions between stated

policy intentions and institutional realities. This approach reflects the entangled, often contradictory nature of policy enactment in higher education, where different actors negotiate meaning and navigate constraints simultaneously (Ball et al., 2012; Priestley and Philippou, 2018).

#### 2.4.8 The four lenses: interpretative space, material supports, instrument mix, and governance/sabotage

Each lens is rooted in established theoretical literature and allows for critical interrogation of how inclusion is framed, supported, operationalised, or undermined.

- Interpretive space derives from policy enactment theory and curriculum studies (Priestley and Philippou, 2018; Ball et al., 2012). It focuses on how institutional actors interpret and reframe policy within their own contexts. This includes how inclusive language is taken up, resisted, or strategically mobilised. It is especially relevant to RQ 1 (policy evolution) but also supports the interpretation of how actors frame policy legitimacy and purpose (RQ3.1 and 3.2).
- Material supports relates to implementation theory and critical policy studies (Hudson et al., 2019). It concerns the tangible resources that underpin or constrain implementation, such as staffing, funding, physical infrastructure, and time allocation. This lens is most closely aligned with RQ 2, which investigates what kinds of programming and delivery mechanisms have been introduced. However, it also cuts across RQ 3.1 and RQ 3.2 where staff reflect on their capacity and workload.
- Instrument mix is concerned with the tools and mechanisms through which policy aims are delivered, such as training modules, data audits, equality impact assessments, and monitoring systems (Smith, 2021). These

instruments reflect procedural and communicative choices that shape practice. The lens is especially important for RQ3.1, where the study examines how EDI professionals assess the usefulness and quality of existing tools.

- Governance or sabotage draws on the work of Barnhizer (2013) who explores how policy can be weakened through structural design, poor oversight, or passive neglect. This lens critically examines institutional arrangements, competing priorities, and bureaucratic inertia. This is most pertinent to RQ 3.2, which investigates how policies are supported or obstructed in their implementation.

I would argue that while these lenses are conceptually distinct, they often overlap in application as they all interrogate how cis(hetero)normativity structures institutional action. For example, a single interview excerpt may simultaneously reflect a constrained interpretive space, inadequate material supports, and governance gaps. This constraint in interpretive space aligns with Butler's (2009) work on performativity and precarity, highlighting how policy language regulates what identities are made intelligible or rendered tacit within institutional frameworks. The issue of inadequate material supports directly correlates with Fraser's (2003, 2009) critique of the politics of recognition and redistribution. Where resources, time, and dedicated budgets are absent (a governance gap), institutions engage in symbolic recognition, such as aspirational language, without delivering the necessary redistribution of power and funding required for structural change. This pattern of symbolic visibility without redistribution is what Ahmed (2012) defines as non-performative policy.

Similarly, a policy document may include aspirational language without embedded instruments or accountability mechanisms, illustrating multiple forms of policy enactment failure. This failure highlights the governance challenge, a space often characterized by policy sabotage (Barnhizer, 2013) and institutional inertia (Ahmed, 2017). Finally, understanding how EDI practitioners negotiate these contradictions, often performing emotional labour in unsupported roles, is linked to Halberstam's (2011) and Ahmed's (2017) focus on resistance and emotional labour. Using these lenses together should provide a more comprehensive understanding of the lived experience of EDI work in Scottish HEIs.

The diagram below (Figure 2) illustrates how each lens intersects with the study's four research questions, reinforcing the flexible, relational nature of the framework.

Figure 2 has been included below to visualise the dynamic relationship between the four lenses and the study's research questions. It shows not only the points at which the lenses meet, but also the areas where they share conceptual territory. This reflects the framework's flexible, relational design: policy enactment is understood through multiple, overlapping layers rather than discrete categories.

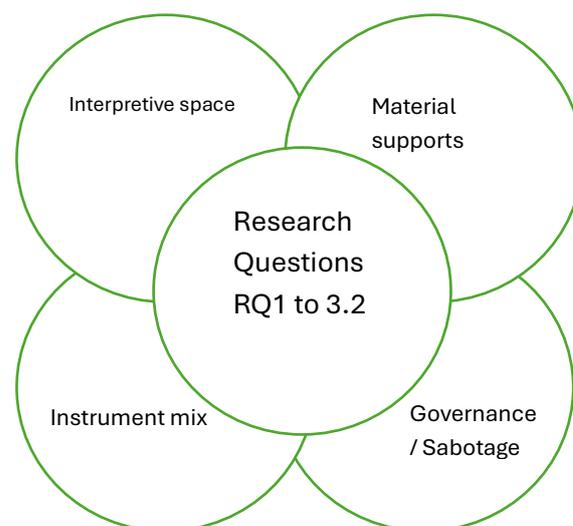


Figure 2 - Overlap of Analytical Lenses and Research Questions

To support the visual representation provided in Figure 2, a simple matrix, Table 1, is also included to indicate how each analytical lens relates to the study’s four research questions. While this table offers a helpful overview, it should not be read as a fixed or exhaustive mapping as mentioned earlier. Instead, it serves to illustrate the flexible and iterative application of the framework across the empirical chapters. Many data points engage multiple lenses simultaneously, and the table is intended only as a guide to the kinds of conceptual overlaps that guide this study’s’ analytical approach.

Table 1 - Matrix illustrating how each analytical lens relates to the study's four research questions

Lens	RQ1	RQ2	RQ3.1	RQ3.2
Interpretive Space	x		x	x
Material Supports		x	x	x
Instrument Mix			x	
Governance/Sabotage			x	x

This framework supports the literature review by anchoring the empirical chapters within critical policy studies and enactment theory. The four lenses mentioned above position inclusion not as a fixed policy outcome but as a contested process shaped by interpretation, resource availability, implementation tools, and institutional governance. The framework also responds to critiques of the policy-implementation gap by offering a structured yet adaptive way to analyse how equity work is experienced across different levels of the university system.

### 2.4.9 Road map for later chapters

Chapter 4 applies these lenses systematically to analyse national guidance documents and four university policies, assessing interpretive flexibility, resource commitments, tool variety, and sabotage risks. Chapter 5 tests the framework through perspectives of National Education Staff Organisation leaders, examining whether their experiences confirm or challenge textual analyses. Chapter 6 focuses on EDI staff interviews, exploring similarity or disagreement between intended policy and lived realities. Chapter 7 synthesises lens-based analyses into practical recommendations.

### 2.4.10 Conclusion

This literature review highlights why equality policy frequently falters: overly rigid expectations of fidelity, chronic under-resourcing, incomplete toolkits, and hidden escape clauses. Drawing on Foucault's work on power/knowledge, the policy enactment challenge lies not in mere delivery, but in creating the 'conditions of possibility', the specific rules, resources, and institutional environments, that allow inclusion to be legitimate, legible, and materially sustained.

The four-lens analytical framework (Interpretive Space, Material Supports, Instrument Mix, and Governance/Sabotage) is essential precisely because it provides a critical method for identifying these required conditions of possibility. The framework functions as both a diagnostic tool for researchers and a pragmatic mechanism for policymakers aiming for meaningful and sustainable implementation. Only by addressing the necessary preconditions revealed by these lenses, specifically, explicitly planning for adaptation (Interpretive Space), adequately resourcing initiatives (Material Supports), strategically combining tools (Instrument

Mix), and embedding accountability mechanisms (Governance/Sabotage), can statutory aspirations transform effectively into lived realities of inclusion.

Having outlined the analytical framework and its application across the thesis, it is important to ground this in the historical and institutional landscape in which EDI policies have evolved. The complex interplay between policy aspirations, institutional interpretations, and operational realities cannot be fully understood without attention to how EDI has been shaped, formalised, and contested within HEIs over time. The following section therefore traces the development of EDI within UK and Scottish universities, from early legislative shifts and activist resistance to the emergence of sector-wide frameworks such as Athena Swan and the Stonewall Diversity Champions Programme. This historical perspective provides a necessary backdrop for understanding the promises and pitfalls of inclusion as both a structural aim and a lived experience.

## 2.5 EDI in higher education: evolution and implementation

This section explores the historical and policy conditions that gave rise to current EDI frameworks in HEIs, particularly in the UK and Scotland. It links structural reforms in the sector, including massification, marketisation, and globalisation, to the emergence of formalised inclusion initiatives, while maintaining a critical eye on the tensions between polished policy discourse and lived experience. The discussion moves from national reforms to regional policy distinctions in Scotland, ending with a reflection on the Bologna Process as a key international influence on EDI and inclusion discourse in universities.

The expansion of HEIs in the UK during the late twentieth century, often referred to as the rise of mass HE (Trow, 1973), coincided with neoliberal reforms that reshaped the purpose and governance of universities. Policies such as the 1992 Further and Higher Education Act transformed polytechnics into universities and promoted a competitive HE marketplace (Carr, 1998; Pratt, 1992). This expansion, framed as a democratising force, introduced student fees and market logics under the guise of 'access' and 'choice.' As noted by Marginson (2013), such shifts reframed education not as a public good but as a private investment. Subsequent reforms tied university funding to metrics such as student satisfaction, graduate employment, and research performance, entrenching an audit culture that has proven deeply ambivalent for marginalised staff and students (Ball, 2012; Ahmed, 2012).

These shifts were intensified by global trends. The Bologna Process, for example, sought to harmonise European HE systems through the creation of the European Higher Education Area (EHEA), aiming to promote mobility, compatibility, and competitiveness (Robertson, 2006). While the rhetoric was one of cohesion and opportunity, scholars have noted its neoliberal underpinnings. Peim (2013) argues that Bologna functioned as a tool of transnational governance, reinforcing market logics and elite institutional hierarchies. In practice, Bologna catalysed the internationalisation of UK universities, particularly in Scotland, where institutions pursued global rankings and research outputs as proxies for excellence (Vincent-Lancrin, 2009; QS Top Universities, 2023a, 2023b).

Within Scotland, devolution enabled a divergent set of HE policies that have shaped EDI work in distinctive ways. The abolition of tuition fees for Scottish and European Union (EU) students and the establishment of outcome agreements focused on widening access marked a departure from English HE models (Riddell et al., 2015;

Scottish Funding Council, 2021). However, the reliance on area-based indicators such as the Scottish Index of Multiple Deprivation (SIMD) has raised concerns over the precision and fairness of these access initiatives (Universities Scotland, 2023). Moreover, despite a rhetoric of social justice, structural inequalities persist, especially for working-class and marginalised students, including LGBTQIA+ communities.

Widening access has often been treated as an institutional compliance issue rather than a transformative ethos. While metrics-based approaches may improve headline statistics, they risk masking deeper exclusions and reproducing deficit models of students from underrepresented groups (Burke, 2012; Reay et al., 2005).

Meanwhile, internationalisation strategies and performance-based funding, especially those driven by university rankings and private investment, have intensified pressures on institutions to prioritise Science, Technology, Engineering, and Mathematics (STEM) research and global prestige over social mission (Hazelkorn, 2015; Mintz, 2021). This context complicates the role of EDI in universities, where diversity is often instrumentalised to serve competitiveness rather than equity.

Yet the story of inclusion in Scottish HEIs cannot be understood solely through institutional metrics or government initiatives. Parallel to policy shifts in widening access have been long-standing struggles by LGBTQIA+ communities, whose activism both predates and disrupts formal EDI discourse (Nicolazzo, 2017). The structural exclusions discussed above are mirrored, and often amplified, through the histories of queer and trans marginalisation, visibility, and resistance. To better understand how present-day inclusion frameworks have emerged, it is vital to revisit key moments of social and legislative change in Scotland. One such moment is the repeal of Section 28, a landmark in the legal and cultural battle for LGBTQIA+

recognition. The following section foregrounds the work of grassroots movements such as the Scottish Minorities Group, whose resistance laid the groundwork for current equality rhetoric while also highlighting the limits of legal reform.

### 2.5.1 Scottish Minorities Group and Section 28

In recent years, the 'International Lesbian, Gay, Bisexual, Trans and Intersex Association' (ILGA) have consistently ranked Scotland as one of the most progressive countries in Europe in relation to LGBTQIA+ rights. The ILGA's 'Rainbow Europe Index' (See <https://rainbowmap.ilga-europe.org/>) measures progress in European countries on LGBTI+ equality against 48-point criteria that includes legal protections from discrimination in employment and services, measures to tackle hate crime, rights and recognition for trans and intersex people, and equality in family law including same-sex marriage and parenting rights. Scotland topped the index in 2015 and has been at or near the top of the list ever since. Thankfully, owing to devolution in Scotland, 2020 marked the 20th anniversary of the repeal of one of the most controversial pieces of legislation to impact on Scotland's LGBTI+ communities: Section 28 of the Local Government Act 1988.

#### *2.5.1.1 Section 28: a backwards step for inclusivity and acceptance*

Introduced by Margaret Thatcher's Conservative government, the Local Government Act 1988, Section 28 stated that local authorities shall not 'intentionally promote homosexuality or publish with the intention of promoting homosexuality'. It also prohibited the 'acceptability of homosexuality as a pretend family'. This meant teachers could not discuss same-sex relationships in class, and the promotion of homosexual relationships were banned in local authority publications. This legislation contributed to the young LGBTQIA+ people of the day feeling marginalised and ashamed (Ellis & High, 2004) of which I can relate.

Despite legislation like Section 28, campaigning groups across Scotland, including the Scottish Minorities Group (SMG) (National Archives of Scotland, 2007), actively resisted these measures, as the mere existence of discriminatory legislation does not erase the LGBTQIA+ community. Founded by Ian Dunn in 1969 in Glasgow, the SMG offered support and social events to the gay community. In the following decade the SMG expanded with branches throughout Scotland (see Figure 3) (National Records Scotland, 1975) and later changed their name to the Scottish Homosexual Rights Group (SHRG) in 1978 to reflect its 'growing confidence' (Meek, 2015, p. 97).



as writing to influential Scots to gain support for petitions, including a drive for a Charter Towards Homosexual Rights (National Archives, 2023). Their activism, alongside that of other LGBTQIA+ groups, was instrumental in raising awareness of the inequalities faced by the community and changing public attitudes towards same-sex relationships (National Archives, 2023).

Despite the repeal of Section 28 and the tireless advocacy of LGBTQIA+ campaigners such as the SMG, the broader struggle for equity and inclusion in educational spaces did not end there. The legacies of institutionalised exclusion, as well as the entrenched socio-political attitudes that supported such legislation, continue to shape the policy landscape of HE (Capaldi & Skyes, 2023). These conditions gave rise to a range of EDI initiatives in universities. While these programmes were introduced to tackle systemic inequalities across gender, race, and sexuality, they often reveal a tension between institutional image management and meaningful structural change. One such example is the Athena Swan Charter, an initiative that set out to advance gender equity within HEIs but has since become a barometer for broader institutional commitments to inclusion.

Having outlined the broader policy landscape shaping equality initiatives in UK and Scottish HEIs, the following section turns to the specific EDI charters and benchmarking schemes that have become central in structuring how universities evidence, frame, and operationalise inclusion.

### 2.5.2 The introduction of EDI in higher education

This section provides a concise overview of how formal EDI structures have become embedded within UK and Scottish higher education, focusing on three of the sector's most influential external frameworks: the Athena Swan Charter and the Stonewall Diversity Champions Programme. These charters are examined because they carry

significant regulatory, reputational, and funding consequences, shaping how universities conceptualise and evidence equity. This section outlines the origins, development, and limitations of these initiatives to show how they construct particular understandings of gender, race, sexual orientation, and LGBTQIA+ inclusion, understandings that continue to shape institutional policy and practice.

#### *2.5.2.1 Athena Swan Charter*

To illustrate an original HE equality initiative, I focus on the Athena Swan Charter (ASC), launched in 2005. From its inception, the Charter was designed to address gender inequalities within the UK's STEMM disciplines, and its early remit explicitly centred on women's under-representation. As Advance HE (2020) explains:

*Established in 2005 to encourage and recognise commitment to advancing the careers of women in science, technology, engineering, maths and medicine (STEMM) employment, the Charter is now being used across the globe to address gender equality more broadly, and not just barriers to progression that affect women.*

This wording makes clear that earlier iterations of the Charter conceptualised gender primarily through a binary, cisnormative lens, foregrounding women's inequality without attending to trans or gender-expansive identities. Only in later revisions, particularly after the 2021 update, does the Charter adopt a more expansive understanding of gender and begin to account for the experiences of trans staff and students.

Despite the Equality Act 2010, discriminatory practices continue across HEIs, and Non-Governmental Organisations (NGOs) such as the Athena Swan Charter (ASC), predating the Act, have sought to counteract these inequalities and promote EDI

within universities and research environments. The UK is one of several countries, including Sweden, the Netherlands, and Australia, to introduce programmes aimed at tackling long-standing inequities within the sector (Equality in Higher Education: Statistical Report 2018; Equality in Higher Education: Statistical Report 2019). These initiatives originated in STEMM fields but have expanded over time, reflecting the sector's growing recognition of gendered inequity as a structural issue. The ASC's scope has broadened significantly, and in 2016 a second charter mark focusing on race equality (REC) was introduced (Bhopal & Henderson, 2021), signalling attempts to widen the policy landscape beyond gender alone, albeit unevenly.

#### 2.5.2.2 How well does Athena Swan work in HE?

The 2021 updates to the ASC principles now include trans people working in HE. The principle states, '*We commit to tackling the discriminatory treatment often experienced by trans people*'. While this represents a welcome shift, it also exposes how the Charter's earlier iterations were structured through cisnormative assumptions that positioned 'gender equality' primarily in relation to cisgender women in STEMM. For sixteen years, trans and queer people were absent from its protective scope, an omission that reflects what queer and trans studies identify as the institutional reproduction of cisheteronormativity. Read through critical policy analysis, this delay illustrates how equality initiatives develop within specific 'conditions of possibility,' expanding only when sociopolitical pressures, institutional risk calculations, and the demands of neoliberal audit cultures render certain forms of inclusion legible, manageable, and institutionally desirable. Currently, the only official protections for LGBTQIA+ individuals are the Equality Act 2010 and NGOs such as Stonewall, which universities can optionally register with to demonstrate

inclusiveness. The absence of comprehensive trans protections means trans students and staff continue to face discrimination on campus.

Another ASC principle states, 'All individuals have identities shaped by several different factors. We commit to considering the intersection of gender and other factors wherever possible' (Athena SWAN Charter | Advance HE, 2020). However, the phrase 'commit to considering' suggests a tentative approach rather than a firm commitment to addressing all inequalities. This can be likened to standing at the edge of a swimming pool, testing the water before deciding to jump in, indicating deliberation rather than action. For gender equality to exist in HEIs, full inclusion of trans individuals should be explicitly committed to by the ASC as there is a reference to gender when referring to female and male rather than sex.

Additionally, the curriculum is a critical site of cultural transformation, but this dimension has received limited attention within the ASC, the Equality Challenge Unit (ECU), and across HEIs more broadly. Every educational institution claiming to champion gender equality should provide a gender-inclusive curriculum and opportunities to reflect on gendered HE pedagogies (Henderson, 2015; Tsouroufli, 2019). Such curricula should be relevant to all students, regardless of gender or ethnicity, and should allow both students and staff to critically reflect on injustices, inequities, the ongoing neglect of gender in research, and the assumption of objectivity in knowledge.

While the Athena Swan Charter initially focused on gender equity within STEMM fields and later broadened its remit, questions remain about the depth and scope of its commitments, particularly around the inclusion of trans and non-binary individuals. The limitations of Athena Swan, especially its delayed recognition of

trans rights, highlight the need for more comprehensive, intersectional approaches to inclusion in higher education. This is where programmes like the Stonewall Diversity Champions scheme enter the landscape. Offering a broader focus on LGBTQIA+ inclusion, Stonewall's initiative positions itself as a framework not just for compliance, but for active cultural transformation. Yet, as the following section explores, even this programme is not without controversy, particularly within the context of Scottish universities.

These forms of programmings have not been without controversy. In England especially, recent controversies surrounding Stonewall's Diversity Champions programme have highlighted deep divisions in English universities. Coordinated Freedom of Information (Fol) requests and media campaigns, documented extensively in *Whose Rainbow?* (2023), have targeted Stonewall's advice and guidance on gender identity, framing it as incompatible with academic freedom. This backlash, involving multiple university withdrawals, reflects broader tensions regarding LGBTQIA+ inclusion and reveals the vulnerability of institutional commitments when subjected to external political pressure.

This controversy exemplifies how EDI initiatives are not only bureaucratic or symbolic exercises but are also entangled in wider culture wars about the place of LGBTQIA+ people in public life. As Ahmed (2012) might argue, the very visibility of queer and trans inclusion becomes a site of institutional discomfort and public contestation. The withdrawal of some English universities from Stonewall's programmes also demonstrates the vulnerability of inclusion work when it is dependent on reputational management and external audit schemes. Rather than deepening commitment to queer and trans communities, these dynamics risk reinforcing a compliance mindset in which the presence or absence of a charter

mark is more important than the lived experiences of those it is meant to support.

This further highlights the tensions between symbolic compliance and material transformation that run throughout this chapter.

### *2.5.2.3 Stonewall Diversity Champion Program*

The Stonewall Diversity Champions program (see here

<https://www.stonewallscotland.org.uk/diversity-champions-programme>) has been a significant initiative in promoting LGBTQIA+ inclusion within organisations across the UK, including Scottish universities. Established by Stonewall, a leading LGBTQIA+ rights charity, the program offers a structured approach for institutions to create environments that are welcoming and supportive for LGBTQIA+ individuals. Key elements of the program include the implementation of comprehensive LGBTQIA+ policies, ongoing training for staff and students, support for LGBTQIA+ networks, and participation in benchmarking through the Workplace Equality Index (Stonewall, 2024). However, the absence of universities in the Diversity Champions Programme raises critical questions about the evolving landscape of LGBTQIA+ advocacy within HEIs. Reporting during this period shows that several universities withdrew from Stonewall schemes following internal disputes about academic freedom and external political pressure. For example, UCL stated that its membership ‘may inhibit academic freedom and discussion around sex and gender’ and that continuing involvement ‘may have the effect of inhibiting academic work and discussion within UCL about sex and gender identity’ (Adams, 2021, pp.1–2). Similarly, the *Telegraph* reported that multiple universities ‘had chosen not to continue their membership of the LGBT+ charity’s Diversity Champions programme,’ with senior academics at Oxford warning that participation could raise legal concerns relating to equality and free speech (Dixon, 2021, pp.1–2). These developments illustrate how institutional

engagements with Stonewall became entangled with wider debates about academic freedom, regulatory compliance, and political contestation, context that helps explain why no Scottish universities participated and signals the need for further examination of how LGBTQIA+ inclusion is understood and negotiated within UK HEIs.

The decision by Scottish universities to disengage from the Stonewall Diversity Champions program could be partly understood within the context of broader social and political dynamics. Recent years have seen increasing debate surrounding gender identity and the inclusion of transgender rights within the wider LGBTQIA+ movement. This debate has, at times, led to significant polarisation, with some stakeholders questioning the approach to gender identity championed by organisations like Stonewall. According to Köllen (2016) the politicisation of gender identity issues can create tensions within organisations, leading some institutions to withdraw from programs like Stonewall's to avoid controversy and maintain a neutral stance, yet maintain policies that align with and even go beyond the requirements of the Equality Act, which Köllen (2016) mentions as tokenism and performative measures. This dynamic is particularly relevant in Scottish universities, where socio-political factors might differ from those in other parts of the UK, influencing their decision to opt out of the program. Stonewall's statement on the Gender Recognition Reform (GRR) (Scotland) (see 2.9.2.8) stated that they are:

...disappointed that the Court of Session in Scotland has found in favour of the UK Government's unprecedented decision to use Section 35 to block the Gender Recognition Reform Bill from Royal Assent. This Bill was one of the most debated in the Scottish Parliament's history and was passed by a resounding majority of Members of Scottish Parliament (MSPs) drawn from all major Scottish parties.

Additionally, the financial and resource implications of participating in the Stonewall Diversity Champions program cannot be ignored. Universities, particularly during periods of financial austerity, may prioritise resource allocation towards core educational activities rather than external diversity initiatives. The cost of participation, coupled with the ongoing commitment required to maintain compliance with Stonewall's standards, might deter institutions facing budgetary constraints. Chicas-Mosier, Fogelman and Pertz (2023) note that the financial investment required for diversity initiatives is often a significant barrier, particularly for institutions with limited budgets. This economic consideration may be compounded by internal disagreements within universities about the allocation of resources, further complicating decisions to engage with external programs like Stonewall's.

The importance of LGBTQIA+ inclusion within universities is well-documented, with studies indicating the positive impact of inclusive policies on both institutional performance and student wellbeing. Credit Suisse (2016) highlight that diversity, including LGBTQIA+ inclusion, is not just a moral imperative but also an economic one, with diverse organisations outperforming less inclusive ones in terms of innovation and financial performance. Credit Suisse argue that *'inclusive companies had 2.3 times higher cash flow per employee over a three-year period'*. This is supported by the Hewlett and Yoshino (2016) from the *Centre for Talent Innovation (2016)*, who state that employers who are perceived to be LGBTQIA+ inclusive will increase employee motivation by 11%. Additionally, Rankin et al. (2019) argue that universities with strong LGBTQIA+ policies tend to have higher student satisfaction rates and better academic outcomes among LGBTQIA+ students. These studies suggest that the benefits of participating in the Stonewall Diversity Champions

program extend beyond social responsibility, contributing to the overall success and sustainability of HEIs.

The absence of Scottish universities from the Stonewall Diversity Champions program highlights the critical importance of benchmarking in promoting LGBTQIA+ inclusion. Tools like Stonewall's Workplace Equality Index could be vital for holding institutions accountable for their diversity commitments and for driving continuous improvement. Benchmarking enables universities to measure their progress against national standards, providing clear metrics for success and identifying areas in need of development. The visibility and accountability afforded by such benchmarking are essential for ensuring that universities remain committed to creating inclusive environments. Without participation in these benchmarking initiatives, there is a risk that efforts to support LGBTQIA+ inclusion may stagnate, particularly in the face of competing institutional priorities.

## 2.6 Queer, trans and lived resistance: beyond policy inclusion

The limits of institutional EDI frameworks demand a return to lived experience. While policy instruments such as Athena Swan and Stonewall's Diversity Champions programme mark visible commitments to inclusion, they often operate within the constraints of institutional neutrality, compliance logic, and performative accountability. In contrast, queer and trans resistance in HEIs emerges from the friction between these symbolic gestures and the embodied realities of marginalisation, erasure, and institutional harm.

This resistance is not always grand or organised. Sometimes it is quiet, subversive, and survival oriented. As Ahmed (2012) notes, simply existing as a queer or trans person within a university, navigating pronoun disclosure, toilet access, staff rooms, or committee meetings, can constitute a form of 'diversity work.' These everyday acts

of navigation and disruption are not only responses to policy gaps, but challenges to the very terms under which inclusion is granted. Resistance, in this sense, is not external to the institution, but located within it, in the choices people make to speak, withdraw, comply, or push back. In response to these exclusions, queer and trans communities have developed alternative spaces, strategies, and pedagogies that resist assimilationist models of inclusion. As Nicolazzo (2017) notes, trans students often perform 'queer world-making', creating informal peer networks, mutual care systems, and activist communities that affirm their identities in ways that institutions fail to do.

This section situates queer and trans resistance as both critique and praxis. Drawing from Halberstam (2011), resistance can take the form of refusal, non-participation, and alternative world-making. Queer time and failure, as Halberstam suggests, offer strategies for disrupting normative expectations of progress, success, and institutional belonging. Within the university context, this may involve resisting the pressure to professionalise one's identity, declining to sit on another EDI committee, or forming grassroots collectives that operate outside formal recognition. These choices are not apolitical; they reveal the institutional conditions under which inclusion becomes another form of control.

Resistance is also shaped by uneven risks and privileges. As Nicolazzo (2016) argues, trans students, particularly those who are racialised, disabled, or working class, must constantly assess their safety and legitimacy in institutional spaces. While some forms of queer expression are tolerated, particularly those aligned with whiteness, gender conformity, and upward mobility, others are pathologised or rendered unintelligible. Duggan's (2002) critique of homonormativity remains salient here: policies that celebrate the 'right kind' of queerness often marginalise those who

do not fit a palatable mould. In this way, inclusion becomes conditional, tethered to respectability, visibility, and institutional usefulness.

Importantly, queer and trans resistance does not only critique what is lacking; it imagines and enacts alternatives. In some of the universities studied in this thesis, students and staff have developed informal support systems, mutual aid networks, and creative practices of care. These spaces often operate beneath the radar of policy but are essential for survival and solidarity. They are where the emotional labour of inclusion is acknowledged, where stories are shared without the need for translation, and where new political imaginaries take root.

These practices disrupt the binary of inclusion versus exclusion. They refuse the assumption that inclusion into existing institutional structures is the only goal. Instead, they ask what it would mean to transform those structures, or to build new ones altogether. This aligns with Muñoz's (2009) conception of queerness as an ideal not yet realised, a horizon of possibility rather than a destination. Within the context of higher education, queer and trans resistance thus becomes a method of critique, a mode of survival, and a commitment to imagining otherwise.

Quantitative and qualitative studies on campus climate provide crucial empirical grounding for these critiques. Seidman (2005) found that LGBTQIA+ students in US colleges faced persistent discrimination, verbal harassment, and institutional neglect. More recent research by Hong et al. (2016) on UK campuses confirmed that a significant proportion of queer students conceal their identity due to fear of reprisal or isolation. Their findings show that these experiences correlate with mental health disparities, highlighting how institutional and structural factors, not individual attitudes

alone, continue to shape LGBTQIA+ students' experiences of inclusion and exclusion.

Sundberg et al. (2021) reported that trans students often experience microaggressions from both peers and academic staff, including misgendering, exclusion from group work, and invalidation of lived experience. Their findings show that these experiences correlate with mental health disparities, academic disengagement, and reduced retention.

While these studies are largely US and UK-focused, their implications travel. They challenge the assumption that LGBTQIA+ inclusion is a finished project. Instead, they show how inclusion often operates as a façade, a polished policy mask that obscures persistent inequalities. This empirical grounding strengthens the argument that inclusion must be understood not only as a structural or policy issue, but also as an affective and embodied one (Sundberg et al., 2021).

Incorporating this resistance into the analytical framework of the thesis allows for a more textured reading of policy enactment. While policy documents and institutional statements are central sources of analysis, the silences and refusals that surround them are equally instructive. I therefore not only critique the shortcomings of EDI policy by foregrounding queer and trans resistance in this thesis, but I also honour the knowledge and strategies generated by those most impacted by institutional neglect.

While resistance strategies illuminate how marginalised groups challenge the institutional limits of inclusion, they also raise important questions about the legal and policy frameworks that shape what kinds of inclusion are recognised, formalised, or denied. The Equality Act 2010 plays a central role in defining the boundaries of

institutional responsibility in the UK, codifying protected characteristics and imposing a public sector duty to eliminate discrimination and promote equality. However, the Act itself is not neutral, it is interpreted, enacted, and at times resisted by the very institutions it governs. In the next section, I examine how the Equality Act has influenced the development of EDI policy across Scottish HEIs, drawing attention to both its regulatory influence and its limitations. This sets the groundwork for exploring how national legislation interacts with institutional priorities, as well as the tensions that emerge when law meets lived experience.

While lived resistance exposes the limitations of institutional inclusion, these limitations are also shaped by the legal and policy frameworks within which universities operate. In the next sections, I turn to the Equality Act 2010 and the PSED, which provide the statutory foundations for much of the EDI infrastructure in HEIs. My aim is to critically assess how legal obligations intersect with institutional interpretation and enactment.

Building on the theoretical foundations outlined earlier, this layered diagram, Figure 4, visualises how different theoretical perspectives interact within the wider policy ecology. The nested structure reflects how marketisation and performativity shape the outer conditions under which EDI is implemented, while queer, feminist, and

critical frameworks push from within, offering resistance, complexity, and political possibility.

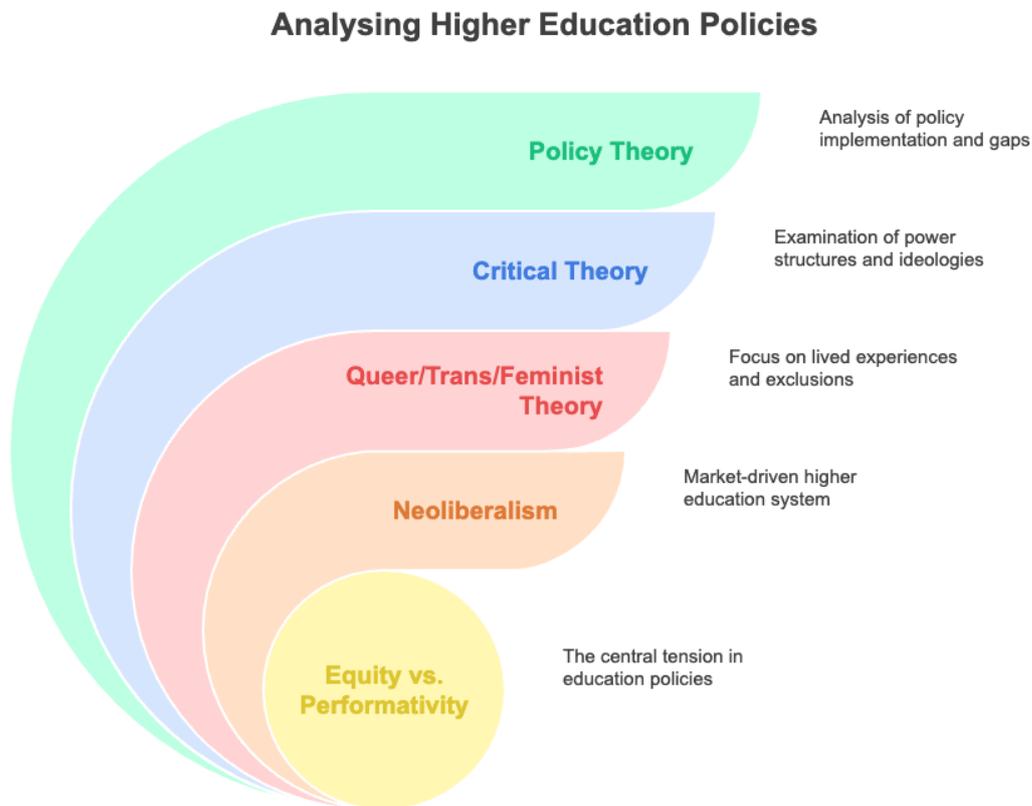


Figure 4 - Analysing Higher Education Policies

## 2.7 Overview of the Equality Act 2010: framing inclusion through law

The Equality Act 2010 provides a vital legal backdrop to inclusion work in UK higher education. It consolidates previous anti-discrimination legislation and outlines nine protected characteristics, mandating that public bodies must ‘eliminate discrimination, advance equality of opportunity, and foster good relations’ (Equality Act, 2010, s.149). However, as my revised framework (Sections 2.2–2.5) has argued, the translation of this legal ambition into lived reality is far from straightforward.

From a policy perspective, the Act has had a considerable impact on universities, compelling institutions to formalise equality strategies, publish data, and report on

progress. In Scotland, for example, many institutions have introduced trans inclusion guidance, equality outcome agreements, and annual reporting mechanisms in alignment with the PSED. These responses, while often visible and measurable, do not always equate to embedded cultural change. As Advance HE (2023) has shown, compliance is frequently procedural rather than transformative, and the emotional, pedagogical, and strategic labour of inclusion is unevenly distributed across institutions.

This tension reflects a broader dynamic I have traced throughout this chapter: where inclusion is framed through compliance logics rather than critical engagement.

Ahmed (2006, 2012) argues that institutional diversity work often becomes a form of 'non-performative' labour, producing the appearance of action without structural consequence. The Equality Act, in this context, becomes both a catalyst and a constraint: it offers a legal mandate for equality but is often operationalised through audit cultures, annual reporting, and symbolic gestures rather than deep institutional accountability.

Importantly, the Act's wording, especially clauses such as 'where reasonably practicable', creates interpretive ambiguity. This discretionary language allows universities to delay, dilute, or deflect meaningful action, particularly when inclusion conflicts with other institutional priorities. As Ball (2012) notes, such flexibility is a hallmark of the performative policy environment, where institutions learn to 'game' expectations through surface compliance, carefully crafted policies, and polished public narratives. These performances risk masking ongoing harm, particularly for queer, trans, disabled, racialised, and working-class staff and students.

Further, the legal framing of equality tends to be individualised and reactive. It places the burden of proof on those harmed and typically addresses discrimination retrospectively through formal complaints or tribunal processes. This is especially problematic for LGBTQIA+ communities, whose experiences of exclusion are often affective, relational, and difficult to quantify, manifesting through microaggressions, misrecognition, or institutional silence. Seidman (2005), Hong et al. (2016), and Sundberg et al. (2021) have documented how such environments correlate with mental health disparities, academic disengagement, and high dropout rates.

The Act's limitations also lie in its treatment of intersectionality. While it permits claims based on more than one protected characteristic, it does not fully address how class, race, gender identity, and disability intersect in the production of marginalisation. Scholars such as Crenshaw (1991) and Collins (2019) remind us that systems of inequality do not operate in isolation. Yet, the Act's architecture and institutional responses often fail to reflect this complexity, reducing experiences of oppression to singular, measurable categories.

I do not reject the value of the Equality Act, indeed, it offers an essential point of leverage. However, I situate it within the wider neoliberal policy ecology explored earlier in this chapter, where equality must often compete with institutional goals around efficiency, reputation, and market positioning. As Slaughter and Rhoades (2004), Hazelkorn (2015), and Molesworth, Scullion, and Nixon (2011) note, the university has become increasingly beholden to market logics. Inclusion, in this context, becomes not only a legal requirement but a reputational asset, managed, measured, and leveraged through frameworks like Athena Swan and Stonewall rankings.

This section, therefore, offers a legal and policy scaffold for the thesis but does not treat the law as neutral. Rather, it critically examines how the Equality Act is interpreted, enacted, and contested within HEIs. As I move into the next section, I examine how universities have responded to these legal imperatives through specific EDI initiatives, and what these responses reveal about the politics of recognition, resource allocation, and institutional legitimacy.

While the Equality Act 2010 offers an important legal scaffold for inclusion in higher education, its practical impact is shaped by how institutions choose to interpret and enact its provisions. Nowhere is this more evident than in the application of the PSED. Introduced as a core mechanism to ensure compliance with the Act, the PSED is intended to move universities beyond reactive, complaint-based models of equality toward proactive institutional change. However, as I have argued throughout Sections 2.2 to 2.5, statutory obligations can quickly become entangled in logics of performativity, where compliance is performed through documentation, policy templates, and annual reporting rather than through substantive cultural or structural transformation. In what follows, I critically examine the promises and limitations of the PSED, particularly its reliance on the framework of ‘protected characteristics,’ and explore how this shapes the scope and substance of LGBTQIA+ inclusion efforts in Scottish HEIs.

## 2.8 Public Sector Equality Duty and the limits of protected characteristics

The PSED embedded within the Equality Act 2010, requires HEIs to proactively eliminate discrimination and foster equality across all nine protected characteristics. This includes duties to publish equality outcomes, conduct equality impact assessments, and demonstrate ongoing progress (Equality Act, 2010; EHRC, 2023).

On the surface, these statutory duties provide a strong accountability mechanism. Yet, as discussed in Section 2.2, I approach these duties with critical caution. PSED reporting can become an exercise in bureaucratic compliance rather than meaningful change, what Ahmed (2012) calls ‘non-performative’ practices, where the appearance of commitment displaces the work of transformation. The emphasis on formal characteristics can also obscure intersectional realities, where individuals experience overlapping forms of exclusion that exceed legal categories.

I have observed, both in my research and in practice, that protected characteristics are often operationalised through narrow compliance lenses. For example, sexual orientation may be addressed through policy statements or visibility campaigns, while trans inclusion remains limited to basic signposting and procedural guides. Meanwhile, issues of class, migration, and religious diversity are frequently under-theorised or sidelined altogether.

This analysis builds on the arguments in Sections 2.3 to 2.5: where inclusion is reduced to measurable outputs, statutory obligations risk serving institutional risk management more than structural justice, structured by a neoliberal ideology (identifiable, measurable, accountable). Throughout this study, I interrogate how institutions interpret, enact, or resist these duties, and how such interpretations affect LGBTQIA+ inclusion, in particular.

Despite the existence of statutory obligations, reports suggest that universities often fail to implement even basic protections for LGBTQIA+ students and staff.

Bachmann and Gooch’s (2018) *LGBT in Britain: University Report* offers a particularly stark portrait. They found that LGBTQIA+ respondents reported ‘little confidence in bullying reporting procedures, a lack of visible commitment for LGBT

equality, and inadequate equality policies' (p. 10). Their research highlights persistent gaps between policy rhetoric and lived campus experiences, echoing Ahmed's (2012) concept of non-performativity, where institutional claims to inclusion fail to materialise in practice.

Bachmann and Gooch (2018) identified three foundational interventions universities should adopt: (1) clear, visible zero-tolerance policies on homophobic, biphobic, and transphobic behaviour; (2) transparent reporting procedures and accessible points of contact; and (3) comprehensive staff training on identifying, addressing, and preventing anti-LGBTQIA+ discrimination. While these measures are relatively modest, their continued absence in many institutions underscores the shallow operationalisation of equality duties.

This gap is made especially visible through the rhetoric of senior university leadership. Louise Richardson, then Vice-Chancellor of the University of Oxford, once remarked to students that 'my job is not to make you feel comfortable' after complaints were raised about academics expressing anti-gay views (BBC News, 2017). This public statement reveals not only the reluctance of institutional leaders to confront exclusionary beliefs but also the normalisation of LGBTQIA+ discomfort within campus hierarchies. The implications of such stances extend beyond rhetorical damage: they foster environments where faculty are emboldened to dismiss inclusive practices, and where staff may feel justified in omitting queer and trans content from educational spaces. As Sundberg et al. (2021) argue, these omissions contribute to cumulative marginalisation, including microaggressions, disengagement, and higher attrition rates among LGBTQIA+ students and staff.

Empirical research consistently supports this concern. Bachmann and Gooch (2018) reported that over a third of LGBTQIA+ students had experienced physical assault or harassment, and 22% of lesbian, gay, and bi students, and 39% of trans students lacked confidence in reporting incidents to their institutions. Hong et al. (2016) further reinforce that visible resources and ongoing staff training significantly reduce harassment and increase campus safety. The lack of such measures is not a matter of ignorance, but of institutional choice, a calculated balance between reputational maintenance and resource allocation.

These findings point to a broader systemic failure: one in which compliance is equated with progress, and minimal engagement with statutory duties is mistaken for structural change. It is not enough for universities to cite the Equality Act 2010 or to adopt a public-facing diversity statement. Without the consistent and transparent operationalisation of anti-discrimination protections, grounded in lived realities rather than symbolic adherence, the duty to foster equality remains unmet.

Beyond issues of reporting and training, LGBTQIA+ students and staff continue to face systemic hostility within HEIs, often under the radar of formal equality frameworks. The shift to digital learning during the COVID-19 pandemic surfaced new vulnerabilities. In October 2020, LGBTQIA+ society members at Durham University were subjected to homophobic abuse during a virtual meeting on Zoom (BBC News, 2020). A group of students infiltrated the event, shouting slurs and engaging in targeted harassment. Despite the digital format, the impact of such incidents is real, compounding fear and isolation within communities already structurally marginalised.

Broader survey data underscore how widespread these experiences are. In a study conducted by McGoldrick and Yarlett (2015) for the National Union of Students, LGBTQIA+ students across 80 UK universities reported alarming rates of discrimination:

- 14% experienced name-calling
- 23% experienced ongoing harassment
- 26% experienced threats or intimidation
- 33% experienced physical assault

Such figures are not isolated. Bachmann and Gooch's (2018) findings further confirm that many LGBTQIA+ students feel unsafe reporting such incidents. The reasons are clear: institutional responses are often slow, inadequate, or framed through legal risk management rather than care or accountability. In this environment, diversity statements and Pride flag displays lose meaning when they are not matched by sustained, community-informed action.

The emotional toll of such hostile climates is borne disproportionately by students who are multiply marginalised. One testimony from the *LGBT in Britain: University Report* (Bachmann and Gooch, 2018, p. 6) illustrates the disconnect between institutional signalling and lived experience:

*I am studying to be a primary teacher. My previous tutor used homophobic language and actions during one of my school visits. I have made a complaint which is currently ongoing at the university. My tutor was changed, which was a start. The university flies the rainbow flag during gay history month but there is a real issue with discriminatory attitudes and actions in the staff team.*

This student's experience captures a recurring tension in this thesis: where symbolic inclusion (e.g., Pride month initiatives) coexists with, and sometimes conceals, the persistence of everyday discrimination. Rather than addressing the structural roots of exclusion, many university policies continue to function as reputational tools, gesturing towards progress while leaving oppressive dynamics untouched. This raises crucial questions about how inclusion is defined, measured, and enacted, and whose voices are deemed legitimate in that process.

## 2.9 Performativity vs authenticity: inclusion as image

Inclusion in HEIs frequently framed as a branding strategy rather than a sustained commitment to justice. Institutional efforts often rely on performative gestures, diversity statements, Pride flags, inclusion awards, or website banners, which signal a commitment to equity but rarely engage with the underlying mechanisms of exclusion. As Ahmed (2012) argues, diversity policies in organisations often operate as 'non-performative' texts: they appear to do something, but in practice they displace action. The existence of an equality policy, or a rainbow-themed social media post, is used as proof that inclusion is happening, even when lived experiences contradict this narrative.

Universities frequently employ what Köllen (2016) describes as reputational diversity: policies and events designed less to challenge marginalisation than to project an image of progressiveness to funders, stakeholders, and league tables. This is compounded by what Pitcher et al. (2018) refer to as the illusion of support, a context in which policy appears progressive on paper but lacks mechanisms for accountability, resourcing, or implementation. These critiques are not abstract; they reflect patterns across many UK universities, where visibility campaigns often stand in for deeper work on systemic change.

As Formby (2017) observes, diversity initiatives that rely on tick-box compliance often fail LGBTQIA+ individuals entirely. When inclusion is reduced to quantifiable outputs, number of training sessions, visibility events, or policy citations, it risks reproducing the very exclusions it claims to challenge. In such contexts, inclusivity becomes a commodity to be displayed, rather than a value enacted through dialogue, redistribution, or structural reform.

These dynamics are especially visible in Scottish HEIs, where policy outputs are celebrated, but implementation remains fragmented. Grimwood (2017) asks whether institutions are willing to raise equality standards through equity-focused practice, or whether they merely replicate tokenistic norms under the banner of diversity. The answer, often, lies in what universities are willing to disrupt.

Take, for example, the issue of gender identity recognition. Beemyn (2019) has highlighted the lack of systems allowing trans and non-binary students to self-identify their name and gender across university portals. This omission, while technical, has deep consequences for student wellbeing, safety, and belonging. Sundberg et al. (2021) likewise found widespread misgendering by staff and students, as well as resistance to trans-inclusive pedagogical practices. Such experiences are not outliers, they are symptomatic of institutions where performativity has replaced authentic engagement.

Ultimately, this section argues that authentic inclusion requires more than symbolic acts or procedural compliance. It demands structural change, co-created policy, and critical reflection on whose comfort is prioritised. As I explore throughout this thesis, especially in Chapters 5 and 6, the tension between performativity and authenticity

lies at the heart of how LGBTQIA+ inclusion is imagined, resisted, and enacted across Scottish higher education.

## 2.10 LGBTQIA+ policy practices: from best Practice to bespoke action

While equality and diversity policies are widely disseminated across HEIs, their lived efficacy remains highly uneven. During the COVID-19 pandemic, the forced shift to online environments disrupted LGBTQIA+ students' access to in-person community spaces, exposing gaps in institutional preparedness and responsiveness. At the University of Durham, for example, a 2020 Zoom-based LGBTQIA+ society meeting was hijacked by students who launched a barrage of homophobic slurs (BBC News, 2020). This incident underscored the vulnerability of LGBTQIA+ spaces in the absence of robust safeguards, proactive leadership, and responsive reporting mechanisms.

National data reinforce the structural nature of these problems. A report by McGoldrick and Yarlett (2015) for the National Union of Students revealed widespread anti-LGBTQIA+ hostility across UK campuses: 33% of respondents reported physical assault, 26% reported threats and intimidation, and 23% reported harassment. Crucially, 22% of LGB students and 39% of trans students indicated that they would not report hate crimes due to mistrust in university responses (Bachmann and Gooch, 2018). These data reflect a widespread perception that universities lack visible, accountable support systems.

Beyond reactive measures, many HEIs promote what they term 'best practice' models for inclusion. However, these often-universalised approaches risk flattening the specific needs and contexts of different institutions and communities. Nicolazzo, Marine and Wagner (2017) argue for a shift away from the static notion of 'best

practice' toward intentional, situated, and responsive practice. Ahmed (2012) similarly critiques the use of 'good practice' as organisational theatre, a curated display of inclusion that conceals ongoing structural exclusion. While such practices may appear progressive, they often reinscribe institutional norms and function as reputation management tools.

In many HEIs, the labour of 'inclusion' disproportionately falls on minoritised staff. Preston and Hoffman (2015) describe Traditionally Heterogendered Institutions (THIs) as spaces where LGBTQIA+ staff are not only underrepresented but often burdened with informal advocacy roles. Without formal resource centres or dedicated policy support, these staff members may become overwhelmed and exposed to institutional retaliation (Linder et al., 2019). The expectation to 'do' EDI without recognition or support reflects a deeper issue: inclusion is often expected to arise organically from the goodwill of marginalised people, rather than being structurally embedded in institutional practice.

In response, some scholars advocate for holistic and bespoke policy frameworks. Pryor and Hoffman (2021) argue that resource centres, student affairs staff, and campus leadership must collaborate to ensure that inclusive policies reflect community needs rather than generic templates. Martin et al. (2018) further emphasise the importance of evidence-based, intersectional policymaking, grounded in the lived realities of LGBTQIA+ students and staff. Bespoke approaches are essential in resisting the conflation of identities, where all non-normative sexualities or genders are treated as interchangeable within policy frameworks.

These critiques support the central argument of this chapter: policy instruments must move beyond symbolic visibility to engage with the structural, emotional, and

embodied realities of exclusion. While universities may frame themselves as inclusive institutions, this inclusion is often conditional, unequally distributed, and reliant on the labour of those it claims to support.

## 2.11 The limits of law: recognition, resistance, and reproduction

The Equality Act 2010 is widely cited as a cornerstone of institutional EDI policy. However, as explored earlier in this chapter, its implementation is shaped by institutional discretion, resource constraints, and reputational priorities. The Act's symbolic authority can obscure its limited capacity to transform discriminatory cultures when institutional actors resist its application or interpret its obligations minimally.

This disjuncture is sharply illustrated through the public controversies surrounding Professor John Finnis at the University of Oxford. In 2018, students launched a petition calling for his removal following the surfacing of multiple publications in which he equated same-sex relationships with bestiality and argued that homosexuality was 'destructive of human character' (Finnis, 1995, 2011). Despite widespread outcry and clear implications for the dignity and safety of LGBTQIA+ students, Finnis retained his position, and the university declined to publicly censure his statements.

This institutional tolerance was compounded when Finnis was awarded a Commander of the Order of the British Empire (CBE) in 2023, an honour reserved for individuals deemed to have 'always done the right thing' and served the nation with distinction (UK Government, n.d.). For LGBTQIA+ communities, this recognition was not only deeply hurtful but exposed the gulf between the aspirational language of the Equality Act and the structural realities of power, privilege, and systemic endorsement of discrimination.

These contradictions raise uncomfortable questions. If public honours are conferred upon individuals whose writings contravene the spirit, if not the letter, of the Equality Act, what message does this send to LGBTQIA+ students and staff about the value of their lives and rights? As Harper (2020) and Reay (2023) note, the UK honours system remains deeply elitist, reinforcing hierarchical structures in which prestige outweighs equity. When such systems reward individuals who espouse exclusionary views, universities and governments alike are complicit in upholding a symbolic inclusion without consequence. A similar dynamic has surfaced more recently in Scotland. In 2023, the University of Edinburgh faced significant student, staff, and public opposition after hosting speakers whose events were widely criticised as promoting anti-trans rhetoric. Despite petitions, protests, and concerns raised about the safety and wellbeing of trans and gender-expansive students, the university defended the events under the framing of 'academic freedom' (Carrell, 2023). This episode illustrates how the tensions identified above continue to manifest in different institutional contexts, reproducing the conditions of cisheteronormativity through which LGBTQIA+ exclusion is normalised, rationalised, or rendered institutionally permissible.

As a gay scholar, I reflect on this not merely as a policy issue, but as a lived contradiction. The universities that fly the rainbow flag during Pride Month are often the same institutions that tolerate, enable, or reward public figures who question the legitimacy of queer existence. These tensions are not theoretical, they shape who feels welcome, safe, and valued within HEIs spaces.

Taken together, this analysis reveals that policy instruments alone cannot guarantee protection or justice. Without structural accountability, institutional courage, and consistent challenge to discriminatory norms, equality law remains a fragile promise.

The next section turns toward the curriculum and pedagogy as sites where that promise may yet be realised or deferred once again.

## 2.12 Curriculum and pedagogy: where inclusion is (not) taught

Legal frameworks and institutional strategies often foreground structural commitments to equality, but it is in the everyday practices of teaching and learning that such commitments are either enacted or eroded. Curriculum design, pedagogical choices, and staff engagement with LGBTQIA+ inclusion offer insight into how equality is understood, both as a concept and as a lived experience, within higher education.

Davy et al. (2015) argue that LGBTQIA+ content is routinely marginalised or omitted from curricula, even in disciplines where such inclusion would offer clear relevance. Rather than embedding gender and sexuality themes as integral to course content, many lecturers adopt an ‘as and when it comes up’ approach (p. 147), often due to a lack of confidence, institutional pressure, or unclear guidance on how to integrate these perspectives meaningfully.

This issue is not limited to social sciences or humanities. Wright and Delgado (2023) highlight how LGBTQIA+ representation in STEM fields remains exceptionally limited, reinforcing heteronormative norms and excluding students who do not see themselves reflected in the material, as well as providing students (broadly speaking) with access to the wide range of people, knowledges, and innovations within the knowledge economy. Their research advocates for a ‘queer pedagogy’ that disrupts normative binaries and introduces LGBTQIA+ histories, identities, and contributions into core disciplinary knowledge. Examples include the use of case studies, role models such as those profiled by the 500 Queer Scientists project, and critical questioning of power and hierarchy in scientific knowledge production.

In health sciences and psychology, the stakes are particularly high. Matsuno and Budge (2017) stress that the absence of LGBTQIA+ content in training programmes directly affects future healthcare providers' capacity to offer equitable, culturally competent care. Similarly, the lack of standardised curricula that centre queer and trans experiences in psychology courses limits student understanding of identity formation, mental health disparities, and the impact of institutional discrimination.

Despite these insights, there are few systemic levers to ensure consistency.

Faculties are not generally required to report on how LGBTQIA+ content is integrated across modules, which leads to patchy, optional, or tokenistic inclusion.

Where inclusion occurs, it is often driven by individual staff members rather than embedded in institutional strategy. This inconsistency reflects a wider trend identified across this chapter: where responsibility for EDI implementation is diffused, minoritised individuals often bear the burden of driving change without institutional recognition or protection.

Furthermore, while curriculum design shapes what students learn, the attitudes, preparedness, and commitments of academic staff, determine how inclusive and transformative that learning becomes. Beyond formal content, pedagogical environments are shaped by who teaches, how they teach, and whether they are equipped and supported to challenge power and discrimination when it arises.

In this context, it is essential to distinguish between discursive representation and material inclusion as they relate to LGBTQIA+ visibility in teaching and institutional life. Discursive representation refers to symbolic inclusion, such as when queer and trans identities are mentioned in policy statements, included in diversity-related curriculum examples, or acknowledged through inclusive institutional language.

While these gestures offer visibility, they often stop short of transforming the structural conditions that shape LGBTQIA+ experiences in higher education. In contrast, material inclusion demands real, systemic change, ensuring queer and trans individuals are appointed to influential roles (e.g., senior academic or leadership positions), providing comprehensive training and structural support for staff, and engaging in intentional citation practices that elevate queer, trans, and feminist scholarship. As Ahmed (2012) notes, inclusion must be more than rhetorical; it must be embedded in institutional power, resourcing, and recognition.

Acknowledging both forms of inclusion is critical to evaluating how universities support, or fail to support, transformative queer and trans pedagogy and practice.

The next section explores how university staff engage (or fail to engage) with LGBTQIA+ inclusion, with particular attention to allyship training, resistance, and institutional responsibility.

## 2.13 Faculty and allyship: between intention and action

As clarified in Chapter 1, I treat training as one form of LGBTQIA+ programming.

While programming can include policies, campaigns, and support networks, training is a central mechanism through which universities seek to operationalise their commitments. This framing underpins the following discussion, where I examine how training is implemented, resisted, and critiqued within Scottish HEIs.

Despite the presence of EDI statements and training offers in many institutions, lecturers often resist engaging with LGBTQIA+ content in the classroom. As Davy et al. (2015) note, some staff question its relevance to their discipline or find its inclusion personally or politically uncomfortable. This hesitation is compounded by a lack of robust training, resulting in staff being uncertain about what inclusive practice looks like in real teaching scenarios.

Woodford et al. (2014) offer a framework for Allyship Training Programmes (ATPs), identifying four main categories:

1. Awareness: Understanding LGBTQIA+ terminology and bias.
2. Recognition: Identifying discrimination and privilege.
3. Support: Learning how to be an effective ally in daily interactions.
4. Advocacy: Actively resisting discrimination and promoting inclusion.

However, most ATPs remain limited to early-stage awareness and passive support. Only the second category, 'recognition,' consistently engages with institutional policy or encourages confronting heterosexism, defined as an ideological system that denies, denigrates, and stigmatises non-heterosexual forms of behaviour, identity, relationship, or community (Herek, 1990) and it is reproduced structurally in policy settings when institutional assumptions (e.g., 'default heterosexuality') shape what is named, resourced, or rendered invisible.. This results in many university allies being supportive in theory but hesitant or ill-equipped to intervene when discrimination occurs.

Without a standardised national training infrastructure, unlike the National Health Service (NHS) or social services, universities often rely on third-party providers like Stonewall UK for training content. While Stonewall's resources are helpful, they are not tailored to the diverse 'campus climates' of individual institutions. Hong et al. (2016) advocate for a 'policyscape' approach, whereby policies and practices are locally adapted, data-informed, and reflective of both structural commitments and grassroots needs.

Universities that lack meaningful staff training risk leaving the burden of inclusion to already marginalised individuals. LGBTQIA+ faculty, often in precarious roles or junior positions, are disproportionately expected to lead on inclusion efforts, from serving on EDI committees to acting as informal support systems for students. Linder et al. (2019) caution that this can lead to emotional burnout, isolation, and professional risk for queer and trans staff, especially in institutions that fail to reward or protect this labour.

Moreover, a growing body of scholarship has shown how EDI training is frequently co-opted into the logic of performativity, audit culture, and brand management. Puar (2007) critiques the selective incorporation of certain queer subjects as evidence of progress, framing this as homonationalism, where queer inclusion is conditional upon alignment with dominant norms. Similarly, Bhopal and Pitkin (2020) and Lentin (2020) reveal how EDI structures can depoliticise inequality by transforming structural violence into matters of individual sensitivity, unconscious bias, or interpersonal conduct. Training, in this context, becomes a ritualised performance, low-cost, low-risk, and high in symbolic capital. It provides the appearance of responsiveness while avoiding confrontation with the university's role in reproducing structural injustice.

Additionally, the use of 'best practice' within EDI discourses deserves scrutiny. As Shore and Wright (2015) argue, such managerial terms often translate political demands into technocratic solutions, rendering justice bureaucratically digestible. A queer and trans critique challenges the idea that inclusion can be standardised or templated. Nicolazzo (2017) argues for messy, context-specific, relational approaches that foreground lived experience over metrics. Best practice, then, becomes a containment strategy, one that soothes institutional anxiety while

deflecting from more radical possibilities of institutional transformation. From this perspective, much of EDI operates as a neoliberal solution to a neoliberal problem: a way to manage inequality without redistributing power.

Ultimately, allyship in HEIs cannot be reduced to awareness workshops or symbolic pledges through best practices. It must be embedded into recruitment, appraisal, promotion, and teaching expectations, with clear routes for accountability and institutional change.

## 2.14 Conclusion

This chapter has examined the complex terrain of equity, diversity and inclusion (EDI) in UK higher education, tracing the interplay between legislation, institutional frameworks, and the lived realities of LGBTQIA+ staff and students. By weaving together critical policy analysis, empirical research, and theoretical insight, I have argued that the promise of inclusion is often constrained by a performative, neoliberal logic that emphasises compliance over transformation.

Drawing from critical theory, queer and trans scholarship, and interpretive policy analysis as outlined in Sections 2.1 to 2.5, I have foregrounded how institutional responses to the Equality Act 2010 and the PSED (Sections 2.9–2.10) frequently reflect a form of ‘policy sabotage’ (Priestley and Philippou, 2018), wherein the progressive ambitions of legislation are diluted by managerial rationalities. The protected characteristics model, while providing an essential legal baseline, has been shown to inadequately address the intersecting and embodied nature of marginalisation, particularly for queer and trans communities.

Across Sections 2.11 to 2.13, I examined how inclusion is often operationalised through symbolic compliance mechanisms such as award schemes, training initiatives, and policy statements. These strategies, as argued by Ahmed (2012), frequently operate as non-performative, enabling institutions to showcase commitment while evading the structural work of equity. Research on campus climate and staff/student experiences (Bachmann and Gooch, 2018; Sundberg et al., 2021; Hong et al., 2016) reveals the persistence of harm and marginalisation, underscoring the limitations of institutionally sanctioned inclusion work.

Crucially, the chapter has also explored queer and trans resistance as a generative force of critique and possibility (Section 2.6). Drawing on Halberstam (2011), Muñoz (2009), and Nicolazzo (2017), I argued that such resistance is not merely oppositional, but also performative and imaginative, constructing spaces, practices, and solidarities that refuse assimilation and expand the horizons of what inclusion could mean.

This chapter offers a means of interrogating how EDI policy is enacted, resisted, or ignored across multiple levels of institutional life by integrating these strands into the thesis's analytical framework, particularly the four critical lenses of sabotage, symbolic compliance, interpretation, and operationalisation outlined in Sections 2.2–2.5. This framework is not only analytical but also political. It insists that inclusion must be evaluated not only in terms of policy presence or demographic representation but in terms of structural justice, lived equity, and affective belonging.

In the chapters that follow, this framework is applied to a detailed analysis of policy documents and interview data from a range of Scottish HEIs. The next chapter outline the methodological strategies used to surface these dynamics and to

examine how EDI is navigated in practice. Together, the empirical and analytical chapters extend the central argument of this thesis: that the transformation of HE requires more than policy, it demands a reimagining of the institutional structures, affective economies, and political commitments that reinforce it.

## Chapter 3 - Methodology

### 3.1 Introduction

The methodology section of this thesis outlines the research design and approach used to explore the development and implementation of LGBTQIA+ EDI policies in Scottish universities. The research employs a qualitative approach, supported by constructivist paradigm, which is well suited for understanding complex social phenomena, through individual lived experiences and institutional practices. Semi-structured interviews and document analysis are the primary methods used to gather data, allowing for a deep exploration of policy intentions and lived experiences. This study adopts a reflexive stance, acknowledging the influence of my positionality as a researcher and the importance of examining the data through a critical, intersectional lens.

The methodology further emphasises the importance of reflexivity, using a research log and timeline to document the research journey, challenges, and ethical considerations. Personal challenges, such as health issues and delays in ethics approval, impacted the research process, and these are transparently addressed to highlight both the rigor and adaptability of the research. This section demonstrates

the careful alignment between the chosen methods and the research objectives, ensuring that the findings are grounded in a robust and transparent methodological framework.

## 3.2 Theoretical framework: connecting theory to methodology

### 3.2.1 Critical theory, constructivist stance, and personal background

My methodological approach is grounded in critical theory (Section 2.3.3), which positions EDI policy as a contested site of symbolic and material struggle rather than a neutral set of regulations. This perspective situates universities within neoliberal knowledge economies, where diversity and inclusion are often commodified and reframed as marketable assets. It shaped my decision to adopt a qualitative design that could uncover the tensions and contradictions embedded in policy enactment.

At the same time, my constructivist stance (Section 3.4.2.2) recognises that knowledge is socially constructed and co-produced. This aligns with semi-structured interviews as a core method, enabling participants to articulate their experiences in a flexible and dialogic way. Queer and feminist traditions further informed this stance, particularly Butler's (1990) work on gender performativity, which highlights how institutions discursively construct, regulate, and sometimes erase queer and trans lives. In addition, the methodological lens of this study is shaped by the insights of theorists such as Ahmed (2012), Halberstam (2011), whose work exposes how institutions commodify diversity, regulate belonging, and create both possibilities and limits for LGBTQIA+ inclusion.

My personal background also plays an important role in shaping this framework.

Growing up in Manchester during the era of Section 28, I experienced first-hand the silences, exclusions, and stigmatisation that legislation produced within schools and

colleges. Despite Manchester's reputation as a liberal and diverse city, LGBTQIA+ issues were absent from the curriculum, avoided by teachers, and treated as taboo. This formative experience deeply shaped my understanding of identity, community, and belonging. It also instilled in me a critical awareness of how legislation and policy can both suppress and create the conditions for inclusion. Writing this thesis has at times been therapeutic and at times triggering, reminding me of the importance of research that challenges institutional silences and works towards equity. My commitment to activism and to the work of EDI is inseparable from this background, and this positionality is reflected in the methodological choices I have made.

## 3.2.2 Philosophical underpinnings

### 3.2.2.1 *Critical Theory*

This research is grounded in critical theory, which provides a robust framework for examining the power dynamics, social inequalities, and structural oppressions that influence the development and implementation of EDI policies in HEIs. Rooted in the work of Horkheimer, Marcuse and Adorno (in Bonner, 2013), critical theory is concerned with critiquing and changing society, rather than simply understanding or explaining it. This framework is particularly well suited to research that aims to uncover the ways in which institutional practices may perpetuate inequalities, even under the guise of inclusivity and equality.

Critical theory theorises that societal structures are inherently unequal and that these inequalities are maintained through power dynamics that are often invisible or normalized. This research will explore how EDI policies, intended to promote inclusivity, might instead reinforce existing power structures that marginalise

LGBTQIA+ individuals within HEIs by applying critical theory. This approach aligns with Fraser's (1995) work on social justice, which emphasises the need to recognise and address both cultural and economic inequalities.

### *3.2.2.2 Constructivism*

The origins of constructivism can be traced back to the work of philosophers such as Immanuel Kant, who argued that knowledge is not simply a matter of passively receiving information from the world but rather is actively constructed by the mind. This idea was further developed by sociologists such as Peter Berger and Thomas Luckmann, who theorised that social reality is constructed through the shared meanings and interpretations that people develop through their interactions with one another (Berger and Luckmann, 1991).

### *3.2.2.3 Ontology*

Ontology deals with the nature of reality and what can be known about it. In constructivist research, reality is viewed as subjective and socially constructed (Smith, 2024), meaning there are multiple realities shaped by individual experiences and social contexts. Semi-structured interviews support this ontological stance by allowing participants to express their unique perspectives and realities (Charmaz, 2014). The open-ended nature of these interviews enabled participants to describe their experiences in their own terms, reflecting the diversity and complexity of human experiences. As I followed the participants' narratives, they uncovered many features of their reality, providing a more comprehensive understanding of the phenomenon being studied. Therefore, I was able to appreciate each EDI practitioner's viewpoint on their university's LGBTQIA+ EDI policies and the Equality Act 2010.

Owing to my ontological assumptions, my research perspective allows me to understand the varied viewpoints of EDI practitioners in Scottish HEIs. These professionals hold differing opinions on the success of current EDI policies, the difficulties they encounter in implementing them, and the effectiveness of the Equality Act 2010. I aim to explore the diverse experiences of EDI practitioners in the changing landscape of Scottish HEIs. My research will focus on the impact of existing policies, the challenges faced in promoting inclusivity, and the effectiveness of the Equality Act 2010 as a tool for equity and diversity. This study will contribute to a better understanding of the complexities of EDI work in Scottish HEIs and the challenges and opportunities that practitioners face.

#### *3.2.2.4 Epistemology*

Epistemology concerns the nature and scope of knowledge and how it can be acquired. In constructivist research, knowledge is seen as co-constructed between the researcher and the participant (Guba and Lincoln, 1994). This implies that knowledge is not discovered but created through the interaction between the researcher and the participant. Semi-structured interviews embody this epistemological approach by forging a relationship where both parties contribute to the creation of knowledge. The researcher asks questions that encourage deep reflection and elaboration, and participants share their stories and insights. This process highlights the importance of context and the interplay between the researcher and the participant in shaping the findings.

Furthermore, each EDI practitioner can provide different realities through their subjectivity in knowledge (Berger and Luckmann, 1991). This means that within the

constructivist view multiple realities exist based on individual experiences and perspectives (Schwandt, 2015). When considering epistemology, this diversity is essential, as it reveals how knowledge is deeply intertwined with personal and social contexts (Alcoff and Potter, 1993). The subjective nature of each participant's knowledge allows researchers to explore diverse realities, thus enriching the overall understanding of the topic. This approach not only acknowledges but also values the varied ways of knowing and interpreting the world, leading to a more comprehensive and nuanced comprehension of human experiences. This research aligns with a more pluralistic and inclusive epistemology, where knowledge is not a single, static entity but a dynamic and multifaceted construct by recognising the diverse EDI practitioners' perspectives (Schwandt, 2015).

#### *3.2.2.5 Axiology*

Axiology refers to the role of values in research. Constructivist research recognises that values are integral to the research process and that both researchers' and participants' values influence the research outcomes. Semi-structured interviews accommodate this axiological perspective by allowing participants to express their values, beliefs, and priorities. The flexible nature of the interview enables researchers to explore these values in depth, understanding how they shape participants' experiences and interpretations. Researchers must also reflect on their own values and how these might impact the research process and outcomes (Guba and Lincoln, 1994), ensuring a transparent and ethical approach.

The research holds significance for participants because, as EDI practitioners within Scottish HEIs, they navigate the policies and institutional dynamics discussed in the

interviews as part of their everyday professional lives. My own positionality is similarly embedded. As a staff member, student, and gay man working in Scottish HEIs, I am simultaneously *subject to* EDI and LGBTQIA+ policies and *responsible for enacting them* in my teaching, curriculum design, and institutional engagement. This dual positioning means that I am not observing these processes from a distance; rather, I am shaped and constrained by the same policy architectures that I analyse. In this sense, I am implicated in the very politics of resistance, refusal, transformation, and subjugation that the study seeks to investigate. Acknowledging this entanglement does not undermine the research. Instead, it strengthens its authenticity and analytic depth by situating my interpretations within the lived realities of policy enactment and the everyday negotiations that EDI practitioners must navigate.

### 3.2.3 From theory to practice: implications for research design

The methodological choices made in this study reflect and operationalise these philosophical commitments:

- Critical policy analysis was guided by critical policy studies' focus on the gap between implementation and enactment (Section 2.4.4). Policies were treated not as neutral texts but as instruments shaped by neoliberal pressures, performativity, and governance structures.
- Semi-structured interviews reflected my constructivist epistemology and feminist/queer commitments, offering space for participants to co-construct meaning and situating their narratives within institutional and cultural contexts.
- Reflexivity was central throughout. I used practices such as journaling, self-reflection, and peer debriefing to remain aware of how my identity and

assumptions shaped interpretation. Member-checking with participants ensured their perspectives were represented fairly and not distorted by my own biases. Constructivist research findings are not absolute truths but contextualised understandings, and my approach sought to preserve that complexity.

### 3.2.4 Analytical application of the four lenses

As outlined in Chapter 2 (**Section 2.4.8**), I developed an analytical framework consisting of four lenses: *interpretive space*, *material supports*, *instrument mix*, and *governance/sabotage*. These lenses were applied flexibly and iteratively to both interview transcripts and policy texts:

- *Interpretive space* explored how inclusion was framed rhetorically, reflecting or resisting neoliberal and heteronormative discourses.
- *Material supports* examined institutional resources and capacity, identifying the limits of symbolic policy commitments.
- *Instrument mix* analysed the tools through which policies were enacted, linking to broader debates on policy design and implementation.
- *Governance/sabotage* uncovered the ways EDI commitments were undermined by managerialism, structural inertia, or deliberate ambiguity.

This framework provided consistency across data sources while keeping the analysis responsive to context and complexity.

### 3.3 Research log: timeline

In qualitative research, particularly in the fields of education, social sciences, and EDI, it is essential for researchers to engage in reflexivity, reflecting on their personal experiences, emotions, and positionality during the research process (Berger, 2013). This practice enhances transparency and trustworthiness by acknowledging how the researcher's background, values, and role may influence the research outcomes (Lincoln and Guba, 1985). Reflexivity allows researchers to reveal the subjective lens through which they interpret data, offering readers a deeper understanding of the context within which findings were generated (Finlay, 2002). Furthermore, discussing personal reflections can help in addressing the power dynamics between researcher and participants, ensuring that ethical considerations are made visible, and that participants' voices are fairly represented (Pillow, 2003).

Berger (2013) argues that reflecting on emotions and experiences allows researchers not only improve the authenticity and depth of their analysis but also provide a more nuanced and humanised account of the research process. This reflexive approach allowed me to contribute to the rigour of this research by making clear how my position might shape the interpretation of data. As a result, reflexivity becomes a vital component in ensuring that qualitative research does not present an illusion of objectivity but instead recognises the researcher's role as an integral part of the knowledge production process.

#### 3.3.1 Chronological overview of methodological practice

This section provides a chronological outline of the methodological process, from research design through to data analysis and writing, to enhance transparency and coherence.

I explicitly adopted Braun and Clarke's (2006, 2022) six-phase framework for Reflexive Thematic Analysis (RTA), to provide a clear organising and sequencing structure for the analytical phase of the study. This aligns with the study's constructivist positioning, where meaning is understood as co-produced between researcher, data, and context (Creswell, 2014; Saldaña, 2021). The framework served as both the methodological scaffold and the practical workflow for analysing the documentary and interview data between January and July 2021, ensuring transparency, coherence, and a robust audit trail. At the same time, it acknowledges how personal and contextual challenges shaped the pace and sequencing of the research.

### *3.3.1.1 Thematic analysis phases*

#### Phase 1: Familiarisation with the data

This initial phase involved deep immersion in all data sources.

- Tasks: Repeated reading of interview transcripts and policy documents; replaying audio recordings; manual correction of transcripts where automated tools struggled (e.g., Scottish accents).
- Purpose: Establishing contextual and conceptual familiarity, and generating early reflexive memos in line with Creswell's (2014) emphasis on early analytic thinking.

#### Phase 2: Generating Initial Codes

This phase marked the shift from raw data to analytic interpretation.

- Tasks: First-cycle descriptive coding (Saldaña, 2021) applied manually to printed transcripts and documents.
- Procedures: Codes were written on post-it notes and organised physically to visualise early clusters (see Figures 6–8).

- Purpose: Capturing noticeable features of the data and maintaining transparency in the data reduction process.

### Phase 3: Searching for themes

Analysis moved from codes to broader meaning patterns.

- Tasks: Aggregating clusters of codes to form preliminary thematic categories.
- Procedures: Early categories were transferred into structured spreadsheets (Figures 13–14) to support consolidation and refinement.
- Purpose: Identifying patterned meaning across the dataset and beginning to establish conceptual boundaries.

### Phase 4: Reviewing and refining themes

This quality-assurance phase ensured both internal coherence and external distinction.

- Tasks: Iterative review of each participant theme against the full dataset.
- Procedures: Development of conceptual maps (Figures 5, 9–12) and the use of second-cycle pattern coding (Saldaña, 2021) to assess relationships and conceptual alignment. Peer checking was used to further assess coherence.
- Purpose: Testing the validity and defensibility of the emerging themes and ensuring alignment with the four analytical lenses (Interpretive Space, Material Supports, Instrument Mix, Governance/Sabotage).

### Phase 5: Defining and naming themes

This involved clarifying the analytical essence of each theme.

- Tasks: Writing detailed theme definitions, articulating the interpretive story each theme conveyed, and identifying key illustrative extracts.
- Procedures: Refining theme boundaries and ensuring conceptual clarity in relation to the broader theoretical framing.

- Purpose: Producing coherent, meaningful, and theoretically anchored themes.

#### Phase 6: Producing the research

The final phase translated the analytic work into the written thesis.

- Tasks: Writing thematic chapters (Chapters 5 and 6), integrating coded extracts, and synthesising interpretations.
- Procedures: Maintaining an audit trail through analytic memos, spreadsheets, and code–theme linking (Figures 13–14).
- Purpose: Communicating findings transparently and demonstrating analytical rigour through systematic reporting.

## 3.4 Rationale

### 3.4.1 Rationale for qualitative research

I embarked on a systematic literature review by conducting a comprehensive search across five databases, resulting in 197 articles initially. After a meticulous screening process that applied inclusion and exclusion criteria, 15 qualitative studies from nine different countries were selected for synthesis (see Table 2). The participants in these studies predominantly identified as LGBTQI+, with a small percentage representing staff members. Most notably, at the time of conducting the research, I was only able to use one from the UK (Formby, 2017) and one from Scotland (Marzetti, 2018). One study was conducted in Scotland, England, and Wales, geographically known as Britain (Bachmann and Gooch, 2018). This proved to me there was a lack of data, especially from a Scottish HEI context.

Author(s)	Year	Title	Journal / Source	DOI / URL
Allen, L., Cowie, L., & Fenaughty, J.	2020	<i>Safe but not safe: LGBTTIQA+ students' experiences of a university campus</i>	<i>Higher Education Research &amp; Development</i> , 1–16	<a href="https://doi.org/10.1080/07294360.2019.1706453">https://doi.org/10.1080/07294360.2019.1706453</a>
Asquith, N. L., Ferfolia, T., Brady, B., & Hanckel, B.	2019	<i>Diversity and safety on campus @ Western: Heterosexism and cissexism in higher education</i>	<i>International Review of Victimology</i> , 25(3), 320–340	<a href="https://doi.org/10.1177/0269758018799032">https://doi.org/10.1177/0269758018799032</a>
Bachmann, C. L., & Gooch, S. B.	2018	<i>LGBT in Britain: University Report</i>	Stonewall	<a href="https://www.stonewall.org.uk/resources/lgbt-britain-university-report-2018">https://www.stonewall.org.uk/resources/lgbt-britain-university-report-2018</a>
Blockett, R. A.	2017	<i>"I Think It's Very Much Placed on Us": Black queer men laboring to forge community at a predominantly white and (hetero) cisnormative research institution</i>	<i>International Journal of Qualitative Studies in Education</i> , 30(8), 800–816	<a href="https://doi.org/10.1080/09518398.2017.1350296">https://doi.org/10.1080/09518398.2017.1350296</a>
Evans, R., Nagoshi, J. L., Nagoshi, C., Wheeler, J., & Henderson, J.	2017	<i>Voices from the stories untold: Lesbian, gay, bisexual, trans, and queer college students' experiences with campus climate</i>	<i>Journal of Gay &amp; Lesbian Social Services</i> , 29(4), 426–444	<a href="https://doi.org/10.1080/10538720.2018.1378144">https://doi.org/10.1080/10538720.2018.1378144</a>
Formby, E.	2017	<i>How should we 'care' for LGBT+ students within higher education?</i>	<i>Pastoral Care in Education</i> , 35(3), 203–220	<a href="https://doi.org/10.1080/02643944.2017.1363811">https://doi.org/10.1080/02643944.2017.1363811</a>
Lee, D., & Carpenter, V. M.	2015	<i>"What Would You Like Me to Do? Lie to You?" Teacher education responsibilities to LGBTI students</i>	<i>Asia-Pacific Journal of Teacher Education</i> , 43(2), 169–180	<a href="https://doi.org/10.1080/1359866X.2014.932331">https://doi.org/10.1080/1359866X.2014.932331</a>
Lewis, M. W., & Ericksen, K. S.	2016	<i>Improving the climate for LGBTQ students at an historically Black university</i>	<i>Journal of LGBT Youth</i> , 13(3), 249–269	<a href="https://doi.org/10.1080/19361653.2016.1185761">https://doi.org/10.1080/19361653.2016.1185761</a>

Marzetti, H.	2018	<i>Proudly proactive: Celebrating and supporting LGBT+ students in Scotland</i>	<i>Teaching in Higher Education</i> , 23(6), 701–717	<a href="https://doi.org/10.1080/13562517.2017.1414788">https://doi.org/10.1080/13562517.2017.1414788</a>
Mizzi, R. C., & Star, J.	2019	<i>Queer Eye on inclusion: Understanding lesbian and gay student and instructor experiences of continuing education</i>	<i>Journal of Continuing Higher Education</i> , 67(2–3), 72–82	<a href="https://doi.org/10.1080/07377363.2019.1660844">https://doi.org/10.1080/07377363.2019.1660844</a>
Msibi, T., & Jagessar, V.	2015	<i>Restricted freedom: Negotiating same-sex identifications in the residential spaces of a South African university</i>	<i>Higher Education Research &amp; Development</i> , 34(4), 750–762	<a href="https://doi.org/10.1080/07294360.2015.1051010">https://doi.org/10.1080/07294360.2015.1051010</a>
Nguyen, D. J., Brazelton, G. B., Renn, K. A., & Woodford, M. R.	2018	<i>Exploring the availability and influence of LGBTQ+ student services resources on student success at community colleges</i>	<i>Community College Journal of Research and Practice</i> , 42(11), 783–796	<a href="https://doi.org/10.1080/10668926.2018.1444522">https://doi.org/10.1080/10668926.2018.1444522</a>
Papadaki, V.	2016	<i>Invisible students: Experiences of lesbian and gay students in social work education in Greece</i>	<i>Social Work Education</i> , 35(1), 65–77	<a href="https://doi.org/10.1080/02615479.2015.1085502">https://doi.org/10.1080/02615479.2015.1085502</a>
Pryor, J. T.	2018	<i>Visualizing queer spaces: LGBTQ students and the traditionally heterogendered institution</i>	<i>Journal of LGBT Youth</i> , 15(1), 32–51	<a href="https://doi.org/10.1080/19361653.2017.1395307">https://doi.org/10.1080/19361653.2017.1395307</a>
Roffee, J. A., & Waling, A.	2016	<i>Rethinking microaggressions and anti-social behaviour against LGBTQ+ youth</i>	<i>Safer Communities</i> , 15(4), 190–201	<a href="https://doi.org/10.1108/SC-02-2016-0004">https://doi.org/10.1108/SC-02-2016-0004</a>

Table 2 - Systematic review - 15 studies

The review revealed three central themes: the persistence of a heteronormative campus climate, the lack of LGBTQIA+ representation in curriculum and campus life, and the discriminatory experiences faced by LGBTQIA+ individuals (mainly from a students and staff). These findings highlight the issue of non-inclusivity and marginalisation of LGBTQIA+ students and staff in university settings.

In discussing these results, I highlighted the critical need for inclusive policies and practices at universities to combat the heteronormativity and discrimination prevalent on campuses. Despite the existence of protective laws, such as the Equality Act 2010, the actual campus experience for LGBTQIA+ individuals remain fraught with challenges, emphasising the need for more effective enforcement and implementation of inclusive policies.

Of the 15 studies included in the systematic literature review, all used a qualitative approach with 12 using semi-structured interviews. This provided enough evidence that qualitative research would be the best approach for this study.

### 3.4.2 Inclusion and role of the National Education Staff Organisation (NESO)

Although the primary focus of this study is on Scottish HEIs, it was also important to include the perspectives of a key NESO. The NESO is a central body advocating for LGBTQIA+ equality and plays a significant role in shaping national policy frameworks and providing guidance that informs institutional practice. Its influence extends

across the HE sector, complementing and sometimes directing the policy work undertaken within individual universities.

Including the NESO offered several advantages for this study. First, it provided a sector-wide lens through which to understand how national policy priorities are interpreted and communicated to HEIs. Second, it offered a perspective on cross-institutional dynamics that individual universities alone could not provide, such as the consistency (or inconsistency) of policy enactment across the sector. Finally, by interviewing representatives from the NESO, I was able to gain insight into how national-level advocacy and lobbying interact with local institutional practices, shedding light on the relationship between external influence and internal enactment.

This broader perspective enriches the data gathered from HEIs participants by situating it within the wider Scottish policy and advocacy context. It ensures that the analysis captures both institutional-level and sector-level dynamics, providing a more comprehensive account of how LGBTQIA+ inclusion is shaped, enacted, and resisted within Scottish higher education. The inclusion of the NESO therefore directly supports the study's research objectives by highlighting the interplay between national policy guidance and institutional practice.

### 3.5 Research methods

This part of the research provides an overview of the NESO and universities involved in the study, the specific research instruments employed, the sampling process

undertaken, detailed information about the participants, and the precise methodologies used for the collection of data.

### 3.5.1 Semi-Structured interviews in constructivist research

Semi-structured interviews are a powerful tool in constructivist research, offering a unique blend of flexibility and depth that aligns with the ontological, epistemological, and axiological assumptions of this paradigm. The semi-structured format facilitates a fluid conversation, adapting to the nuances of each participant's narrative. This flexibility is crucial in constructivist research, as it allows for the exploration of diverse perspectives and interpretations. As Creswell and Poth (2018) note, the flexibility of semi-structured interviews allows for the modification of questions based on the flow of the conversation, which can lead to unexpected and insightful discoveries.

While the interviews were structured around a core set of guiding questions, participants were encouraged to shape the direction of the discussion. This meant that while I ensured coverage of the main research questions, participants had the freedom to introduce issues they considered important. This balance is characteristic of semi-structured interviewing, which combines consistency of focus with flexibility in participant-led elaboration (Creswell and Poth, 2018).

In my interviews, I drew on three types of questions (see Appendix 1):

Main questions (for example, *'How have official university policies evolved in relation to EDI issues and protections following the Equality Act 2010?'*),

Follow-up questions (for example, *'To what extent does the Equality Act 2010/2012 help to inform the EDI policies, including training, at your university?'*), and Probing

questions (for example, 'What is the process for creating EDI policies in relation to the Equality Act 2010/2012?'). Main questions kept the conversation focused on my research problem. Follow-up and probing questions helped me dive deeper, getting detailed and nuanced responses. I aimed for depth by exploring diverse viewpoints and understanding the context. This led to rich conversations, uncovering unexpected themes and complexities in participants' experiences. Open-ended questions and probing follow-ups enable allowed me to obtain the intricacies of participants' experiences, uncovering the underlying meanings and motivations that shape their realities. This aligns with the constructivist emphasis on understanding the subjective meanings individuals construct from their experiences.

The interviews generate a wealth of qualitative data, rich in detail. This data is invaluable for understanding the complex nature of human experience, a core principle of constructivism. As Rubin and Rubin (2012) put it, *the art of hearing data* lies in the ability to capture the depth and breadth of human experience through the stories and narratives shared in interviews. Consequently, participants are empowered to guide the conversation towards topics they deem important, ensuring that the research focuses on their lived experiences and priorities. This aligns with the constructivist principle that knowledge is co-constructed between the researcher and the participant. The researcher acts as a facilitator, encouraging participants to share their stories and perspectives in their own way. Moreover, the conversational nature of the interviews can help to foster trust between the researcher and the participants, which may in turn support more open and honest communication. While such trust is not inherent to qualitative research and cannot be taken for granted, it

can be cultivated through careful attention to rapport, respect, and ethical practice (Brinkmann and Kvale, 2018).

### 3.5.2 Integrating documents and interviews in policy research

Drawing on Bardach and Patashnik (2020) and Yanow (2007), who highlight the significance of using both documents and individuals as information sources in policy research, this study employs research triangulation. Findings from the policy analysis were triangulated with semi-structured interviews to provide a nuanced understanding of how policy is interpreted, enacted, and experienced in practice, reflecting the study's critical, constructivist approach and engagement with the policy-implementation gap. This method allowed policy texts (codified identity, aims, and obligations) to be compared against lived institutional realities and interpretations shared by practitioners.

### 3.5.1 Research sites

In this study, data were collected from four universities located in different regions of Scotland. To protect the anonymity of the participants and the institutions, specific names and identifying characteristics have been omitted. Maintaining the confidentiality of the universities participating in this study whilst ensuring ample context for the research has been of paramount importance. To achieve this balance, pseudonyms have been assigned to each institution, University A, University B, University C, and University D, and the focus has been placed on their general characteristics rather than specific identifying details. This approach, known

as anonymisation, is a common practice in research to protect the identities of participants and uphold ethical standards (Cohen et al., 2018).

Using pseudonyms and focusing on general attributes, safeguards the anonymity of the universities involved, thus adhering to ethical research practices. Furthermore, it allows for meaningful discussion and analysis of the study's findings without compromising the confidentiality of the participating institutions. This strategic approach ensures that the research remains both rigorous and ethical, contributing to the broader body of knowledge while respecting the privacy and interests of the universities involved (Creswell and Creswell, 2018).

### *3.5.1.1 Research sites demographics*

#### *3.5.1.1.1 National Education Staff Organisation*

The NESO is a national universities organisation with over 120,000 members in universities and colleges across the UK. Dedicated to advocating for the rights and welfare of academic and related staff, the NESO plays a critical role in shaping educational policies and labour conditions. The organisation is committed to EDI initiatives, actively promoting LGBTQIA+ rights within the HE sector. Through campaigns, workshops, and policy advocacy, the NESO works to create inclusive environments that celebrate diversity and ensure equal opportunities for all staff and students.

#### *3.5.1.1.2 Institutional profiles and contexts*

Participants from four Scottish universities took part in this study. Institutions were selected purposefully to capture a diverse representation of size, student population,

internationalisation, and approaches to EDI policy implementation. To preserve anonymity, each is referred to using pseudonyms rather than names.

- *University A was selected due to its emphasis on technological disciplines and strong industrial partnerships.*
- *University B was chosen for its established reputation in medicine and science.*
- *University C has a strong local vocational and practical focus, with close ties to its regional community.*
- *University D offers a comprehensive range of disciplines and is characterised by extensive internationalisation.*

These varied contexts enabled the exploration of different institutional approaches to LGBTQIA+ policy and practice. Taken together, they provide comparative insights into how policy is interpreted and enacted across diverse HE environments, while maintaining the confidentiality of individual institutions. This purposeful selection aligns directly with the study's objective of examining how LGBTQIA+ inclusion is shaped by different institutional contexts and priorities, thereby strengthening the analysis of policy enactment across the sector.

### 3.5.2 Research tools

The interviews often led to more organic discussions. You can see the initial research tool I used to as prompts for the interviews in Appendix 1. The LGBTQIA+ EDI related policies helped to inform a set of semi-structured interview questions was developed. Building upon existing ethics-related inquiries, additional questions were formulated with the Equality Act 2010 in mind. These new questions were

designed to explore the intricacies of local HEIs policy creation and implementation. The comprehensive nature of the question set aimed to facilitate insightful and informative interviews.

I submitted a sample of the questions I intended to use to the ethics committee at the University of Strathclyde, as well as to my then two supervisors (one supervisor left the university not long after the interviews took place). The EDI staff from the four Scottish universities were not all asked the same questions, however, during the interviews I made notes so I could refer to what the participants had said in order to ask more probing questions. I ensured the questions were always related to the research questions and thesis.

### 3.5.3 Data collection

#### 3.5.3.1 *Policy sampling*

As for the universities, I initially contacted 15 via email (see appendix 2), aiming to gather comprehensive information on their EDI policies, specifically focusing on those pertaining to LGBTQIA+ issues. I also looked on their websites to find the policies related to this research. From the five responses received, via email, I evaluated each institution based on predetermined inclusion criteria: whether the policy was implemented pre or post the Equality Act 2010, its specificity towards LGBTQIA+ concerns, and the accessibility of the policy document through either download from their website or via direct email. This process ensured that the selected policies were not only relevant to the research objectives but also represented a diverse range of approaches and perspectives within Scottish HEIs. See table below which shows the criterion. I was able to find a variety of EDI policies across 14 of the 15 universities.

Table 3 - Inclusion and Exclusion Criteria for Policy Analysis

<b>Criteria</b>	<b>Description</b>	<b>Inclusion</b>	<b>Exclusion</b>
<b>Pre or Post Equality Act 2010</b>	EDI Policies and Equality Act	Policies implemented either before or after the Equality Act 2010	Policies not aligned with the Equality Act 2010
<b>LGBTQIA+ Related University Policy</b>	Contents to include LGBTQIA+	Policies explicitly addressing LGBTQIA+ issues and concerns	General EDI policies without specific LGBTQIA+ components
<b>Accessibility of Policy Document</b>	Policy Availability	Policy document accessible for download on university website or sent via email upon request	Policies not available for download or dissemination

### *3.5.3.2 Participants sampling*

Exclusion criteria were applied to ensure that participants had direct professional involvement in equality, diversity and inclusion work. Recruitment therefore targeted staff with formal EDI roles or job titles (e.g., EDI managers, policy advisors, equality officers). While their precise familiarity with the Equality Act 2010 or institutional policies could not be known in advance, their positions made it reasonable to assume a working knowledge of these frameworks, which was subsequently confirmed through the interviews.

It was imperative to the authority and authenticity to the research that I created a specific inclusion and exclusion participant sampling criteria too. The table below shows how I applied the criteria:

Table 4 - Inclusion and Exclusion Criteria for Participants

<b>Criterion</b>	<b>Description</b>	<b>Inclusion Criteria</b>	<b>Exclusion</b>
<b>Age</b>	Minimum age required for participation	18 years or older	Not 18 years or older
<b>Occupation</b>	Employment in a specific field	Works in EDI	Does not work in EDI
<b>Institution</b>	Type and location of employment	Works at a Scottish university	Does not work at a Scottish university
<b>Knowledge of Equality Act</b>	Awareness and understanding of specific legislation	Familiar with the Equality Act	Unfamiliar with the Equality Act
<b>Knowledge of EDI Policies</b>	Awareness and understanding of specific policies	Familiar with EDI policies	Unfamiliar with EDI policies
<b>Willingness to Participate</b>	Voluntary participation in the research study	Willingly able to participate in research	Unsure about participating or does not wish to take part

I opted for purposeful sampling as a deliberate and strategic approach. As Cohen et al. (2018) highlight, purposeful sampling allows researchers to select participants based on specific criteria relevant to the research question. In this context, my aim was to gain in-depth insights into the unique challenges and opportunities faced by individuals working in EDI roles. I was able to ensure credibility to the research by intentionally seeking out participants with the inclusion criteria mentioned in the table

above. Furthermore, Creswell (2012) emphasises that purposeful sampling is particularly valuable in qualitative research, where the goal is to explore complex phenomena in depth. Through purposeful sampling, I was able to identify and recruit participants who could provide valuable perspectives and insights based on their direct involvement in EDI work. This strategic approach allowed me to gather rich qualitative data that would have been difficult to obtain through other sampling methods.

In recruiting participants from the NESO, I used convenience sampling due to existing professional relationships, which granted direct access to nationally recognised experts. While convenience sampling has potential limitations regarding representativeness (Creswell, 2018), the inclusion of these experts provided critical, authoritative insights into sector-wide policy practices. Reflexivity was essential here to acknowledge any potential biases arising from pre-existing professional connections, and care was taken during analysis to critically evaluate their input alongside university participants' data.

In the participant recruitment phase of this research, a dual approach was employed, guided by regular consultations with my supervisory team and informed by my professional role within a NESO that works closely with university personnel. Through these channels, it became evident that securing interviews with two individuals holding national-level expertise in EDI policy would be crucial. Their in-depth knowledge of the Equality Act and its application across the HE sector was data rich.

Recruitment was initiated through email contact using publicly available university information. Where possible, I contacted named individuals with formal responsibility for Equality, Diversity, and Inclusion (for example, EDI leads, equality officers, or senior managers with oversight of policy implementation). In cases where no named contact could be identified, I sent invitations to institutional EDI or HR offices, requesting that the study be forwarded to the appropriate staff member. This ensured that participants were directly relevant to the research focus, while also maintaining transparency in the recruitment process.

I emailed 15 universities across Scotland. Out of these, six HEIs responded to my inquiries, demonstrating initial engagement with the research topic. I used the same contacts I had used to send emails asking for LGBTQIA+ EDI policies.

This targeted approach enabled the inclusion of perspectives across four different universities, alongside a national advocacy organisation. While participants often held similar professional roles within their institutions, the institutional variation, in terms of size, disciplinary focus, and internationalisation, provided a meaningful diversity of contexts in which EDI policies were being enacted. However, representation was not evenly distributed across institutions, and the perspectives presented here should be understood as situated within particular roles and contexts rather than offering a comprehensive cross-section of all staff experiences.

To preserve anonymity, pseudonyms are used for both institutions and participants. Table 5 consolidates participant roles, institutional policy coverage, and interview timing into a single overview.



Table 5 - Research Sites, Policy Coverage, and Participants

<b>Participant (Pseudonym)</b>	<b>Role</b>	<b>Interview Date</b>	<b>Institution (Pseudonym)</b>	<b>Earliest EDI/LGBTQIA+ Policy</b>	<b>Pre-Equality Act 2010?</b>	<b>Latest EDI/LGBTQIA+ Policy</b>
Charlie	Head of Equality Policy	Sep-22	NESO	N/A	N/A	N/A
Taylor	Equality Support Official	Sep-22		N/A	N/A	N/A
Eddie	EandD Lead	Apr-22	University A	2011 (reported), earliest accessible 2014	No	2020, 2021
Drew	EandD Engagement Manager	Jun-22				
Adrian	EandD Engagement Manager	Jun-22				
Jo	EDI Manager	Jul-22	University B	None located pre-2010	No	2022 (two policies)
Robin	Head of EDI	Jul-22				
Ali	EDI Manager	Sep-22	University C	Unknown	Unknown	2021
Jessie	EDI Policy Advisor	Oct-22	University D	2009 (two policies)	Yes	2022

Table summary:

- Universities A–D provided diversity of institutional focus and policy coverage. University D was the only site with pre-Equality Act 2010 policies, while University C’s historical policies could not be confirmed.
- The NESO offered sector-wide perspectives that complemented the institutional case studies.
- Interviews were carried out between April and October 2022, during which senior EDI leaders and policy officers reflected on institutional practices and sectoral contexts.

### 3.5.4 Approaches to data analysis

#### 3.5.4.1 Policy analysis

Document analysis is a valuable method for examining formal written materials that represent the structure and functioning of organisations, particularly universities. As Prior (2003) argues, documents are not just passive records but active tools that contribute to shaping the identity and operation of modern institutions. This resonates with Max Weber’s perspective that bureaucratic systems, such as universities, are largely built upon written records (Prior, 2003, p. 4). In HEIs, documents such as policies, mission statements, and internal memos are fundamental to defining a university’s identity, aims, and obligations, making document analysis a particularly apt approach for this research.

Research by Wolbring and Lillywhite (2022) highlights how EDI documents in universities serve as strategic tools, reflecting institutional efforts to address diversity and inclusivity issues. These documents do not just reflect administrative goals but also actively shape the culture and priorities of institutions. By analysing these

documents, we can investigate how universities articulate EDI commitments and how policies are positioned as mechanisms of inclusion (Advance HE, 2022). While this approach does not capture the everyday operationalisation of policies in practice, it provides insight into how such practices are imagined, codified, and legitimised at the institutional level.

Document analysis also offers a critical lens through which to examine the production, purpose, and biases inherent in written records. The critical task in document analysis, therefore, is to assess which facts are emphasised and which are omitted, considering the motivations and contexts of the document creators (Cardno, 2018). This approach allows for a deeper exploration of the ideological underpinnings of EDI policies and their institutional positioning.

This method is particularly suited for this research, where the analysis of HEIs LGBTQIA+ EDI policies enables a thorough examination of how universities formally frame their commitments to EDI on campus. The insights derived from this analysis contribute to a broader understanding of how EDI initiatives, particularly those targeting LGBTQIA+ inclusion, are institutionalised in higher education.

#### *3.5.4.2 Semi-structured interview*

As previously mentioned, semi-structured interviews were employed as the primary qualitative data collection method. This approach is widely used in qualitative research as it strikes a balance between structured and unstructured formats, allowing the interviewer to guide the conversation while offering flexibility for participants to share their experiences in depth (Creswell and Poth, 2024). Semi-

structured interviews enable researchers to explore complex phenomena by asking predefined questions while adapting the direction of the conversation based on participants' responses (Rubin and Rubin, 2012).

Each interview lasted, on average, 37 minutes and 19 seconds. This length of time reflects the flexibility afforded by semi-structured interviews, which allowed participants to engage with the questions meaningfully without feeling rushed. The interviews were recorded and transcribed, ensuring the accuracy and thoroughness of the data collected for analysis.

#### 3.5.4.2.1 In-Person and online Interview options

Participants were given the choice to conduct interviews either in person or online via Zoom or Microsoft Teams. The flexibility of offering both options was crucial, especially given the ongoing effects of the COVID-19 pandemic, which limited face-to-face interactions (Lobe et al., 2020). This pandemic-related shift in methodology has highlighted how virtual interviews can be a beneficial alternative, enabling researchers to continue their work without compromising participant safety (Roberts et al., 2021). Furthermore, virtual interviews reduce travel-related barriers and expand geographic reach, allowing participation from individuals in various locations (Kasymova et al., 2021).

Only one participant, Adrian from University A, opted for an in-person interview, which was conducted under COVID-compliant conditions. All interviews were conducted either in person or via Zoom, depending on participant preference. Where Zoom was used, the platform generated both audio recordings and automated transcripts. However, these automated transcripts were of limited use, as they

proved unreliable with Scottish accents and often missed key terms relating to LGBTQIA+ policy and practice.

Initially, I trialled Otter AI as a transcription tool. While it offered more advanced functions than Zoom, it similarly struggled with accent recognition and required significant manual correction.

Ultimately, I adopted a hybrid process. Zoom provided the primary audio recordings, and Otter AI was used selectively to generate draft transcripts, which I then reviewed and corrected manually. This ensured that all transcripts accurately reflected participants' accounts, even where automated tools failed. Manual verification was therefore central to the process and formed part of my familiarisation with the data, aligning with Braun and Clarke's (2006) first phase of thematic analysis.

While the reliance on manual correction was time-intensive, it also reinforced my responsibility for accuracy and trustworthiness in handling participants' narratives. The recording capability of virtual platforms ensures clarity in data collection, enhancing the reliability of transcriptions and reducing errors (Lobe et al., 2020), however, the experience highlighted how technological tools, while convenient, are shaped by assumptions about language and accent recognition, which in turn reflects broader issues of bias and accessibility in digital research tools.

#### 3.5.4.2.2 Advantages and considerations of virtual interviews

Research conducted during and after the COVID-19 pandemic demonstrates that virtual interviews can effectively replicate many aspects of in-person interviews, making them a viable method for qualitative research. Studies suggest that video conferencing platforms, such as Zoom, provide sufficient visual and auditory cues to

build rapport and facilitate meaningful interactions, though some limitations remain (Nehls et al., 2015; Saarijärvi and Bratt, 2021).

In my research, eight out of nine participants expressed comfort with the online format, and the familiar environment of their homes may have promoted more candid conversations. Virtual methods also provide accessibility advantages, particularly for participants with mobility challenges or those balancing busy schedules, thus broadening the scope of research (Sah et al., 2020; Saarijärvi and Bratt, 2021). Furthermore, the built-in recording and transcription features of platforms like Zoom can simplify the data collection process (Gray et al., 2020).

However, there are challenges. Virtual interviews can lack some non-verbal cues, such as body language, which may reduce the richness of the data collected. Technical issues and distractions in the participant's environment can also hinder the interview process (de Villiers et al., 2022; Sah et al., 2020).

## 3.6 Data analysis

### 3.6.1 Critical policy analysis

The analysis of LGBTQIA+ and EDI policies across four Scottish universities was undertaken using qualitative content analysis, informed by Elo and Kyngäs (2008) and Cardno (2018). This approach interrogated not only the language of the policies but also what was omitted, and how institutional commitments were framed in relation to national and legal contexts.

A deductive coding frame was developed from themes identified in the literature review (e.g., framing of inclusion, legal compliance, LGBTQIA+-specific references,

implementation mechanisms). These themes provided guiding categories during document analysis. Following Bowen (2009), the process was iterative, involving cycles of skimming, close reading, annotation, and interpretation.

Cardno's (2018) guiding questions structured the process:

1. What aspects are evident in the policy language?
2. Are these aspects referred to directly or indirectly?
3. What is explicitly stated in the policy?
4. What is absent or omitted?
5. How does the policy align with legal and regulatory frameworks?
6. How do institutional policies reflect or diverge from national and international trends?

Annotation and word clouds were used as complementary tools. Annotation provided a systematic way of critically marking the texts against the guiding questions. Word clouds (DePaolo and Wilkinson, 2014) were employed only at the preliminary stage, offering a high-level visual overview of frequently occurring terms. These visualisations were not treated as findings in themselves but as orientation tools, highlighting patterns for deeper interpretive content analysis. As a dyslexic researcher and visual learner, these images also aided familiarisation and recall, though interpretive meaning was derived from content analysis rather than frequency counts.

Policies were available across all four institutions, though coverage varied (see Tables 4–5). Where possible, both pre- and post-Equality Act 2010 policies were

analysed, though some universities had no policies predating the Act. To preserve anonymity, policy titles are not named.

Critical policy analysis was most directly aligned to Research Questions 1 and 2, informing the development of interview questions and providing institutional context for interpreting participants' accounts.

### 3.6.2 Interview data analysis

Interview data were analysed using thematic analysis, guided by Braun and Clarke's (2006, 2019) six-phase model. This approach was selected for its flexibility and suitability for interpretive policy research, allowing themes to emerge inductively from participants' narratives while being shaped by the research questions.

The process unfolded as follows:

1. Familiarisation – Recordings were replayed, and transcripts (manually corrected for accuracy) were read closely, with early notes and memos recorded.
2. Generating codes – Key ideas were first highlighted and coded manually on printed transcripts. These were then transferred onto post-it notes, which I arranged on large surfaces such as ink boards and paper sheets.
3. Searching for themes – Post-it note clusters were refined into broader categories. These were transferred into digital spreadsheets to consolidate emerging themes and ensure transparency. Figures 5-10 illustrate this process of manual grouping and conceptual mapping.
4. Reviewing themes – Conceptual maps were developed to visualise relationships across themes. As Novak and Cañas (2008) note, conceptual

maps highlight cross-links across domains, showing how different concepts interact and influence one another. This helped clarify connections between themes.

5. Defining and naming themes – Themes were then precisely defined and labelled, supported by illustrative extracts.
6. Producing the report – Final themes were elaborated into analytical categories that informed the findings chapters. Spreadsheets linking coded extracts to themes (Figures 13-14) supported this stage.

Saldaña's (2021) Coding Manual for Qualitative Researchers informed the use of first-cycle descriptive coding followed by second-cycle pattern coding, moving from surface features of the data to more abstract categories. This iterative process enabled refinement of the analysis while ensuring traceability back to the data.

To enhance transparency and demonstrate the systematic progression of my data analysis, I have included Figures 5-14, which illustrate each stage of the manual coding and conceptual mapping process. These images are evidence of analytic practice, showing how raw data were categorised into themes in line with Braun and Clarke's (2006, 2019) six phases of thematic analysis and Saldaña's (2021) cycle coding framework.

- Figures 6-8 show the initial clustering of codes using post-it notes and ink boards. These represent Braun and Clarke's phases of *familiarisation* and *generating initial codes*, and Saldaña's first-cycle coding, where descriptive labels were attached to data segments. Retaining multiple images here

demonstrates how the clusters were refined across different iterations, reflecting the recursive, non-linear nature of qualitative coding.

- Figures 9-12 illustrate the development of conceptual maps, in which clusters were reorganised into broader categories. This stage aligns with Braun and Clarke's phase of *reviewing themes* and Saldaña's second-cycle coding, where descriptive codes evolved into more abstract patterns. Following Novak and Cañas (2008), conceptual mapping helped visualise cross-links and relationships between ideas, making the analytic process more explicit. Including several maps illustrates how cross-linking and theme merging took place progressively rather than in a single step.
- Figures 13-14 present final refinements and digital consolidation. These include further conceptual maps and screenshots of the spreadsheets used to link coded extracts to themes. This corresponds to Braun and Clarke's phases of *defining and naming themes* and *producing the report*, ensuring transparency and rigour by showing how themes were grounded in the data and traceable to interview extracts.

I provide a transparent, visual record of the step-by-step progression from raw codes to final themes by documenting the process. For a dyslexic researcher, visual methods such as post-it clustering and conceptual mapping were central to the analytic process, offering both a cognitive aid and a methodological strategy.

Presenting the images in full documents not only my process but also aligns with



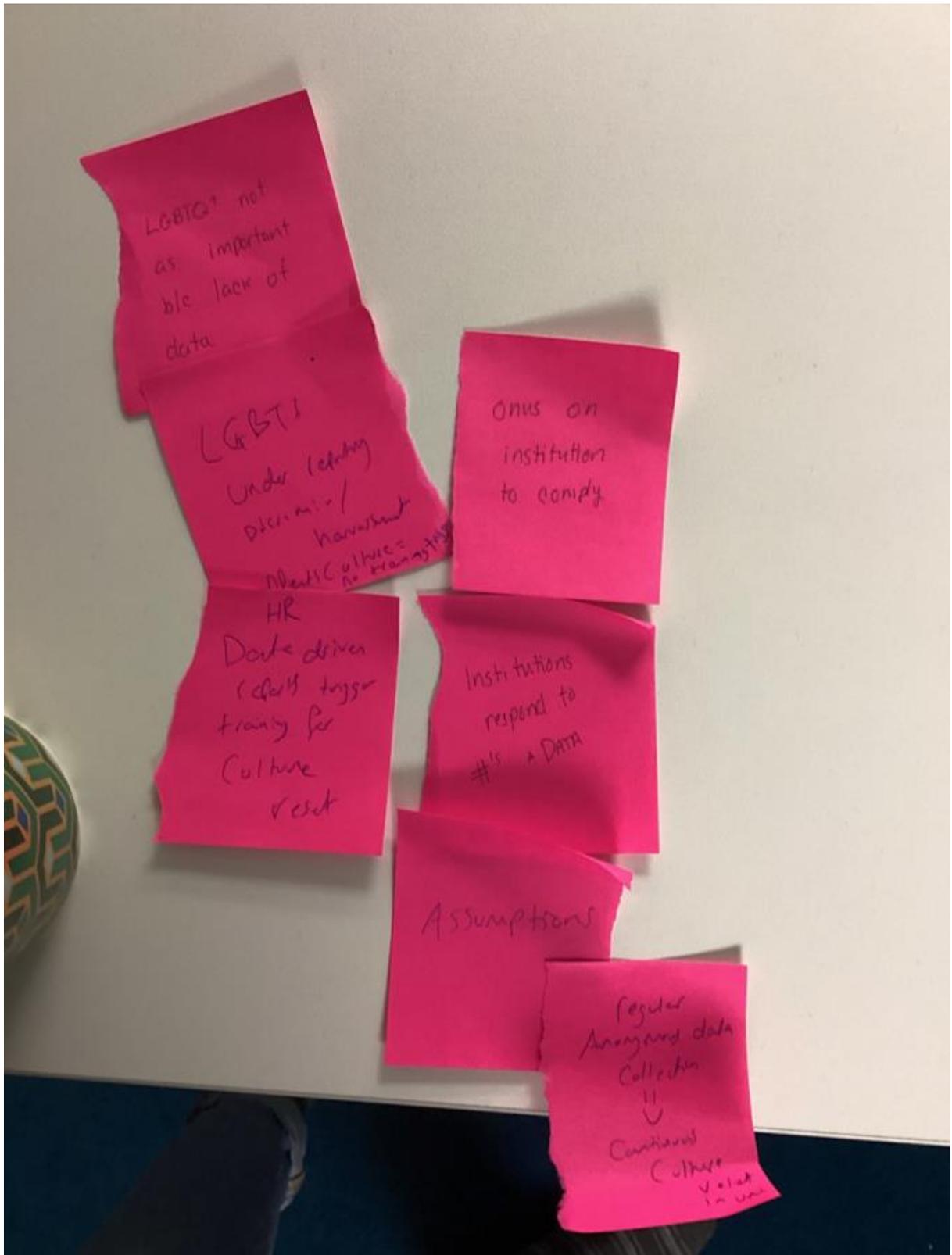


Figure 6 - An Example of Manual Codification of Data on Post-it Notes Grouped around University Policy/Leadership

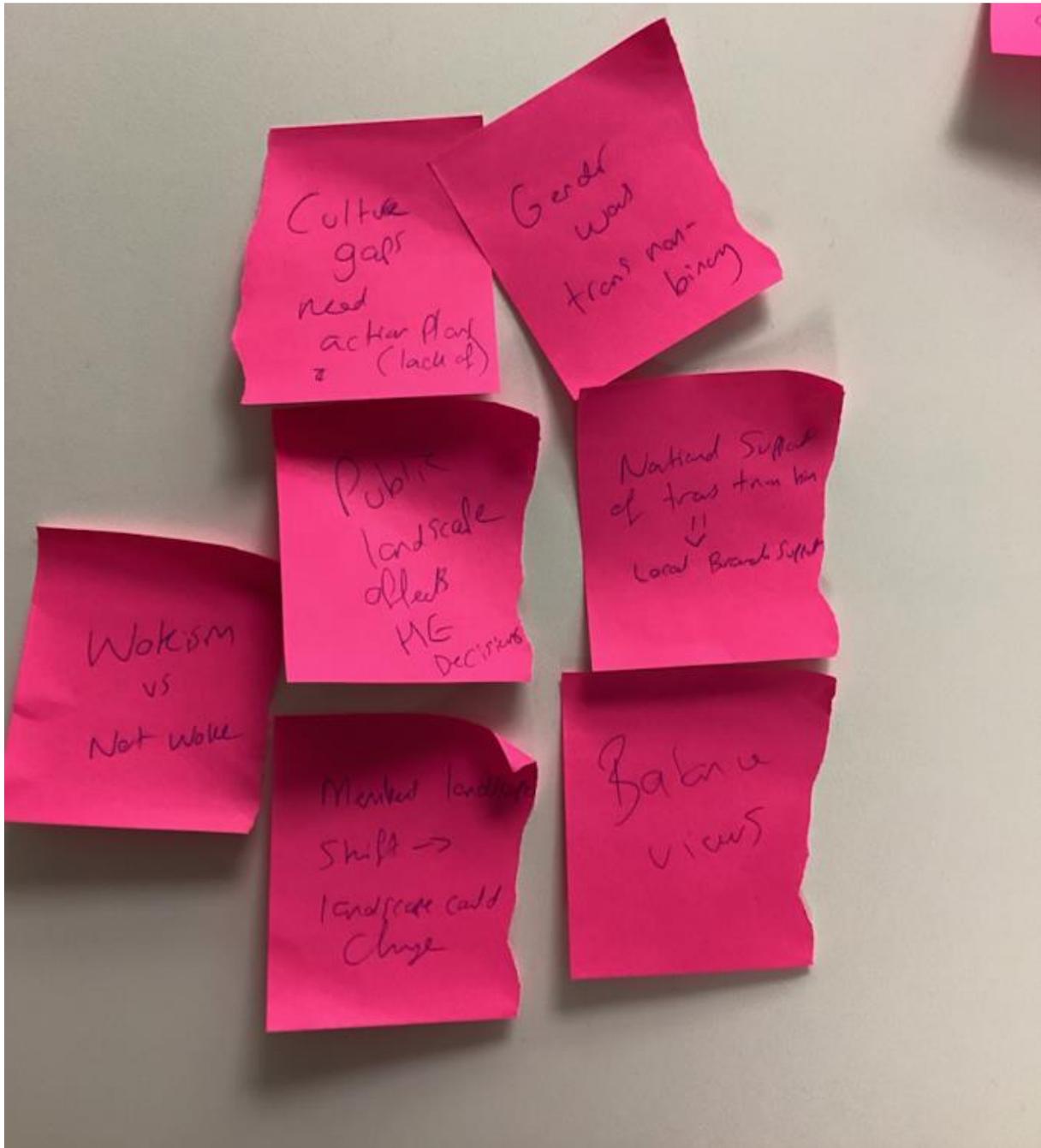


Figure 7 - An Example of Manual Codification of Data on Post-it Notes Grouped around Culture

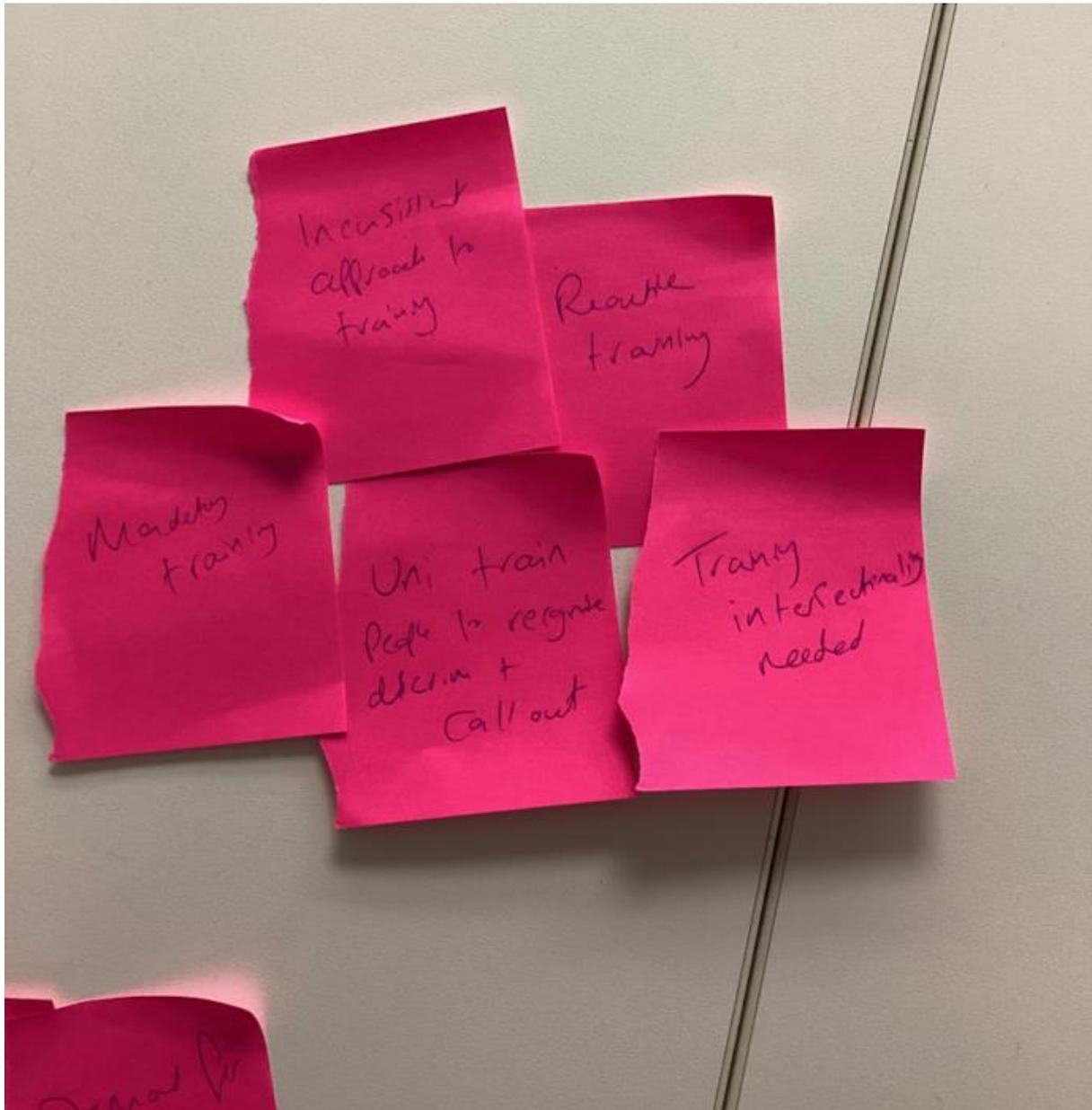


Figure 8 - An Example of Manual Codification of Data on Post-it Notes Grouped around Training

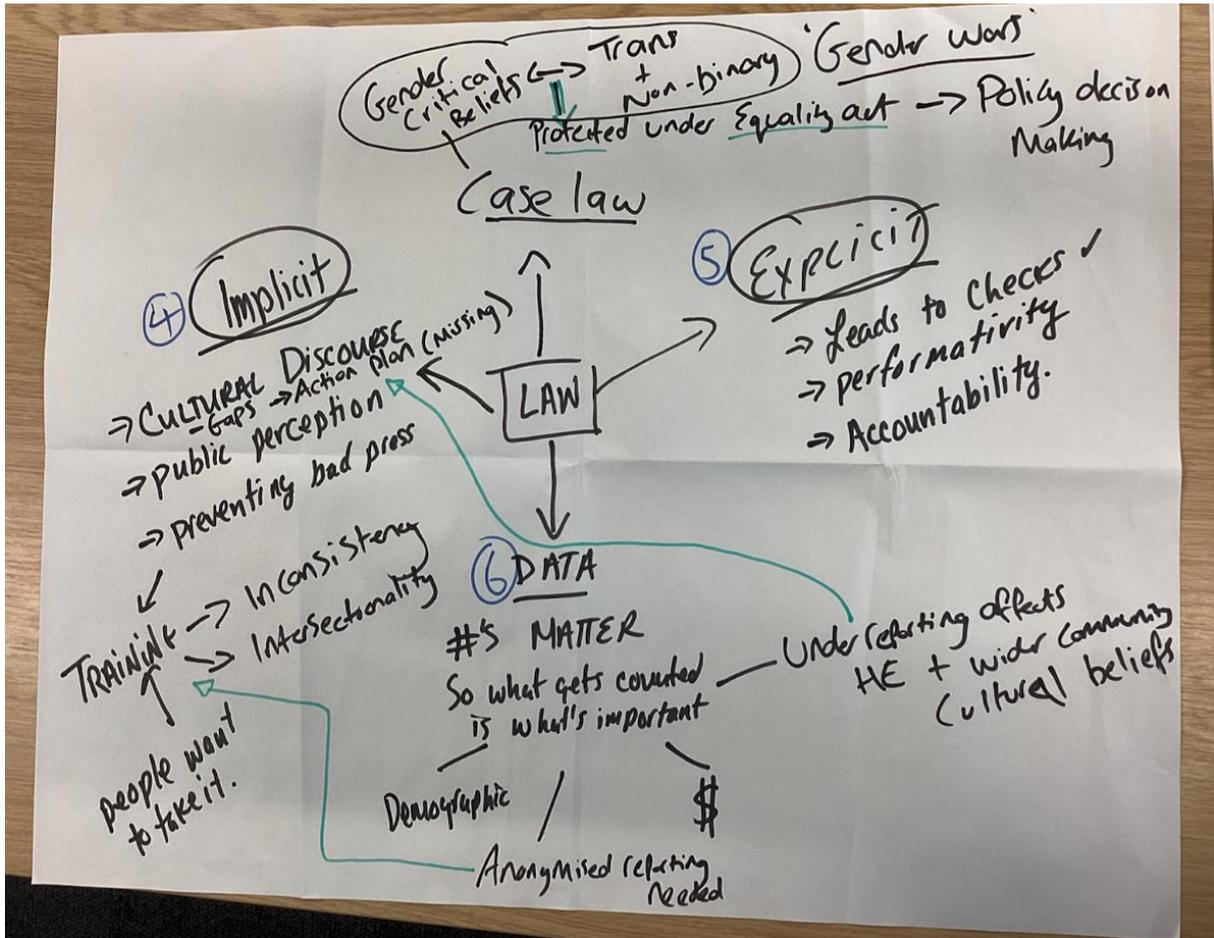


Figure 9 - An Example of Conceptual Mapping in Relation to Law

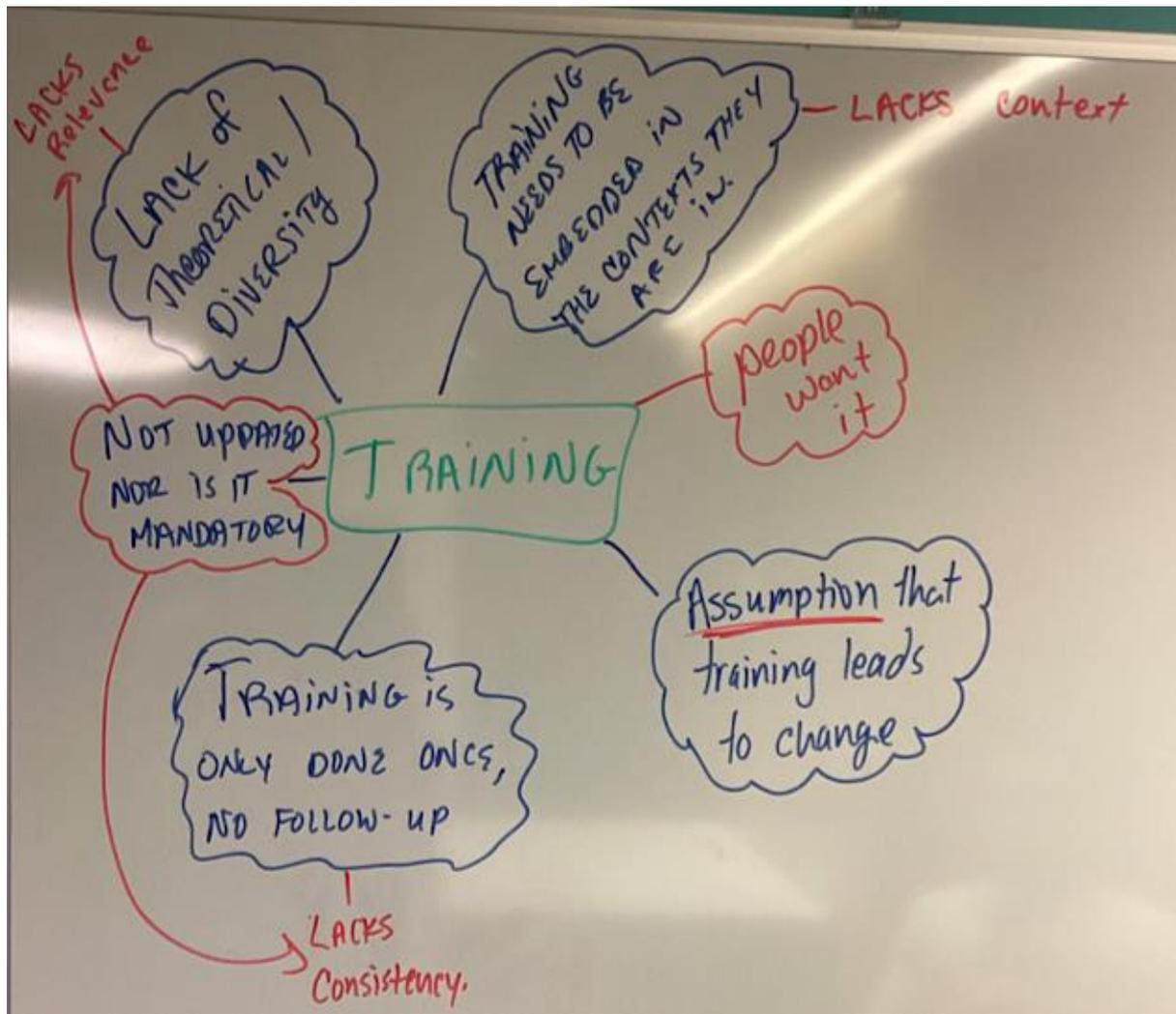


Figure 10 - An Example of Conceptual Mapping in Relation to Training

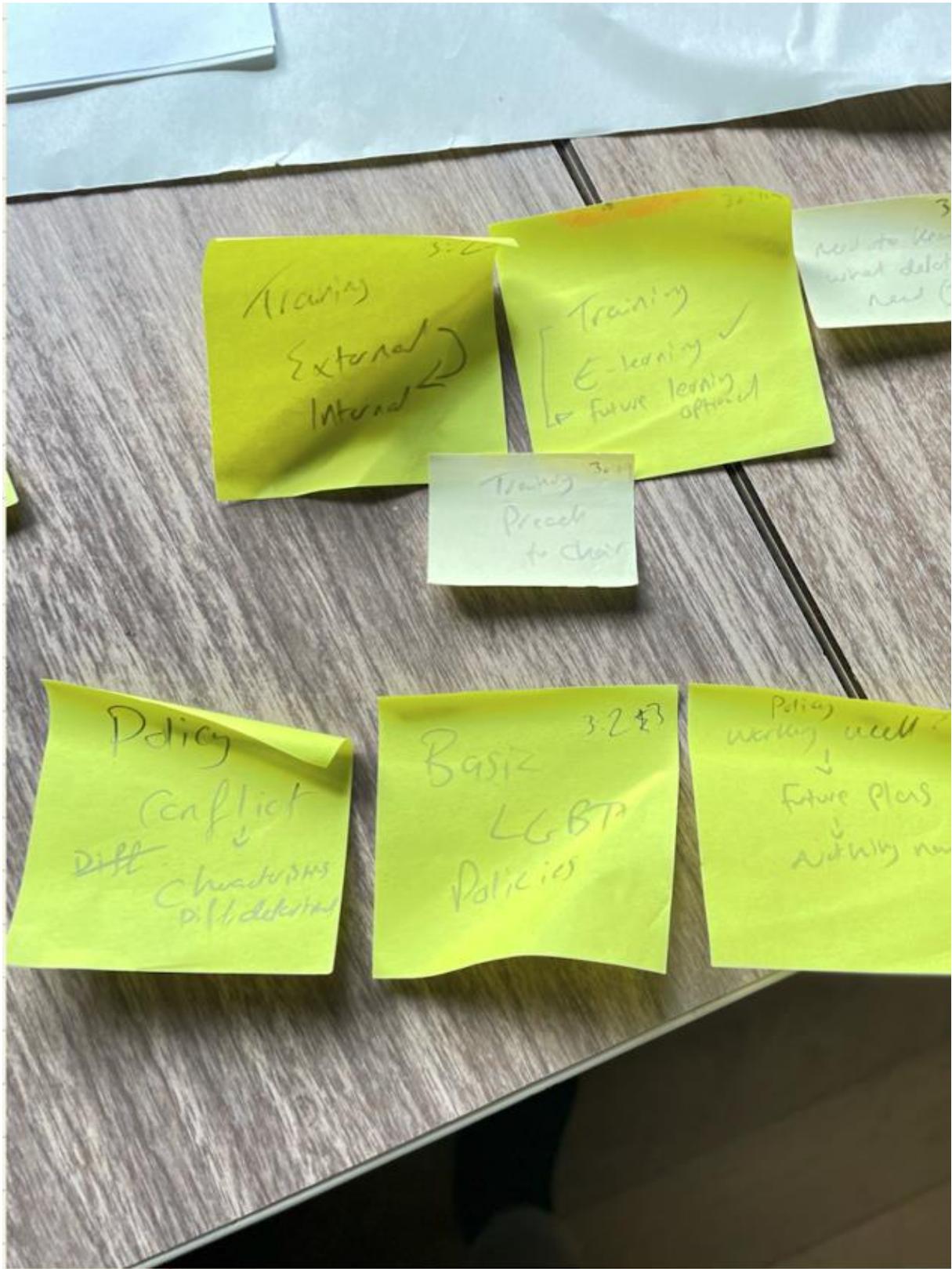


Figure 11 - An Example of Second round Manual Codification of Data on Post-it Notes Grouped around University Policies and Training

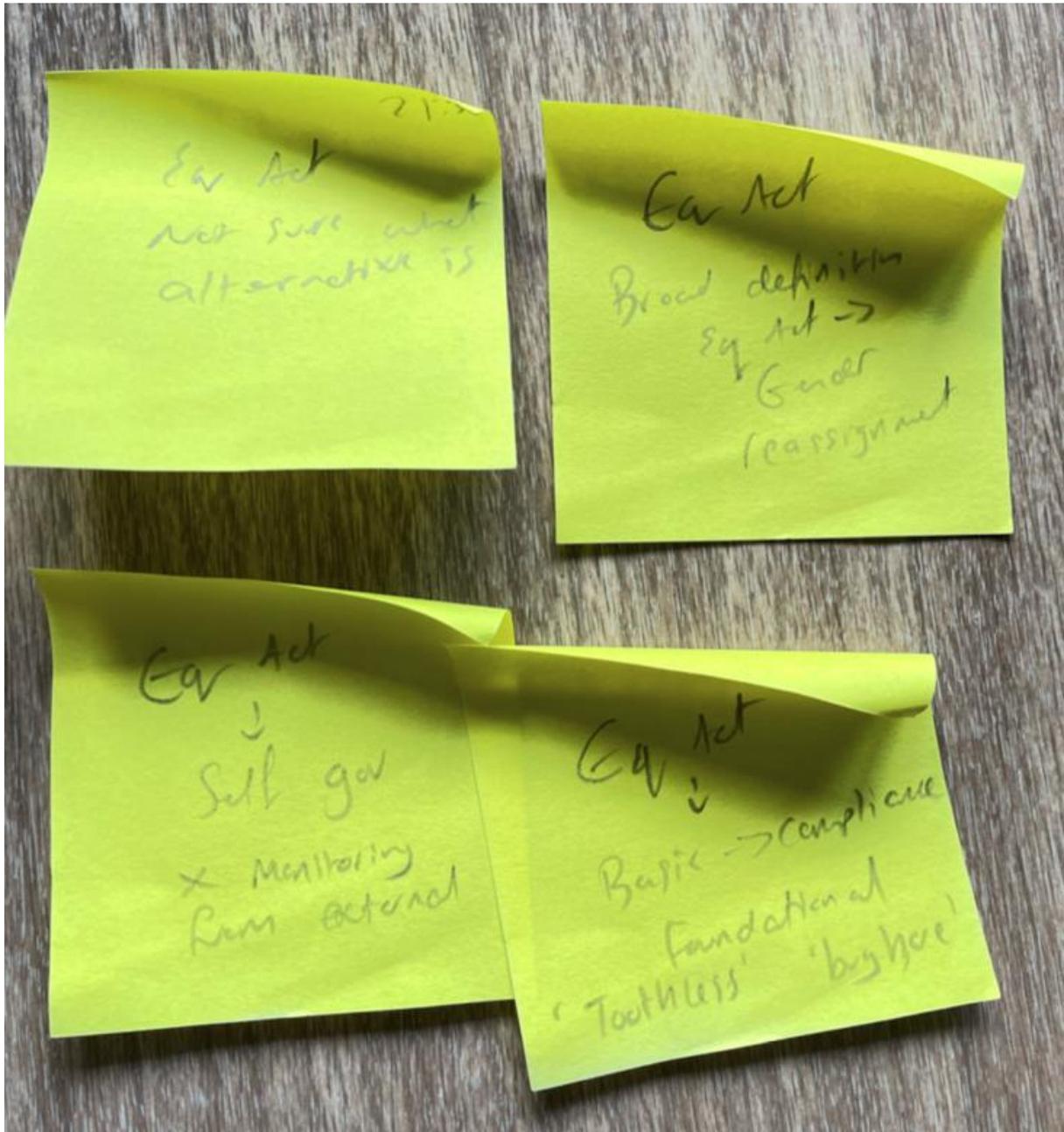


Figure 12 - An Example of Second round Manual Codification of Data on Post-it Notes Grouped around the Equality Act 2010

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	A	B	C	D	E	F
1						
2						
3	<b>Extract Number</b>	<b>Crossover why - what was decision behind places here not under crossover - put in write up</b>	<b>Question</b>	<b>pg</b>	<b>USED11</b>	<b>USED12</b>
4	1	Training	could you tell me a little bit about your role, and what you do day to day, any challenges that you may have, or any, anything any poignant moments that you might have had whilst in your role?	1	So our role and my team's role in my role is to make sure that we are equipping our members and our branches, both in FE and he with the most up to date relevant equality information. So they're able to negotiate and bargain with their employers for best practice. And that's kind of right across, you know, right across the board. So I think, I don't know, we have 130,000 Members, I'm not sure how many branches we have. But you know, our reach is big	
5	2		so, you just mentioned about Fe he, and how, as part of your role, and a big part of your role, suppose is that you're passing on relevant support and information or guidance related connected to the law, I suppose and policies that have been created to support both staff and students? Or just staff or students at universities?	2	[referring back to question 1 too] You know, you asked what has been one of my kind of a moment? Yeah, I've been here. And I will say, my there have been two moments of interest that I keep reflecting on, which I will just highlight. Now, and I'm not sure if this is useful for, you know, this work or not, but I will tell you, so one was at our Congress, our annual policymaking Congress, there was a motion that came forward on supporting trans and non-binary rights. And it got through the different shifts, and then I kind of had a look at it and realize that because of the shifting landscape and what a protected belief is, and beliefs are protected by the Equality Act get to get together. Gender critical beliefs are protected after the four-standard judgment. So, I got legal advice on that characteristic, because obviously, the change is really new. So, we're not exactly sure how it fits across the piece, other than to know that rights are protected. And essentially, and I know, this is not me, so I can tell you this, but like, the advice we got legal opinion, basically told us that we must remove elements of the motion, or be in breach of equality law. So that was definitely a moment.	
	3		So, picking up on the Equality Act [2010] Do you think it needs amending? Is there any particular part or anything that comes to your mind?	3	I mean, there are lots of things that could be amended in the Equality Act. You know, we could take out the terminology around. Transitioning so in terms of, of protections for trans and non-binary individuals, it's kind of really clunky language isn't coming to mind, but we could change that to be more modern. When the Equality Act was created, it was intended, that belief was really interpreted very narrowly. But that has been over the years been kind of extended by case law to include different in different in different things. So that could, it could also be, could also be changed. I guess the Equality Act in itself is, you know, like anything and how you use it is based on the medical model of disability rather than	

Law Policy Cultural Discourse Training Data and Market +

Figure 13 - Excel Spreadsheet Showing Data Themes and Data Extracts from Interview Data

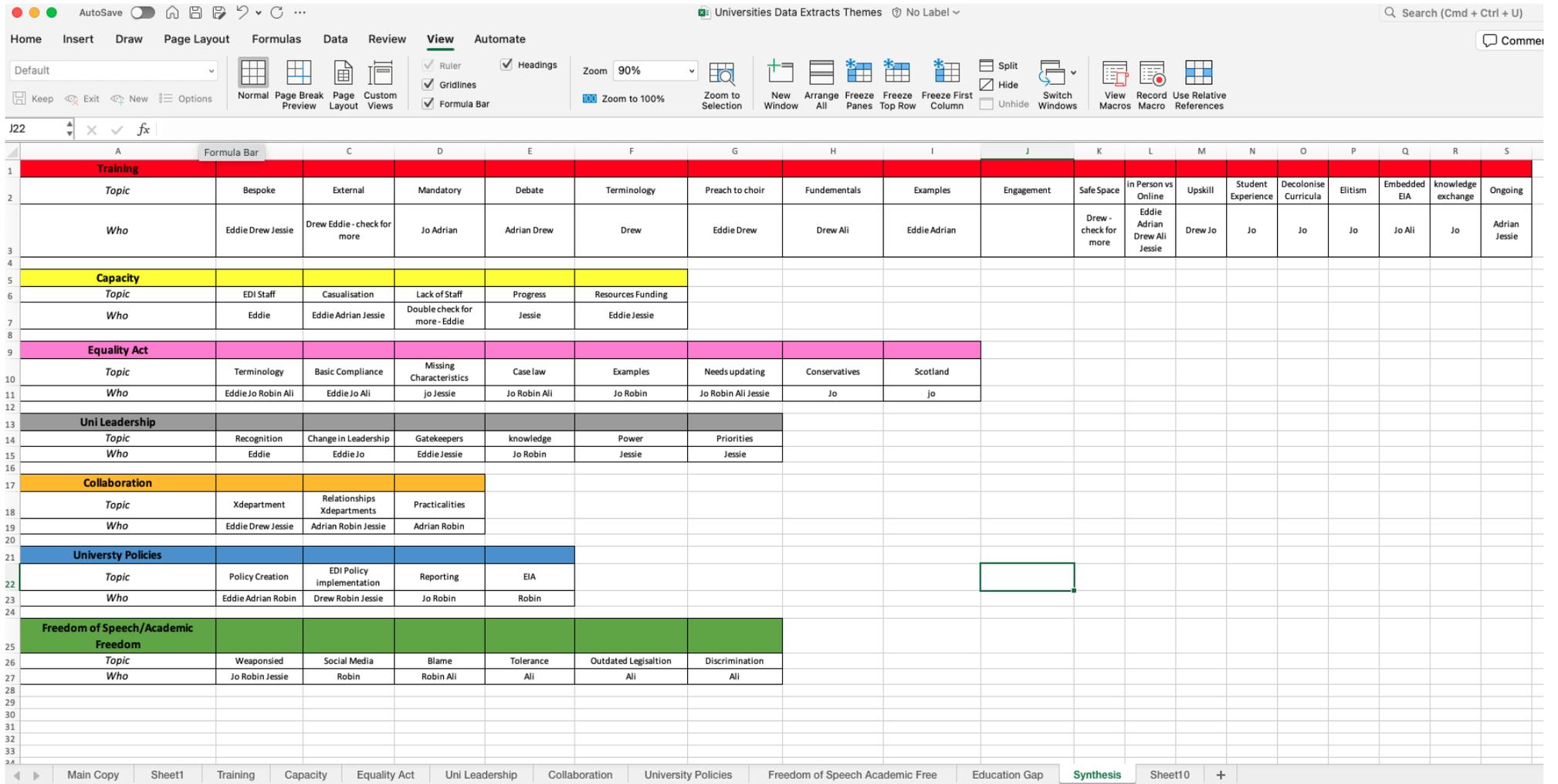


Figure 14 - Excel Spreadsheet Showing Final Themes from Interview Data

### 3.7 Chronological timeline

The research unfolded over several distinct but interlinked stages, each shaped by methodological requirements, practical constraints, and personal circumstances. The following chronological timeline provides a structured overview of this process, illustrating how the study progressed from its initial conceptual development through ethics, data collection, and analysis. Presenting the research in this way enhances transparency by demonstrating how decisions were sequenced, how different components of the methodology informed one another, and how periods of disruption were navigated while maintaining analytical rigour. These stages show how the research evolved into a coherent and reflexive qualitative study grounded in systematic inquiry.

- January – July 2021: Literature review

A systematic review of scholarship on LGBTQIA+ inclusion in higher education, EDI policy, and queer/trans theoretical frameworks was undertaken to refine the research focus and inform the research questions.

- October 2021 – April 2022: Ethics process

A full ethics application was submitted to the University of Strathclyde in October 2021. The process involved two rounds of revisions, particularly on methodology and participant details, and coincided with a period of ill health (COVID-19) which caused further delays. Final approval was granted in April 2022. During this period, I also contacted 13 Scottish universities requesting their EDI/LGBTQIA+/Trans policies; only four responded despite follow-up attempts.

- January – March 2022: Interview schedule development and critical policy analysis

While awaiting ethics approval, I drafted semi-structured interview questions informed by the literature review, the Equality Act 2010, and the policy documents received. The flexibility of the semi-structured format (see Appendix 1) allowed a comprehensive exploration of how policy was created and implemented within universities.

Alongside preparing for interviews, I conducted a systematic analysis of university EDI and LGBTQIA+ policies, both pre- and post-Equality Act 2010. This stage occurred before interviews were conducted and ran in parallel with the development of the semi-structured interview schedule. The policy analysis involved reviewing strategic equality plans, staff and student guidance, and programme documentation from four major Scottish universities, as well as guidance from a National Charitable Organisation.

The purpose of this analysis was to trace how policies articulate LGBTQIA+ inclusion, identify gaps between legislative intent and practice, and examine the performative versus substantive nature of institutional commitments (Barnhizer, 2011; Hudson et al., 2019). Documents were coded iteratively for themes, language, and framing, with particular attention to institutional priorities and processes (see section 3.6.4.1 and Chapter 4). Insights from this early policy analysis directly informed the design of the interview schedule but did not include conducting interviews, which took place later after ethics approval.

- April – October 2022: Data collection (interviews)

Following ethics approval, invitations were emailed to universities A, B, C and D in this study, (see Appendix 2). Semi-structured interviews were conducted with EDI leads, senior managers, and representatives from a National Education Staff Organisation (NESO). Recruitment was affected by scheduling conflicts due to illness, annual leave, and continuing COVID-19 disruption. In June 2022, I attended the Trade Union Congress LGBT+ Conference, which enabled further participant recruitment by networking with EDI staff, one of whom happened to work at University B. By July 2022, three interviews had been completed, although personal challenges (a car accident and bereavement) temporarily slowed progress. Interviews resumed in September 2022, and by October 2022 I had completed interviews with the remaining six participants.

- November 2022 – January 2023: Transcription and familiarisation

Transcription was trialled with Otter AI, but difficulties with Scottish accents and technical limitations meant that I manually corrected all transcripts. Although Zoom also provided automated transcripts, these proved no more reliable than Otter AI for Scottish accents, and therefore manual correction was necessary throughout. All transcripts were reviewed manually for accuracy and repeatedly read to support early analytic memo-writing, aligning with Braun and Clarke's (2006) first two phases of thematic analysis.

- January – March 2023: Coding and thematic analysis

Data were coded manually in line with Saldaña's (2021) first- and second-cycle coding strategies, moving from descriptive codes to pattern codes. Thematic analysis followed Braun and Clarke's (2006, 2012) six-phase framework, including generating codes, theme development, review, and refinement. This period also included writing analytic memos and drafting early analyses of the NESO interviews.

- April – July 2023: Drafting and supervision

Drafts of the findings chapters were produced and refined through supervision meetings. Themes were developed into analytical categories, ensuring alignment with the theoretical framework and research questions. Despite interruptions caused by a hemiplegic migraine in March 2023, I submitted the first draft of the data analysis in May, revised it after feedback in June, and resubmitted in July.

Throughout this process, personal health challenges and bereavement intersected with the research journey. Engaging in therapy was essential in enabling me to manage these pressures and to reflect on the emotional impact of researching bullying, harassment, and LGBTQIA+ exclusion. These challenges form part of the reflexive context of the study, illustrating how research practice is both situated and contingent, while maintaining systematic attention to methodological rigour.

While the timeline outlines the practical organisation of the study, it also highlights how research is never a neutral or detached process. Each stage was shaped not only by methodological choices and institutional requirements but also by my own positionality, experiences, and the personal circumstances that intersected with the work. These factors influenced how I approached the field, interpreted the data, and engaged with participants, particularly given the emotionally charged nature of researching LGBTQIA+ inclusion, exclusion, and institutional power. To acknowledge these dynamics and maintain transparency about my role in the production of knowledge, the following section offers a reflexive account of how my identities, professional background, and lived experiences informed, and were shaped by, the research process.

### 3.8 Reflexivity and personal reflections

In sections 3.2 and 3.2.1 of this chapter, I provide a reflexive account of the research process. Here, I extend this discussion by clarifying the difference between *reflection* and *reflexivity*, since both have been important in shaping this research.

Reflection refers to looking back on experiences and challenges in a more personal sense. For example, I reflected on delays caused by illness, bereavement, and professional pressures, as well as the support I gained from therapy to continue the research. Such reflections appear in Chapters 5 and 6, where they provide transparency about the personal and emotional circumstances under which the research was conducted.

Reflexivity, however, is different. It involves critically interrogating how my positionality as a gay, queer, and dyslexic researcher shaped the knowledge produced in this thesis (Finlay, 2002; Berger, 2015). My own experiences of discrimination and activism influenced the questions I asked, the way I approached participants, and the themes I identified as significant. My recruitment approach, emailing named EDI staff or institutional offices, reflected my professional positioning within EDI networks in Scotland. This created meaningful affordances: as an EDI practitioner, I was well-placed to access senior leaders who recognised me as a peer, trusted the purpose of the study, and were already engaged in institutional EDI work. This facilitated rich insight into policy enactment from those directly responsible for shaping and implementing it. However, this approach also introduced clear limitations. It foregrounded participants who were already invested in EDI agendas, meaning that those who were indifferent, ambivalent, resistant, or

positioned outside formal EDI structures may have been less likely to participate. As a result, the dataset may underrepresent more critical or disengaged institutional voices, as well as perspectives from staff for whom LGBTQIA+ inclusion is peripheral or contentious. This limitation points to opportunities for future research. A follow-up study could employ alternative recruitment strategies, such as open calls, random sampling within departments, or targeted engagement with staff outside EDI roles, to access a broader range of positionalities. Including academic staff, professional services colleagues with no EDI remit, or senior leaders who distance themselves from EDI work could help to illuminate dynamics of resistance, refusal, or institutional inertia more fully. Acknowledging these affordances and limitations demonstrates how access, participation, and the production of knowledge were shaped by institutional politics and my own situated identity. This reflexive awareness aligns with the interpretive epistemology underpinning the study, where knowledge is understood as partial, situated, and co-constructed.

As a gay/queer dyslexic individual, I have always had an interest in EDI and LGBTQIA+ research. Like many in minoritised communities, I have experienced discrimination, including a violent attack in 2019. These experiences motivated me to research and advocate for those facing discrimination in HEIs and beyond. They also shaped my earlier systematic literature review, *World-wide campus climate experiences of LGBTQI+ university students and staff*, which highlighted gaps in existing knowledge about heteronormativity in universities. In this sense, reflection provided the emotional and political motivation for the study, while reflexivity allowed me to critically interrogate how my position as researcher influenced access, interpretation, and analysis.

Personal reflections remain a key part of my methodology, offering transparency and context. Reflexivity, however, ensures methodological rigour by showing how my identity, assumptions, and experiences influenced the entire research process, from participant recruitment to theme development. As Etherington (2004) and Finlay (2002b) argue, reflexive writing bridges personal experience with academic inquiry. In this thesis, the interplay of reflection and reflexivity strengthens trustworthiness by making visible both the personal realities that shaped the research and the epistemological stance that underpins its analysis.

### 3.9 Ethical considerations

Ethical considerations were central to the research process, particularly about ensuring participants' autonomy, privacy, and safety. A Participant Information Sheet (PIS) (see Appendix 3) and consent form (see Appendix 4) was provided to all participants before they consented to take part in the research, outlining the nature of the study, their roles, and their rights. Participation in the study was entirely voluntary, and participants were informed that they could withdraw at any point without any consequence. This reflects the ethical principles outlined by Bryman (2016) who emphasises the importance of informed consent in social research. Clear communication of participants' rights to autonomy ensured that they were not pressured or influenced by their participation, safeguarding their ability to make free and informed choices. Additionally, each participant signed a consent form, which is standard practice in qualitative research to formalise their agreement to participate.

In terms of power dynamics, careful consideration was given to the relationship between the researcher and the participants, particularly since some participants

held leadership roles in universities and other institutions, which could have created a perceived power imbalance. Kvale and Brinkmann (2009) discuss how the researcher's position can influence participants' responses, particularly when there could be power dynamics are involved. Therefore, I took deliberate steps to ensure that participants felt comfortable sharing their honest perspectives, reinforcing their autonomy and positioning myself as a listener rather than an authority figure during interviews. Establishing a rapport based on mutual respect and openness allowed for a more balanced power dynamic, which was crucial in gathering authentic and meaningful data.

Finally, ethical considerations extended to the anonymity and confidentiality of participants and the institutions they represented. I used pseudonyms for both participants and the universities to protect their identities, which is consistent with ethical research practices in sensitive studies (Bryman, 2016; Cohen, 2018). Additionally, all data from the interviews, including transcripts and recordings, were securely stored on the University of Strathclyde's OneDrive, which was password-protected. The study received approval from the University of Strathclyde's Institute of Education ethics committee, affirming that it fulfilled all institutional ethical guidelines, particularly regarding data protection and participant welfare and therefore aligned with General Data Protection Regulation (GDPR) (2018) regulations.

### 3.10 Trustworthiness

In ensuring the trustworthiness of this research, several strategies were employed, as outlined by Lincoln and Guba (1985) who suggest that credibility, transferability, dependability, and confirmability are critical criteria for assessing qualitative

research. I used multiple methods of data collection to enhance credibility, including semi-structured interviews and document analysis, which allowed for data triangulation. Triangulation helped in validating the findings by cross-checking the consistency of data obtained from different sources, ensuring that the themes were robust and well-grounded in the participants' lived experiences.

I took a reflexive approach to the research to address dependability and confirmability, which involved regular self-reflection on how my position as a researcher may have influenced the data collection and interpretation processes. Reflexivity is particularly significant in constructivist research as it makes visible the ways in which the researcher's experiences and biases shape the research outcomes (Berger, 2013b) A research log and timeline were used to document the research process, highlighting challenges such as delays in ethics approval, and how these were addressed. I believe that by transparently discussing these challenges, the research maintains a level of dependability, as it shows adaptability while still adhering to methodological rigour.

Transferability was considered by providing rich, thick descriptions of both the research contexts and participants, which allows other researchers or practitioners to determine whether the findings could be applicable to their own settings. Moreover, as mentioned in section 3.9, all data, including interview transcripts and policy documents, were stored securely in the University of Strathclyde's password-protected OneDrive, and the study was approved by the ethics committee, which further ensures the ethical integrity and trustworthiness of the research.

## Chapter 4 – University LGBTQIA+ EDI critical policy analysis

### 4.1 Document analysis of university LGBTQIA+ EDI policies before and after the Equality Act 2010

This chapter presents a comprehensive analysis of university policy documents relating to LGBTQIA+ inclusivity, focusing on the period both before and after the implementation of the Equality Act 2010. Examining these policy documents is crucial, as they provide insight into how higher education institutions formally position themselves on inclusivity, revealing their commitments, goals, and intended actions (Prior, 2003). Through this analysis, I seek to understand how universities define and operationalise inclusivity by examining terminology, the depth of attention to LGBTQIA+ issues, and the strength of accountability and enforcement.

As outlined in Chapter 3, my approach follows Bowen's iterative document analysis, supported by Cardno's guiding questions, with themes from the literature review used deductively to code the documents (Bowen, 2009, Cardno, 2018, Elo and Kyngäs, 2008). Policies are not neutral statements. They frame what counts as a problem, they distribute responsibility, and they shape which solutions become thinkable (Bacchi, 2009). Drawing on queer and critical perspectives, I read the policies with attention to recognisability (Butler 2009) and non-performativity (Ahmed, 2012). Butler's work clarifies how policies render some identities intelligible as subjects of rights, while others remain tacit or invisible (Butler, 2009). Ahmed shows how diversity language can circulate as commitment without changing practice when it is not paired with instruments and resources, a dynamic she calls non-performativity (Ahmed, 2012). Collins' social theory of intersectionality is used to

identify where overlapping structures of inequality are designed for, or omitted (Collins, 2019). I also draw on the implementation literature on instrument mixes, delivery capacity, and designed weakness in governance architectures (Barnhizer, 2013, Hudson, Hunter, and Peckham, 2019, Ball, Maguire, and Braun, 2012, Welsh Government, 2017).

#### 4.1.1 Analytic approach

Across the policies, two broad tendencies were observed: one in which equality was treated primarily as procedural compliance and risk management, and another in which equality was framed through aspirational rights-based discourse.

I employed a two phased approach that retains the original design but strengthens systematicity in line with examiner feedback.

To avoid any risk to anonymity, I do not quote or name policies in this chapter.

Instead, I use the tags noted in the proceeding sections and maintain a short audit trail of tags in Appendix 5.

##### *4.1.1.1 Stage 1: Descriptive mapping through word frequencies.*

Word clouds were used as an entry point to the corpus (see Figure 15). As a visual learner and a dyslexic individual, I find images helpful for making sense of large volumes of text, which is supported by research on the retention value of visualisation (DePaolo and Wilkinson, 2014). I generated word clouds using [www.wordclouds.co.uk](http://www.wordclouds.co.uk), where tables were generated, and improved rigour by:

- separating the corpus into before and after Equality Act
- removing stop words,
- Attending to frequency, collocation, and placement.



- Material supports (MS), whether commitments are paired with resources, staffing, time, or workload allocation.
- Instrument mix (IM), the tools used to drive change, for example equality outcomes, equality impact assessments, data collection, reporting cadence, advisory bodies, complaints processes.
- Governance/Sabotage (GV), accountability and enforcement, owners, escalation, sanctions, and any escape clauses that increase the risk of drift or sabotage.

To show rigour without revealing identities, I use anonymised evidence tags that point to university, year, and section, for example [Uni B 2022 §5, IS/IM]. I also code textual features:

- deontic strength (must, will, should, may, can),
- agency (who is the subject of action),
- collocation and proximity (co appearance of key terms within a sentence or two),
- placement (preamble, definitions, procedures, sanctions, annexes),
- specificity (owners, timelines, sanctions, resources, escalation routes),
- scope (whether intersectionality is named and targeted).

These features are reported as counts or presence–absence statements alongside tags.

#### 4.1.2 Word frequency patterns and what they suggest

The word cloud site also generates the most frequently used words. As shown in Table 6, I selected the top one percent of terms from a possible 2,501, giving the 25 most frequent words across the corpus. It is encouraging to see terms such as *equality, gender, diversity, rights, discrimination, and support* among the most frequent. Their salience signals rhetorical commitment to equality within the documents, and the frequency of *staff* and *students* indicates that the policies address both.

Table 6 - Top 25 of the most frequent words from Pre and Post EDI policies

Frequency	Word
229	university
208	equality
193	gender
175	staff
142	students
121	will
106	diversity
97	policy
93	student
91	may
90	can

90	people
79	person
70	rights
68	human
67	act
67	discrimination
67	support
62	information
62	trans
59	X *
59	protected
54	name
51	disability
48	web

*\*N.B. Redacted words for confidentiality*

The high-frequency terms reveal a striking pattern: *gender* appears far more often than other protected characteristics, ranking third overall (193 occurrences). In contrast, characteristics such as race, ethnicity, sexual orientation, religion, age, and pregnancy/maternity do not appear anywhere near the top of the list. This imbalance is analytically significant. Under the Equality Act 2010, all protected characteristics carry equal legal weight, yet the linguistic prominence of one characteristic over

others suggests an uneven institutional focus. In policy terms, this signals which identities are made *recognisable* and therefore actionable, and which are rendered peripheral or silent, an insight consistent with Butler's argument that legibility structures who becomes entitled to protection (Butler, 2009). That *gender* is foregrounded while others remain marginal indicates that EDI policy narratives may be reproducing selective visibility rather than a genuinely intersectional approach. Future research could deepen this analysis by comparing frequency patterns across institutions or by examining whether similar disparities appear in implementation documents, minutes, or equality outcome reports.

Post-Equality Act (most recent)							
University A		University B		University C		University D	
Frequency	Word	Frequency	Word	Frequency	Word	Frequency	Word
64	may	102	university	60	equality	155	university
47	complaint	74	gender	48	rights	108	equality
45	policy	46	staff	41	diversity	94	staff
42	harassment	35	will	37	human	72	students
38	university	34	student	30	code	60	will
36	bullying	34	students	24	act	56	X*
32	staff	31	name	24	X*	53	gender
31	respect	29	support	23	people	50	diversity
29	dignity	28	policy	18	staff	47	policy
28	behaviour	28	person	17	discrimination	47	student

<b>28</b>	will	<b>25</b>	people	<b>13</b>	protected	<b>44</b>	web
<b>26</b>	complaints	<b>24</b>	can	<b>13</b>	students	<b>43</b>	may
<b>25</b>	victimisation	<b>24</b>	trans	<b>12</b>	information	<b>38</b>	disability
<b>22</b>	complainant	<b>23</b>	transition	<b>12</b>	university	<b>36</b>	email
<b>21</b>	manager	<b>19</b>	may	<b>11</b>	department	<b>36</b>	X*
<b>18</b>	made	<b>18</b>	behaviour	<b>11</b>	public	<b>35</b>	information
<b>18</b>	students	<b>16</b>	records	<b>10</b>	can	<b>35</b>	protected
<b>16</b>	action	<b>15</b>	can	<b>10</b>	complaints	<b>33</b>	act
<b>16</b>	formal	<b>14</b>	harassment	<b>10</b>	freedom	<b>31</b>	appendix
<b>16</b>	line	<b>13</b>	advice	<b>10</b>	including	<b>31</b>	can

Table 7 - Most frequent terms in the most recent policy set for each institution

Table 7 presents the most frequent terms in the most recent policy set for each institution and allows institution specific readings:

- In one of four most recent policies, grievance terms (complaint/harassment/bullying) appear in the top five and cluster in procedures rather than actions or resourcing [Uni A 2021 §3–4, IM/GV]. The consequence is that equality becomes legible primarily through and after harm, unless upstream tools are specified (Ahmed, 2012; Ball, 2015)
- One of four emphasises a rights-based repertoire, concentrated in the preamble [Uni C 2021 §1–2, IS], which risks symbolism without remedy when enforcement clauses are thin (Overman, Williamson, and Boessenkool, 2021).
- One of four places *trans* or *transition* among the salient terms, and in that case the same register appears in procedures alongside named contacts [Uni B 2022 §5, IS/IM], which strengthens enactment.

At first glance, the repeated emphasis on terms such as *equality*, *diversity*, *rights*, *respect*, and *dignity* suggests strong alignment with the Equality Act 2010. This is consistent with Ahmed's (2012) observation that policies frequently centre 'happy diversity' vocabularies that signal institutional virtue. However, the framing and distribution of these words across sections complicate this apparent commitment.

- Interpretive space (IS): Words such as *respect* and *dignity* tend to cluster in preambles or value statements [Uni D 2022 §1, IS], reflecting aspirational framing rather than enforceable duties. This aligns with Butler's (2004) argument that recognition is always conditional, structured by dominant norms of intelligibility.

- Material supports (MS): Terms relating to resource commitments (*budget, staffing, time allocation*) are conspicuously absent across all four institutions. As Hudson, Hunter, and Peckham (2019) argue, without material supports, even the most robust values statements risk stalling at implementation. This echoes Ahmed's (2012) critique of diversity work as a form of institutional self-presentation rather than structural commitment.
- Words such as complaint, harassment, bullying and victimisation dominate in University A's most recent policy, appearing in procedural sections [Uni A 2021 §3–4, IM/GV]. This neoliberal undertone suggests equality is primarily legible after harm rather than through proactive measures.
- Governance/Sabotage (GV): While some policies reference reporting and accountability structures, explicit sanctions and escalation routes are inconsistently articulated. For example, University B's 2022 policy names responsibilities for managers [Uni B 2022a §2–3, GV], but omits timelines for resolution. Barnhizer's (2013) concept of *policy sabotage* is useful here: vague duties and missing enforcement mechanisms represent a form of 'designed weakness' that allows institutions to perform compliance without risk of accountability.

This uneven distribution of policy attention resonates with critiques raised in the literature review:

- Tokenism and absence: Pryor and Hoffman (2021) caution against 'best practice' frameworks that appear universal but erase the specificities of queer and trans lives. The absence of terms such as *trans, transition, or non-binary* in the top-ranked words of some universities demonstrates this erasure,

echoing Sundberg et al.'s (2021) findings on the systemic marginalisation of trans students.

- Homonormativity and selective inclusion: Duggan's (2002) concept of homonormativity is also instructive here. Policies may foreground *sexual orientation* or *diversity* in broad terms, but often prioritise palatable identities (e.g. gay or lesbian staff and students) while marginalising those who are non-binary, racialised, disabled, or working class. This reflects Nicolazzo's (2017) critique of how institutions selectively incorporate certain queer identities to maintain reputational advantage.
- Performative compliance: Formby (2017) and Ahmed (2012) both argue that policies frequently operate as non-performatives, where the act of writing becomes a substitute for action. This is visible in University D's 2022 policy, which uses expansive values language but offers little detail on mechanisms for enforcement or support [Uni D 2022 §1–2, IS/GV].

In short, the word frequency analysis highlights both the discursive dominance of equality language and its uneven translation into practical tools. Policies appear comprehensive at the level of vocabulary but often fail to specify resources, instruments, or sanctions, mirroring the policy-implementation gap discussed in Chapter 2 (Hill and Hupe, 2015; Hudson et al., 2019).

In the following sections, I provide a brief synopsis of the key features of each institution's EDI policy before presenting a comparative analysis.

### 4.1.3 Pre-Equality Act 2010 policies

Only University D provided pre-Equality Act documents (2009). Known as Uni D 2009a and Uni D 2009b henceforth.

#### 4.1.3.1 University D 2009a

The policy emphasised broad diversity commitments, covering race, ethnicity, gender, age, sexual orientation, and religion. It used a values register of dignity and respect [Uni D 2009a §1, IS], but lacked concrete measures, resource lines, or timelines [Uni D 2009a §4, MS/GV]. The language was duty heavy (*must, will*) but agency was distributed vaguely to ‘the university’ or ‘staff and students’, not to specific owners. Advisory and monitoring structures were referenced, but sanctions and escalation routes were absent [Uni D 2009a §5, GV]. The effect was a symbolic acknowledgement of diversity, in line with Ahmed’s (2012) argument that diversity policies often function as commitments without consequences.

#### 4.1.3.2 University D 2009b

This was more focused, targeting sexual orientation equality. It included commitments not to use sexual orientation in decisions on admissions, progression, or recruitment. The interpretive space was widened by explicitly recognising sexual orientation as a protected characteristics throughout [Uni D 2009b §2, IS]. Yet again, material supports were absent: while training for staff involved in recruitment was promised, no resources, timelines, or monitoring were specified [Uni D 2009b §3, MS/IM]. Complaints procedures were referenced but without escalation routes [Uni D 2009b §4, GV]. From a queer theoretical perspective, these policies show recognisability for gay and bisexual identities but render trans and non-binary lives unintelligible, consistent with Butler’s (2009) warning about the limits of recognition.

#### 4.1.4 Post-Equality Act 2010 policies

University A, B, C, and D henceforth will be referred to as previously mentioned in 4.1.

#### *4.1.4.1 University A 2020*

This policy adopted strong values language, explicitly affirming zero tolerance of discrimination [Uni A 2020 §1, IS]. It aligned with Equality Act categories, but did not target intersectionality, which risks treating protected characteristics in isolation (Collins, 2019). It introduced equality outcomes and Equality Impact Assessments (EIAs), expanding the instrument mix [Uni A 2020 §3–4, IM], but no resources or workload allocation were specified [Uni A 2020 §6, MS]. The absence of community engagement mechanisms meant equality was framed internally, not relationally to the wider society (Smith, 2014).

#### *4.1.4.2 University A 2021*

This policy expanded the interpretive space by defining a wide range of LGBTQ+ terms [Uni A 2021 §2, IS]. It provided clear reporting and support routes [Uni A 2021 §4, IM], but timelines for response and escalation were absent [Uni A 2021 §4, GV]. Like Policy one, it lacked intersectional targeting. The overall pattern aligns with Ahmed's (2012) point: inclusivity is declared but resourcing and enforceability are thin.

#### *4.1.4.3 University B 2022a*

This dignity and respect policy specified responsibilities of managers, individuals, and the institution, widening interpretive space by clarifying unacceptable behaviours [Uni B 2022a §2–3, IS]. Yet preventative tools such as training or awareness campaigns were absent [Uni B 2022a §4, MS]. The policy was grievance focused, with complaint and harassment terms clustering in procedures [Uni B 2022a §3, IM/GV]. This aligns with Ball's (2015) point that equality becomes visible primarily after harm.

#### *4.1.4.4 University B 2022b*

This was the most detailed trans policy in the corpus. It explicitly defined transition processes, medical and social, and provided practical guidance on records, facilities, and confidentiality [Uni B 2022b §5, IS/IM]. Named owners and timelines were specified, strengthening governance [Uni B 2022b §5.3, GV]. However, non-binary identities were not addressed directly, limiting inclusivity (Monro, 2015) or perhaps working with the assumption that they are included within the trans category.

#### *4.1.4.5 University C 2021*

This policy opened interpretive space with strong values language (fairness, dignity, respect) [Uni C 2021 §1, IS]. It referenced the Equality Act and Human Rights Act, signalling legal compliance [Uni C 2021 §2, IS]. But accountability was thin: reviews were promised ‘annually’ without specificity [Uni C 2021 §6, GV]. No training, budgets, or staff roles were specified [Uni C 2021 §7, MS], and complaints processes were not detailed. The result is a policy that is rhetorically inclusive but materially thin, echoing Ahmed’s (2012) critique of symbolic diversity.

#### *4.1.4.6 University D 2022*

This policy combined values language with explicit recognition of intersectionality [Uni D 2022 §1, IS]. It acknowledged challenges at the intersections of sexuality, race, disability, and class, a rare example of intersectional design. Advisory boards and training were mentioned, but budgets and sanctions were absent [Uni D 2022 §3–4, MS/GV]. Escalation routes were not specified, creating what Barnhizer (2013) terms a ‘designed weakness; without clarity on who is responsible for action or what consequences follow a breach, equality commitments risk stalling in practice.

## 4.2 Comparative Analysis of LGBTQIA+ EDI university policy documents

Having examined each institution's policy documents, I now compare how Universities A–D conceptualise, resource, and govern LGBTQIA+ inclusion. Drawing on the four analytical lenses, interpretive space (IS), material supports (MS), instrument mix (IM), and governance/sabotage (GV), the comparison reveals uneven progress. Apparent rhetorical inclusivity often co-exists with resource scarcity, symbolic governance, and what Barnhizer (2013) calls designed weakness. Tables are embedded within each subsection to show the evidence visually rather than appended separately.

### 4.2.1 Targeting LGBTQIA+ inclusion and intersectionality (IS lens)

The breadth of interpretive space varies markedly across the corpus. Earlier policies (Uni D 2009a, 2009b) framed equality through a generic diversity discourse, whereas later texts (Uni A 2021; Uni B 2022b; Uni D 2022) explicitly name LGBTQIA+ communities and, in limited cases, intersectionality. Table 8 summarises these recognition patterns.

Feature	Uni D 2009a	Uni D 2009b	Uni A 2020	Uni A 2021	Uni B 2022a	Uni B 2022b	Uni C 2021	Uni D 2022
LGBTQIA+ named	X	✓	X	✓	✓	✓ (detailed)	X	✓
Trans / non- binary named	X	X	X	✓	X	✓	X	✓
Intersectionality named	X	X	X	X	X	X	X	✓
Values register (dignity, fairness, respect)	✓	✓	✓	✓	✓	✓	✓	✓

Table 8 - Policy features related to interpretive space across universities and policy years

The movement from the 2009 Glasgow statements to the 2022 policies demonstrates an expanded field of recognisability (Butler, 2009). Nevertheless, only one policy (Uni D 2022) explicitly names intersectionality. This selective evolution supports Collins' (2019) observation that intersectional awareness tends to appear last in institutional equality frameworks. Pryor and Hoffman (2021) describe this pattern as performative inclusion: visibility without redistribution of power.

#### 4.2.2 Material supports (MS lens)

While values proliferate, tangible resources remain scarce. Across all eight policies there are no explicit budget lines or workload allocations, confirming Hudson et al.'s

(2019) claim that implementation falters when commitments lack resourcing. Table 9 visualises this absence.

Table 9 - Material supports across universities and policy years

Feature	Uni D 2009a	Uni D 2009b	Uni A 2020	Uni A 2021	Uni B 2022a	Uni B 2022b	Uni C 2021	Uni D 2022
Budget / staffing line	X	X	X	X	X	X	X	X
Training specified	X	✓ (limited)	✓	X	X	✓	X	✓
Workload allocation	X	X	X	X	X	X	X	X

Training is the only consistent material gesture. Uni A 2020 mandates equality training at induction; Uni B 2022b and Uni D 2022 specify targeted sessions. Yet even these lack dedicated time or funding, producing what Ahmed (2012) calls the fantasy of commitment: the belief that policy language alone delivers transformation.

#### 4.2.3 Instruments and enactment (IM lens)

The instrument mix reveals where policies translate ideals into operational tools.

Table 10 collates these procedural instruments.

Table 10 - Instrument mix across universities and policy years

Feature	Uni D 2009a	Uni D 2009b	Uni A 2020	Uni A 2021	Uni B 2022a	Uni B 2022b	Uni C 2021	Uni D 2022
Complaints procedures	✓	✓	✓	✓	✓	✓	✗	✓
Equality outcomes	✗	✗	✓	✗	✗	✗	✗	✗
Equality impact assessments	✗	✗	✓	✗	✗	✗	✗	✗
Advisory bodies / named contacts	✗	✗	✗	✓	✗	✓	✗	✓

The predominance of grievance-handling mechanisms confirms Ball's (2015) point that equality often becomes visible after harm. Proactive instruments, EIAs, advisory boards, measurable outcomes, appear in only three of eight cases (Uni A 2020, Uni A 2021, Uni D 2022). This imbalance exemplifies what Formby (2017) describes as a reactive mode of equality work, in which institutions respond to incidents of harm but fail to address the heteronormative and cisnormative structures that create those harms in the first place and therefore depend on damage and harm for their inclusion to be activated.

#### 4.2.4 Governance, accountability, and leadership (GV lens)

Governance mechanisms remain the weakest link. Table 11 summarises the formal presence of owners, timelines, sanctions, and escalation routes.

Table 11 - Governance mechanisms across universities and policy years

Feature	Uni D 2009a	Uni D 2009b	Uni A 2020	Uni A 2021	Uni B 2022a	Uni B 2022b	Uni C 2021	Uni D 2022
Named owner	X	X	X	X	X	✓	X	X
Timelines / service levels	X	X	X	X	X	✓	X	X
Sanctions explicit	X	X	X	X	X	X	X	X
Escalation route	X	X	X	X	X	✓	X	X

Only University B 2022b defines a full chain of accountability which means that the policy does more than name a responsible owner: it clearly specifies *who* is responsible at each stage of the process, what actions they must take, and when escalation occurs if those actions are not completed. For example, in University B's 2022b policy, an initial concern must be addressed by the named EDI Officer within a defined timeframe; if unresolved, it is formally escalated to the Head of School, and

subsequently to the Executive Dean, with each stage including explicit service levels and required communication steps. This contrasts with the other policies, which reference responsibilities in general terms but do not map out these sequential steps, leaving gaps in follow-through and weakening institutional accountability. The rest rely on soft verbs, should, may, encouraged, illustrating the deontic weakness described by Hudson et al. (2019). None includes sanctions, echoing Barnhizer's (2013) argument that policies are often designed to avoid enforceability. Leadership commitments are similarly absent. None of the policies contains clauses promoting LGBTQIA+ individuals into decision-making roles, confirming Ball's (2012) claim that structural transformation requires representation at the top.

#### 4.2.5 Focus on transgender and non-binary inclusion (IS + IM)

Explicit trans and non-binary inclusion emerge only in later policies. Uni A 2021 and Uni B 2022b both describe transition processes, records changes, and confidentiality procedures. Uni D 2022 extends this to gender-neutral facilities and staff networks. Earlier texts (Uni D 2009a/b; Uni C 2021) omit these identities entirely. Monro (2015) warns that such omissions perpetuate cis-institutional norms even within apparently inclusive frameworks. The incremental improvements across the decade support Nicolazzo's (2017) view that trans inclusion advances only once institutions have domesticated more acceptable gay and lesbian narratives, a form of homonormativity (Duggan, 2002).

#### 4.2.6 Effectiveness and impact: from symbolism to enactment

Comparing across all four lenses reveals a consistent pattern:

<b>Lens</b>	<b>Evidence summary</b>	<b>Implication</b>
<b>Interpretive space</b>	Broader recognition of LGBTQIA+ identities, minimal intersectionality.	Symbolic visibility (Ahmed 2012).
<b>Material supports</b>	Training noted but no mention of funding; no workload or budget lines.	Implementation gap (Hudson et al. 2019) and emotional labour of students and/or staff.
<b>Instrument mix</b>	Grievance mechanisms dominate; proactive tools scarce.	Reactive equality (Formby 2017).
<b>Governance/Sabotage</b>	Owners and sanctions largely absent; one robust case (Uni B 2022b).	Designed weakness (Barnhizer 2013).

Policies therefore perform equality linguistically but seldom operationalise it. As Ahmed (2012) argues, diversity work often circulates as evidence of commitment rather than practice. Operationalising equality would require converting these statements into concrete mechanisms, such as ringfenced budgets, clearly assigned owners, measurable timelines, mandated training, workload allocation, and explicit

escalation pathways. None of the policies analysed specify these forms of structural obligation. Instead, the most recent policies display richer vocabularies and expanded procedural descriptions yet still rely on voluntary uptake by individual staff and students. In practice, this means that inclusion depends on discretionary labour rather than embedded systems of accountability or resourcing. The next chapters test how EDI practitioners interpret and negotiate these textual affordances, exploring whether policy non-performativity is resisted or reproduced in lived practice (Priestley and Philippou, 2018). As Ahmed (2012) argues, diversity work often circulates as evidence of commitment rather than practice. The most recent policies display richer vocabularies and procedural detail yet still depend on voluntary enactment by staff and students rather than structural obligation. The next chapters test how EDI practitioners interpret and negotiate these textual affordances, exploring whether policy non-performativity is resisted or reproduced in lived practice (Priestley and Philippou, 2018).

### 4.3 Conclusion

Across these documents, inclusion is articulated as a managerial and procedural ideal rather than a lived and embodied practice. The affective dimensions of this work, what Ahmed (2004) describes as the *emotional economies* through which feelings circulate between bodies and institutions and later extends to the affective labour of diversity work within universities (Ahmed, 2012), remain unspoken, yet they sustain the very policies that claim neutrality. The labour of making inclusion happen seems vaguely and perhaps unevenly distributed, often carried by queer, trans, and racialised staff who inhabit what Collins (2019) terms the 'outsider-within' position of institutional life. Their emotional labour is simultaneously required and unrecognised, a condition that reflects Butler's (2009) account of precarious subjecthood, where

recognition itself is contingent upon conformity to institutional norms. Intersectionality appears rhetorically in all but one of these policies but is rarely operationalised beyond additive listing, revealing how bureaucratic equality frameworks flatten complex social relations into measurable categories. The silences around affect, power, and interlocking oppression suggest that policy discourse continues to reproduce the very hierarchies it says it seeks to dismantle. These tensions foreground the need to read institutional policies not only for what they declare but for what they deny, a theme developed further in the analysis of EDI practitioners' narratives in the next chapter.

# Chapter 5: National Education Staff Organisation (NESO): Two EDI leaders' perspectives on the implementation of policies and laws in higher education institutions

## 5.1 Introduction

This chapter explores the perspectives of two participants, Charlie and Taylor, from a National Education Staff Organisation (NESO) that works across the higher education sector to influence and support equality, diversity and inclusion (EDI) practice. Charlie holds a senior advisory role, focusing on policy interpretation and providing strategic guidance to universities on EDI matters, while Taylor liaises with institutions to ensure that national EDI policies are effectively implemented and adapted to meet the needs of the LGBTQIA+ community. Both participants play crucial roles in advising HEIs on the practical application of legislation such as the Equality Act 2010 and the Public Sector Equality Duty (PSED), fostering inclusivity across university settings.

While Chapter 4 examined how Scottish universities express and institutionalise LGBTQIA+ inclusion within policy documents, this chapter shifts focus to the national layer of policy translation. By analysing how NESO leaders interpret and enact legislation, I explore how advocacy bodies negotiate between statutory requirements and institutional realities. This analysis is guided by the four lenses introduced in Chapter 2, interpretive space, material supports, instrument mix, and governance/sabotage, to highlight how national actors understand and respond to the policy–implementation gap in higher education.

As established in Chapter 2, I treat EDI policy not as neutral or technocratic, but as a discursive and political artefact. Policies are embedded in systems of power and performance that reflect neoliberal rationalities (Brown, 2015) and the managerial cultures of higher education (Ball, 2012; Kirk, 2014). These systems reshape inclusion into something measurable, brandable, and therefore governable. This chapter situates the NESO within that landscape, as both a product of and a response to those same logics.

I also return to the distinction developed in Chapter 2 between representation and material inclusion. Representation refers to symbolic visibility, the naming of LGBTQIA+ people in policies, statements or campaigns, whereas material inclusion involves redistribution of resources, power and accountability mechanisms that sustain genuine change. Representation may secure institutional legitimacy, but material inclusion transforms institutional conditions. This conceptual divide frames how I interpret the data from Charlie and Taylor, particularly where progress appears visible yet substantively limited.

Following Hudson, Hunter and Peckham (2019), I view implementation not as linear policy delivery but as an ongoing process of *enactment* shaped by context, interpretation and constraint. Ball, Maguire and Braun (2012) conceptualise policy as a text undergoing enactment and re-contextualisation, rather than a fixed directive and therefore always reinterpreted as it moves across institutional levels. The NESO occupies one such node of interpretation: situated between the legal and the institutional, the political and the practical.

Finally, as someone who has worked within and alongside similar intermediary bodies, I recognise the layered labour involved in translating policy into practice:

balancing compliance with care, neutrality with advocacy, and hope with exhaustion. This chapter brings those tensions into focus, linking the voices of Charlie and Taylor with the critical theoretical frameworks of queer, feminist and policy scholars, as well as with my own lived experience of navigating equality work within bureaucratic systems. Therefore, my analysis provides useful insider-outsider perspectives, as a practitioner in this area as well as a researcher.

The NESO also collaborates closely with the Trade Union Congress (TUC), contributing to motions and recommendations directed at government concerning national EDI practices. As part of this collaboration, the NESO actively participates in voting on motions that influence policy decisions. I was part of the NESO delegation team at TUC conferences in 2021 and 2022, which provided valuable first-hand insight into how these discussions shape national policy dialogue.

Although this chapter draws on only two interviews, the data are rich and offer important national-level insights. These complement the institutional perspectives explored in Chapter 6, which expands the analysis to seven EDI professionals working within universities. Together, the two chapters provide a connected view of how national policy frameworks are interpreted, adapted and resisted across different levels of governance in Scottish HEIs.

## 5.2 The NESO context and role

The NESO operates nationally to support policy development, training and advocacy on behalf of the HEIs workforce. It serves as a connecting tissue between government legislation, sector-wide organisations and individual institutions, providing advice, resources and campaign guidance to help universities interpret

their statutory duties. Through this position, the organisation shapes how equality frameworks are understood and applied across Scottish HEIs.

Taylor explained the advocacy dimension of their role, 'We submitted a national submission to the Scottish consultation around gender-recognition reform... we wanted to make sure the voices of our members and of LGBT+ staff in universities were reflected in that process.' (Taylor, NESO). This comment illustrates the organisation's work as both a legislative participant and a translator of equality law for the sector. Charlie described a complementary strand of knowledge-transfer activity, 'Our role is to equip members and branches with the most up-to-date equality information so they can negotiate best practice... so when they sit down with a university Human Resources (HR) team, they can cite chapter and verse of what's required.' (Charlie, NESO).

Both accounts demonstrate what Hudson, Hunter and Peckham (2019) call 'dispersed governance', policy delivery that depends on a web of semi-autonomous actors operating between the state and individual institutions. Within this web, the NESO occupies a distinct interpretive space, translating abstract legislation into everyday professional practices. It is not merely a conduit but a site where meaning is made and remade, echoing Ball, Maguire and Braun's (2012) view that policy texts are continually re-enacted as they travel through organisational contexts.

The organisation's position also reveals the entanglement of equality work with the neoliberal rationalities that structure higher education. As Brown (2015) argues, neoliberalism reconstitutes moral commitments as marketable performance indicators. In this climate, the NESO's guidance is frequently valued for its auditability, its capacity to help universities evidence compliance, rather than for its

capacity to cultivate justice. Fraser (2009) warns that such 'recognition without redistribution' converts radical demands into safe managerial gestures, a pattern clearly visible in the way universities adopt NESO templates to demonstrate representational commitment without addressing material inequities.

From the perspective of critical theory, the NESO's outputs can also be read as forms of symbolic power. By setting the tone of equality discourse across the sector, the NESO participates in what Foucault (1980) would call the production of regimes of truth: the boundaries of what can be said, measured and funded. The organisation thus mediates between compliance and critique, embodying the tension at the heart of modern equality governance, the simultaneous reproduction and contestation of institutional order.

In practical terms, the NESO provides toolkits, webinars and policy templates that universities adapt for local use. These artefacts represent an instrument mix of communicative and organisational tools (Smith, 2021): they enable policy diffusion but also standardise it, creating what I have elsewhere called 'bureaucratic comfort zones', spaces where EDI feels active yet remains administratively contained.

From my own professional standpoint, I have often turned to such intermediary resources when universities sought clarity about the limits of legal duty or the reputational risk of non-compliance. These experiences mirror the NESO's balancing act: expected to provide certainty in uncertain political times while simultaneously advocating beyond the letter of the law. This dual expectation situates the NESO at the intersection of representation and material inclusion. It ensures that LGBTQIA+ people are visible within policy discourse (representation) yet struggles to deliver the redistribution of power, funding and authority that would realise material inclusion.

In sum, the NESO operates as both a stabiliser and a disruptor within the EDI policy ecosystem. It stabilises through codification, translation and standard setting; it disrupts through advocacy, critique and the moral insistence that equality should mean more than compliance. The next sections explore how these dynamics unfold in practice through three themes that emerged strongly from the interviews: the translation of law into action, the constraints of governance and funding, and the emotional and affective labour required to sustain advocacy in an increasingly polarised environment.

### 5.3 Challenges for policy creators in making decisions about EDI policies

Designing policy that protects one marginalised group while remaining legally defensible across conflicting rights claims is rarely straightforward. For the NESO, each policy proposal is an act of interpretation, requiring alignment with legal precedent, institutional appetite and moral purpose. This interpretive labour, situated between advocacy and legality, exposes the limits of equality as both a moral ideal and a bureaucratic process.

Charlie explained the tension vividly when discussing a motion on supporting trans and non-binary rights:

At our Congress, our annual policymaking Congress, there was a motion that came forward on supporting trans and non-binary rights. And it got through **the different shifts**, and then I had a look at it and realised that because of **the shifting landscape** and what a protected belief is, and beliefs are protected by the Equality Act. Gender-critical beliefs are protected after the

[five]-standard judgment. So, I got legal advice on that characteristic, because obviously **the change** is really new. So, we're not exactly sure how it fits across the piece, other than to know that rights are protected. And essentially ...the advice we got, legal opinion, basically told us that we must remove elements of the motion or be in breach of equality law. So that was definitely a moment.' (Charlie, NESO).

Here, interpretive space becomes the terrain where **competing truths must coexist**. The Forstater case (Forstater v CGD Europe and Others, 2022) extended legal protection to gender-critical beliefs, creating a juridical framework that obliged organisations like the NESO to rewrite progressive motions. As Barnhizer (2013) notes, sabotage in policy implementation often occurs not through malice but through the structural requirement to balance **contradictory imperatives**. Charlie's 'moment' demonstrates such procedural sabotage: inclusion diluted to ensure compliance.

The case also exemplifies Fraser's (2009) distinction between recognition and redistribution. The law now recognises gender-critical belief as a legitimate identity claim, but that recognition redistributes power away from trans and non-binary people whose protection the Equality Act 2010 was designed to secure. Recognition, in this instance, functions as containment.

This legal double bind felt like 'two magnets of the same polarity': each asserts its right to protection, yet they repel when brought together. Equality practitioners must navigate between upholding free expression and safeguarding from harm, an impossible equilibrium. Theoretically, this exposes the governance or sabotage lens at work: laws crafted to ensure fairness can paradoxically institutionalise stalemate.

From a queer-feminist perspective, Butler's (1990, 2004) concept of performativity helps explain why such conflicts are not purely semantic. Legal recognition performs identity into being but simultaneously constrains how that identity can be lived. When the Forstater judgment (*Forstater v CGD Europe and Others*, 2022) declared gender-critical belief 'worthy of respect in a democratic society', it performed legitimacy for one discourse while delegitimising another. The NESO's obligation to amend its motion reveals how power operates through language, a Foucauldian reminder that policy discourse produces rather than merely describes reality.

Ahmed (2012, p. 26) argues that diversity work often involves 'banging your head against a brick wall', persisting within systems designed to resist change. Charlie's careful navigation of legal advice, institutional caution and activist expectation mirrors this labour. Each edit to the motion is an act of care and damage control, a process Collins (2019) would recognise as the emotional politics of intersectional advocacy: working for justice while absorbing its costs.

In practical terms, Charlie's experience demonstrates how legislative ambiguity filters down into the everyday bureaucracy of equality work. As Ball (2012) suggests, performativity compels organisations to display compliance rather than conviction. For the NESO, risk management replaces radicalism: motions are worded to avoid challenge, even when that caution undermines intent. This containment through procedure ensures organisational survival at the expense of expressive solidarity.

The Forstater case highlights the fragility of legislative progress. While the Equality Act 2010 was drafted to protect marginalised groups, its open-textured language, once celebrated for flexibility, now enables the very conflicts it sought to prevent. In practice, this breeds a culture of defensive drafting, where every word is weighed for

potential offence or litigation. The emotional toll of that vigilance is considerable. Each policy revision feels less like creativity and more like damage limitation.

I am mindful, however, of the need for empathy even within frustration. Legal recognition of belief, however uncomfortable, sits within democratic principles of pluralism. The task for equality practitioners, then, is to hold complexity without capitulating to paralysis, to translate rights discourse into practices that protect without silencing. This requires what Fraser (2003, p. 36) calls *parity of participation*: institutional arrangements that allow people to interact as peers. In this context, parity means creating conditions in which no group's voice is structurally elevated or suppressed.

In the broader theoretical context of this thesis, this episode illustrates how governance operates as a technology of power. The state, by legislating belief, transfers responsibility for adjudicating morality to intermediary organisations like the NESO and, by extension, to universities. This dispersal of accountability mirrors the pattern described by Hudson et al. (2019), fragmented authority producing 'messy' implementation. The result is a form of symbolic compliance, policy that can be shown, cited and defended, even if its transformative potential has been quietly excised.

Working within these constraints, I often return to Ahmed's (2017, p.93) description of diversity work as 'the effort to transform the institutions that reproduce the conditions of our own labour.' Equality officers, advocates and advisers are themselves caught in the apparatus they seek to reform. Charlie's and Taylor's accounts of cautious progress echo what Brown (2015) argues that neoliberal governance remodels moral and political language, including terms such as justice

and equality, into metrics and service-delivery models, thereby shifting justice away from redistribution, deliberation and democratic accountability. The NESO's role, then, becomes both heroic and tragic, heroic for holding the line of advocacy, tragic because that line must remain within the margins of the legally permissible.

In conclusion, the challenge for policy creators is not simply the reconciliation of conflicting rights but the endurance of working within contradiction. Under the interpretive space lens, this section shows how meaning itself becomes the primary battleground of equality work. Under governance or sabotage, it shows how structural mechanisms of law, funding and reputation manage that battleground to maintain equilibrium rather than transformation. In such spaces, representation flourishes, the motion exists, the language is inclusive, but material inclusion remains deferred, waiting for conditions that may never fully arrive.

## 5.4 NESO perspectives on data collection

The availability, accuracy and ethics of data collection on sexual orientation and gender identity remain central challenges in implementing equality frameworks across the UK higher-education landscape. For the NESO, data are not only evidence but also instruments of legitimacy: a way to render the experiences of LGBTQIA+ communities visible within institutional decision-making. Yet, as both participants revealed, the absence of reliable data often reinforces invisibility rather than addressing it. Taylor was particularly reflective about this issue, 'I think there's an extent to which there is a bit of an issue with the Equality Act, because it requires data for some of the groups but not others... there's no legal driver for collecting LGBT+ data, which means there's no consistent national picture.' (Taylor, NESO).

Their observation captures a recurring theme in this study, that of selective evidence. Some protected characteristics (such as race, disability or gender) are accompanied by structured reporting obligations, while others (notably sexual orientation and gender identity) are treated as optional or too sensitive. The result, as Hudson et al. (2019) argue, is a patchwork of implementation that reproduces inequality under the guise of local autonomy.

The lack of data creates a significant barrier to identifying need or measuring progress. Taylor continued, 'Where people are talking about, well, we don't have any problem regarding lesbians or gays here, because nobody says anything, so there are no problems. So, we don't really have to do any work in that area because there are no issues.' (Taylor, NESO).

This quote lays bare a logic of silence as the absence of data is misread as the absence of discrimination. In Ahmed's (2012) terms, this represents a form of non-performative policy, where institutions mistake inaction for harmony. When equality monitoring is optional, ignorance becomes institutionalised as evidence of success.

Under the material supports lens, the lack of formalised data collection reflects structural underinvestment in equality infrastructure. Without dedicated funding, trained staff and institutional will, data processes remain tokenistic. At the same time, from an instrument mix perspective, data tools become proxies for genuine engagement. Universities can claim compliance through surveys and dashboards, even if the act of collection has little transformative effect. This aligns with Ball's (2012) analysis of performativity: data collection becomes part of the performative economy of higher education, where what counts is that something is counted.

I share Taylor's frustration. The absence of sexual orientation and gender identity data across Scottish universities does not reflect inclusion but avoidance. My experience has been that, when the topic of LGBTQIA+ data is raised, it is often framed as 'too difficult' or 'too sensitive,' rather than too important not to address. This hesitation underscores a hierarchy of comfort: some identities are easier for institutions to measure because they are easier to manage.

The danger of non-collection is that invisibility becomes self-fulfilling. As Fraser (2009) argues, redistribution depends on recognition; if a group's existence is undocumented, its material needs remain unmet. The refusal to collect data therefore sustains structural inequality by maintaining plausible deniability. The claim that 'there are no problems here' operates as a kind of bureaucratic amnesia, an active forgetting that serves institutional stability, a sentiment echoed in other equalities issues and data in Scotland - see 'nae problem here', a report on race equality in Scottish HEIs and policy (Francis, 2025).

At the same time, there are genuine ethical tensions. As I noted in my earlier reflections, forcing disclosure of sexual orientation or gender identity could expose individuals to risk. Data, when mishandled, can easily become a weapon rather than a tool for justice. Ahmed (2017) reminds us that diversity work often means confronting the emotional residue of institutional betrayal, the knowledge that good intentions do not necessarily lead to safe practice. To ask someone to identify themselves to a system they do not trust is to ask for a leap of faith that institutions have not yet earned.

Taylor's reflections resonate here, 'I think it's quite possible to collect some data in relation to LGBT+. There's some level of hiding around that... looking at ways that

can be done to get numbers to help drive things should be something that's being done, but it's not.' (Taylor, NESO)

Their comment points to what Hudson et al. (2019) describe as the 'missing middle' of implementation, the gap between legislative intention and operational delivery. The Equality Act 2010 creates duties to eliminate discrimination but no mechanisms to monitor progress in LGBTQIA+ equality. This omission leaves universities and advocacy organisations to fill the gap through voluntary initiatives, often without sufficient resourcing or political backing.

My own experience as an EDI practitioner aligns with this pattern. In many institutions, equality monitoring systems are shaped by what Ball (2012) calls 'audit cultures of reassurance'. Dashboards are built to demonstrate activity rather than to reveal and attend to inequity. Where data on sexuality or gender identity are absent, the void is rarely problematised; instead, it is folded into the narrative of progress. As Bourdieu (1996) would argue, this reflects the symbolic violence of bureaucracy, the subtle process by which institutions define what counts as legitimate knowledge.

The emotional labour of working within these contradictions should not be understated. Ahmed (2017) and Collins (2019) both describe how those doing equality work are expected to embody optimism while confronting systemic inertia. Collecting or arguing for the collection of LGBTQIA+ data is not simply technical work; it is affective and political. Each conversation reopens questions about trust, privacy and the worth of certain identities. In this sense, data collection itself becomes a microcosm of inclusion, a space where recognition, redistribution and representation intersect uneasily.

In principle, data collection on sexuality and gender identity should be both encouraged and protected. Anonymised, voluntary, and sensitively framed approaches could bridge the gap between visibility and safety. Yet, as the rise in homophobic and transphobic hate crimes in the UK demonstrates (Stonewall, 2023), collecting such data is not a neutral act. The social climate of hostility matters: it influences willingness to disclose and confidence in institutional protection.

As Taylor and I discussed, any mandate for LGBTQIA+ data collection would need to balance universality with care. Enforcement without empathy risks replicating harm. The task, then, is not simply to collect data but to build the material supports, trust, confidentiality, training, and ethical oversight, that make such collection meaningful.

The absence of comprehensive LGBTQIA+ data across higher education represents more than a logistical shortcoming; it is a manifestation of the broader policy–implementation gap explored throughout this thesis. It illustrates how legal frameworks produce uneven obligations and how institutional practices reproduce those asymmetries. From the perspective of the four-lens framework, this section demonstrates that:

- Interpretive space is constrained by legal silence; the Equality Act's omission creates uncertainty about what institutions 'should' do.
- Material supports are weak, underfunded equality offices and voluntary data initiatives struggle to sustain continuity.
- Instrument mix is skewed, preference for visible tools (surveys, reports) over deep engagement reinforces tokenism.

- Governance/sabotage emerges in the form of benign neglect, inclusion that is deferred indefinitely under claims of caution or complexity.

The NESO's experience with data highlights a recurring paradox in equality governance: the insistence on evidence as the basis for action coupled with the absence of mechanisms to generate that evidence. Visibility becomes conditional, dependent on the courage of those willing to disclose, and progress remains performative rather than structural.

## 5.5 Concerns of university legal minimums

Taylor's reflections revealed a recurring tension between legal compliance and moral responsibility. While the Equality Act 2010 and the Public Sector Equality Duty (PSED) provide a statutory baseline for eliminating discrimination, their influence often stops at procedural fulfilment. Universities, Taylor suggested, treat the law not as a foundation for justice but as a ceiling that defines the limits of obligation, 'I think it's quite possible to collect some data in relation to LGBT+. There being no legal driver is an issue enough.' (Taylor, NESO). They add:

University is basically like, well of course you make sure there's no discrimination, but have you thought about what things are like for LGBT+ people in relation to your policies and your implementation?...they're wearing rainbow laces ... flying the rainbow flag one day in a year, so therefore they are fighting against discrimination. (Taylor, NESO)

These comments encapsulate the performative economy of inclusion. Symbolic actions, flags, badges, Pride-month campaigns, operate as institutional gestures of

virtue while leaving structures of inequality largely intact. As Ahmed (2012) argues, such gestures are forms of non-performative speech acts: statements that declare commitment but achieve little change. In this context, universities convert equality into an artefact of visibility, something to be displayed, audited and celebrated rather than enacted. This aligns with the corporate sector, suggesting the neoliberal underpinning of LGBTQIA+ inclusion within marketised universities.

The dominance of compliance culture means that the statutory minimum becomes the moral maximum. Ball (2012) describes this as the ‘tyranny of performativity’, an environment in which institutions act only on what can be measured. Equality policies therefore privilege actions that yield quantifiable outcomes (training attendance, survey responses, awards) over the slower, less measurable work of cultural transformation. In Fraser’s (2009) terms, this is recognition without redistribution, the symbolic naming of LGBTQIA+ identities without altering the material conditions of their existence.

Taylor’s frustration speaks directly to the instrument mix lens. The tools of policy, EDI training modules, monitoring forms, and annual reports, have become ends in themselves. They offer auditability and reassurance but rarely redistribute power or resource. Smith (2021) warns that such procedural instruments sustain ‘compliance without capacity’: activity without impact. Taylor’s phrase ‘there being no legal driver’ suggests that the absence of mandate is used to justify the absence of initiative, a form of institutional sabotage through passivity (Barnhizer, 2013).

I recognise this pattern across the sector. Universities often launch equality initiatives primarily to demonstrate alignment with external rankings or funding criteria. Flags and slogans replace systemic change because they are cheap, visible and safe. Yet

as Brown (2015) argues, neoliberal rationality transforms social justice into a marketable asset. Inclusion is no longer a moral duty but a brand performance.

In my experience, this logic creates a cycle of short-term activity and long-term stagnation. Initiatives are launched with press releases and hashtags, then fade as attention moves elsewhere. Those most committed to EDI are often the most exhausted, their labour absorbed into institutional storytelling rather than systemic reform. Collins (2019) frames this as the emotional economy of inequality work: oppression delegates its maintenance to those who seek to dismantle it.

When I walk through university campuses during Pride month, I see flags on buildings where trans students still struggle to access gender-neutral facilities or report harassment safely. It is difficult not to read these gestures as institutional comfort blankets. They signal progress to the outside world but mask continuing structural violence. This is what I would call as representation without redistribution. Representation provides visibility, and in neoliberal universities, visibility sells, but it rarely reconfigures the distribution of time, money or decision-making power.

Fraser (2009) argues that justice requires both recognition and redistribution.

Recognition without redistribution leaves intact the structures that produce inequality; redistribution without recognition ignores the cultural dimensions of oppression.

Taylor's examples demonstrate how higher education has mastered the former while avoiding the latter.

From a governance/sabotage perspective, these patterns illustrate how policy is managed to avoid risk rather than enable change. Legal minimums act as shields against accountability: so long as the university can prove procedural compliance, it is protected from critique. Barnhizer (2013) describes this as 'sabotage by design':

systems built to prevent failure also prevent transformation. In this climate, radical EDI work is reframed as liability. Equality teams must choose between advocacy and employability, a choice that saps the moral energy needed for innovation.

I have experienced this first-hand when drafting EDI policy updates that were returned with requests to ‘tone down the language’ or ‘avoid controversy’. The resulting documents read as statements of intent stripped of affect, the institutional equivalent of smiling without speaking. As Ahmed (2019) argues, naming inequality frequently leads institutions to reframe the diversity worker themselves as the problem, since raising an issue disturbs the surface stability the organisation relies upon. This aligns closely with the governance dynamics Taylor describes.

If universities are to move beyond legal minimums, they require what I call *structural courage*: the willingness to invest in the material supports that translate representation into redistribution. This includes funded EDI posts, time allocation for equity work, transparent reporting mechanisms, and meaningful engagement with LGBTQIA+ communities in policy design. These are not luxuries; they are conditions of justice. As Brown (2015) states, neoliberal institutions prefer symbolic gestures precisely because they cost little and threaten nothing. Structural courage requires redistributing those costs back into the system that produces inequality.

I remain deeply moved by Taylor’s frustration and their continued commitment to change despite fatigue. It mirrors what I and many EDI practitioners experience: an oscillation between hope and exhaustion. Collins (2019) describes this as ‘the labour of care under constraint.’ For those of us who inhabit queer, trans or working-class

identities within academia, that constraint is felt not only administratively but somatically. Each tokenistic gesture is a reminder of what remains undone.

Through the lens of instrument mix, this section shows how universities adopt equality tools that prioritise visibility and audibility over impact. Through the lens of governance/sabotage, it reveals how risk management and legal minimalism neutralise the transformative potential of policy. Taylor's examples demonstrate the mechanics of non-performativity: the production of appearance as a substitute for action. My reflections reinforce the argument that representation without redistribution sustains inequality by allowing institutions to celebrate the very problems they fail to solve.

## 5.6 Improving EDI through the provision of training

### 5.6.1 Training as a means to improve EDI

When asked how training helps to improve equity across universities, Taylor reflected on the NESO's ongoing professional development work:

We've had a continuing professional development module on LGBT+ language and identities, how do LGBTQ+ people talk about themselves, their identities, their existence in society, etc. It started with the thought that it would run for a few months. Two years later we had over 200 people come through. The Continued Professional Development (CPD) team say it is one of the most heavily subscribed courses; they never fail to recruit whenever they wish to run them. (Taylor, NESO).

The success of this module demonstrates a genuine appetite for learning. However, under the instrument mix lens, it also reflects the tendency of universities and intermediary bodies to favour visible, measurable interventions. Training is attractive because it fits existing administrative rhythms, generates quantifiable outputs, and satisfies the demand for demonstrable action. Ball (2012) describes this as the performative logic of the neoliberal university, where value is attached to what can be counted rather than to what can be changed.

Training functions as a communicative policy instrument (Smith, 2021). It allows institutions to claim engagement and responsibility while keeping equality work within safe boundaries. Yet training's effectiveness depends on the material supports that accompany it, time, resources, follow-up, and organisational will. Without these supports, training risks becoming a ritual of reassurance rather than a catalyst for reform.

As I noted in earlier reflections, this produces an echo chamber effect (Nguyen, 2020), where progressive knowledge circulates among the converted while resistance remains untouched. Training can therefore reproduce inequality by failing to engage those who hold the most power to change it.

Ahmed (2012) highlights, institutions often treat diversity training as a mechanism of happiness, an activity that allows the organisation to feel good about itself without addressing underlying harm. The enthusiasm for training in Taylor's account may reflect precisely this dynamic: the pleasure of participation substituting for the discomfort of transformation. To move beyond this, training must be integrated into

wider strategies of redistribution, changes to policy, workload, governance and representation that materialise the values it espouses.

From my own experience of delivering and evaluating EDI training, I have found that enthusiasm rarely equals impact. As Phillips and Phillips (2016) observe, evaluation processes often focus on participant satisfaction ('Did you enjoy the session?') rather than learning outcomes ('What will you do differently?'). This mirrors the performative metrics that dominate higher education (Ball, 2012). When training is evaluated through self-report surveys immediately after delivery, it captures emotion rather than transformation. Long-term behavioural change requires longitudinal measurement and accountability mechanisms, both of which are rarely funded.

The material supports for training, funding, facilitation time, institutional endorsement, are often precarious. As Taylor described, the NESO's training continues because of voluntary demand, not systemic embedding, 'It's still going because people keep asking for it; it's not part of any requirement. If there was a driver from the top, a legal or policy one, we could plan and expand it properly.' (Taylor, NESO).

This quote reveals the difference between occasional learning and embedded practice. Occasional learning satisfies curiosity but lacks continuity. Embedded practice demands sustained investment and leadership accountability. Without that embedding, the labour of inclusion remains ad hoc and dependent on individual goodwill, a phenomenon Ahmed (2017) identifies as 'voluntary diversity', where structural change relies on personal commitment rather than institutional duty.

Moreover, when I asked Charlie whether equality training should be mandatory, their answer was emphatic, 'Yes, it is, and should be mandatory, and it will be effective.' (Charlie, NESO). The immediacy of Charlie's response reflects both conviction and fatigue. For practitioners operating within systems of voluntary compliance, the idea of mandatory training represents not coercion but relief, a redistribution of responsibility from the individual advocate to the institution itself. This aligns with Fraser's (2009) call for participatory parity: equality can only be achieved when everyone is required to engage in its practice. However, making training compulsory without altering organisational values risks producing attendance without attitudinal change. In this sense, mandatory programmes can easily become another instrument of performativity, as Ball (2012) and Smith (2021) argue that this could result in demonstrable compliance and lack a deeper understanding of what needs to be understood.

Mandate without meaning can backfire, fuelling resentment or disengagement among those who feel coerced. The challenge is not whether training should be mandatory but how it can be structured as a form of collective responsibility rather than individual punishment. This requires thoughtful governance, clear expectations from leadership, reinforcement through policy and accountability, and adequate material support for delivery and evaluation (Nicolazzo, 2017; Pryor 2019).

The findings in this section highlight how EDI training simultaneously embodies hope and constraint. Through the instrument mix lens, training appears as the most visible expression of inclusion work, something institutions can count, photograph and

report. Through the material supports lens, training's potential depends on sustained investment, rigorous evaluation and integration into wider policy structures.

For the NESO, training is both a moral project and a pragmatic tool: it enables knowledge exchange and solidarity while also serving as a performance of accountability. Yet the current model, reliant on voluntary attendance and immediate feedback, privileges representation over redistribution. It generates symbolic visibility for inclusion but offers limited capacity for structural change.

The future of EDI training could lie in its redefinition as an infrastructural practice, a continuing process of reflection, re-evaluation and co-production rather than a single event. Only then can it move beyond symbolic representation toward the material inclusion that redistributes not just knowledge but power.

### 5.6.2 Measuring the effectiveness of EDI training

When I asked Charlie about how the NESO measures the impact of its CPD provision, their response illuminated the limits of current evaluation practice, 'We do get feedback from members who've attended, what they thought of the content, where it could be strengthened, but we haven't done any broader evaluation to see if it's had an impact on their branch specifically.' (Charlie, NESO). This statement aligns with the broader critique of equality implementation offered by Hudson et al. (2019), success is claimed through outputs, not outcomes. Feedback forms become artefacts of achievement, satisfying funders and regulators without evidencing structural change. Priestley and Philippou (2018) argue that policy implementation depends on the interpretive agency of local actors. When those actors are

exhausted, under-resourced or unsupported, evaluation becomes symbolic rather than developmental.

Evaluating EDI training is often treated as an afterthought, an administrative checkbox rather than a process of learning. Yet meaningful evaluation could provide evidence for deeper structural change: improved retention of LGBTQIA+ staff, reductions in microaggressions, or increased trust in reporting mechanisms. Without this data, training remains suspended in the realm of good intention.

I would argue that the limited evaluation Charlie describes reflects both instrument mix and material supports. The instrument (feedback surveys) is chosen for its ease and visibility, not for its analytical rigour. The material support (time, expertise, funding) to do more comprehensive evaluation simply does not exist. As Ahmed (2017) points out, the labour of equality work is often 'added on' to existing workloads, producing what she calls 'diversity debt', the accumulation of unpaid care work in the name of inclusion.

## 5.7 Reframing the policy–implementation gap

The perspectives of Charlie and Taylor reveal the deeply entangled processes that define how equality legislation and EDI policy are interpreted, negotiated and enacted across higher education. Their accounts demonstrate that policy implementation is not a straightforward sequence from design to delivery but an ongoing process of *interpretive translation* within systems marked by competing priorities, limited resources and emotional strain. As Ball, Maguire and Braun (2012) emphasise, policy is not simply implemented; it is enacted through social meaning-

making. Each act of interpretation by practitioners like Charlie and Taylor creates new versions of policy that are contingent, contested and constrained.

In examining their experiences, this chapter shows that the policy–implementation gap is not an unfortunate side-effect of weak delivery, but a structural feature of how inclusion is governed. Through the four-lens framework introduced in Chapter 2, the data demonstrate how each layer of practice, interpretive, material, instrumental and bureaucratic, interacts to sustain both progress and paralysis.

*Table 12 - Application of the analytical framework to NESO findings*

<b>Analytical Lens</b>	<b>Illustration from NESO Findings</b>
<b>Interpretive Space</b>	The rewriting of the trans rights motion demonstrates how policy meaning is continuously negotiated within legal and moral boundaries. Charlie’s story shows that ‘interpretation’ is not neutral; it is an exercise of power under constraint.
<b>Material Supports</b>	Both participants identified underfunding, staff fatigue and lack of evaluation as persistent obstacles. Equality work is often driven by personal passion rather than institutional infrastructure, what Ahmed (2017) calls the ‘affective economy of diversity work.’
<b>Instrument Mix</b>	The NESO’s focus on training and toolkits exemplifies how visible, procedural instruments dominate equality practice. These are auditable but often superficial, reflecting what Brown (2015) calls the ‘marketisation of morality.’
<b>Governance/ Sabotage</b>	Legal ambiguity, risk aversion and reputational management restrict ambition. Equality work is often structured to maintain

	equilibrium rather than transformation, exemplifying Barnhizer's (2013) notion of 'sabotage by design.'
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These findings depict a system where advocacy coexists with administration and where progress is negotiated through tension rather than achieved through resolution. As Ahmed (2012) suggests, diversity work is often 'work that keeps happening because the conditions that make it necessary have not been eliminated.' (p. 26). The NESO's labour illustrates this ongoing process, policy translation as endurance.

This section brings together the findings from the NESO interviews to examine how EDI policy is translated into practice and why gaps persist between what policies claim and what they deliver. Building on the four-lens framework introduced in Chapter 2, this section analyses how interpretive, material, instrumental and governance dynamics shape the day-to-day realities of policy enactment. The subsections that follow each address a different dimension of this translation process: how representation is prioritised over redistribution (5.7.1), how emotional and embodied labour underpin implementation (5.7.2), how resource scarcity operates as a governance strategy (5.7.3), and how EDI policies function performatively within neoliberal university cultures (5.7.4). Together, these subsections explain why the policy–implementation gap is not simply a failure of delivery, but a structural and affective condition of equality work in higher education.

### 5.7.1 Representation, redistribution and symbolic power

Across these lenses, a consistent pattern emerges, the privileging of representation over redistribution. The NESO's actions amplify the visibility of LGBTQIA+ issues in

higher education but rarely shift the structural conditions that produce inequality. Fraser (2009) describes this imbalance as a hallmark of neoliberal governance: recognition is delivered through visibility, while redistribution is postponed indefinitely.

This dynamic is not accidental but integral to how universities operate as neoliberal institutions. As Brown (2015) argues, neoliberal rationality transforms political ideals into economic performance metrics. Equality becomes a quantifiable output, a set of deliverables for league tables, awards and audits. The NESO's toolkits, policy templates and training modules, while important, are easily absorbed into this performative logic. They provide what Ball (2012) calls the 'illusion of agency': the sense that something is being done simply because something can be counted.

### 5.7.2 Emotional labour and institutional fatigue

A less visible but equally significant dimension of the implementation gap is the emotional and embodied labour it demands. Charlie's cautious legal navigation and Taylor's persistent frustration speak to what Ahmed (2017) terms the 'brick wall' of institutional inertia, the resistance practitioners encounter when trying to turn values into action. Similarly, Collins (2019) situates this labour within a wider context of social reproduction, arguing that the energy spent maintaining equality discourse is often extracted from those most invested in its outcomes.

### 5.7.3 Governance through scarcity

Both participants described chronic underfunding and limited institutional capacity, echoing Hudson et al. (2019) on 'governance through scarcity'. Equality initiatives

often rely on the goodwill of volunteers or the personal networks of practitioners. This scarcity, however, is not incidental. It operates as a form of governance, a way of controlling pace and ambition through constraint. Barnhizer (2013) conceptualises this as a form of passive sabotage: the withholding of resources ensures that inclusion remains symbolic rather than structural.

Scarcity also serves a discursive function. When EDI teams are under-resourced, failure can be attributed to lack of funds rather than lack of will. This sustains the moral legitimacy of the institution while deflecting responsibility. As Foucault (1980) reminds us, power operates not only through what is imposed but through what is normalised as inevitable. Scarcity becomes common sense, a rationalisation that shields the institution from scrutiny.

#### 5.7.4 Policy as performativity

Through Taylor's and Charlie's accounts, the NESO emerges as a microcosm of the wider performative culture of higher education. Policies are written to be read, not necessarily to be realised. This is Ball's (2012) performativity in practice: the transformation of intention into indicator. Yet the NESO's practitioners are not passive participants in this logic; they are conscious of it, negotiating between the need to evidence progress and the desire to achieve it.

In this negotiation, the NESO demonstrates an irony central to this thesis: that the same tools that enable inclusion can also constrain it. Training sessions, policy templates and equality statements are both necessary and insufficient, they are the scaffolding of change, but they can also become its ceiling. The policy–

implementation gap, therefore, is not a void to be filled but a dynamic space of ongoing translation, compromise and affective labour.

## 5.8 Conclusion

This chapter has explored how a national intermediary organisation, the NESO, interprets, negotiates and enacts equality law within higher education. Through the accounts of Charlie and Taylor, it has illuminated how national advocacy and local enactment intersect, and how equality work, despite being underpinned by robust legal frameworks, is continually shaped by resource scarcity, moral tension and emotional labour.

The four-lens framework developed in Chapter 2 has enabled a critical reading of these dynamics.

- Interpretive Space revealed that meaning is constantly made and remade. Policy is not static text but living discourse, reshaped by the actors who interpret it. Charlie's example of the amended trans rights motion demonstrated how legality and morality collide within that space, creating what Butler (2004) describes as 'the limits of intelligibility', inclusion made conditional by the language of law.
- Material Supports showed how structural underfunding and precarious labour undermine even the sincerest equality efforts. The emotional and practical exhaustion described by both participants exemplifies what Ahmed (2017) calls 'the wear of diversity work', a form of governance by fatigue that regulates ambition through depletion.

- Instrument Mix captured how visible tools, such as training and policy templates, dominate practice because they are auditable, not necessarily effective. As Ball (2012) and Brown (2015) note, this is the essence of neoliberal performativity: the conversion of justice into evidence.
- Governance/Sabotage clarified how institutional caution, legal ambiguity and managerialism sustain symbolic inclusion while curbing transformative change. Barnhizer's (2013) notion of 'sabotage by design' provides an apt description of how equality systems preserve stability by neutralising disruption.

Taken together, these lenses have revealed that the policy–implementation gap is not simply a matter of poor follow-through but an outcome of how equality itself is governed, managed through visibility, constrained by legality and maintained through emotional endurance. The NESO's work represents both the potential and the paradox of national equality leadership: it mobilises discourse and visibility while operating within the very bureaucratic conditions that limit redistribution.

Therefore, I would argue that the findings of this chapter point towards structural courage, the willingness of institutions and policymakers to move beyond procedural compliance and confront the discomfort of transformation. Structural courage means recognising that progress demands risk: the risk of criticism, of resource reallocation, of unsettling, entrenched hierarchies. Without that courage, equality remains suspended in the safe zone of symbolic gesture.

The NESO's practitioners exhibit this courage daily, working within systems that often constrain them, yet continuing to push boundaries, revise policy, and educate others. Their work reminds us that advocacy and compliance are not mutually

exclusive; rather, advocacy is the moral engine that prevents compliance from becoming complacency. The emotional and intellectual resilience they demonstrate underscores the enduring necessity of national intermediary organisations in the EDI landscape.

While this chapter has focused on the national and intermediary level, Chapter 6 moves inside the institutions themselves. It explores how EDI practitioners in universities interpret, enact and sometimes resist the same frameworks discussed here. If the NESO represents the policy translation layer, universities represent the sites of embodiment, where equality becomes lived experience. The analytical shift from the national to the institutional therefore extends the four-lens framework into everyday practice, tracing how policy meaning changes as it travels downward through the system.

This chapter has shown that equality in HEIs is both a system and a struggle. It is a system governed by laws, policies and metrics that promise fairness, yet a struggle sustained by people who must continually reimagine what fairness could mean.

Through the voices of Charlie and Taylor, we have seen how progress in equality is fragile, negotiated and profoundly human. Their commitment embodies what Ahmed (2017) calls ‘the hope of those who stay’: the determination to keep working within imperfect systems not because they are perfectible, but because they are all we have.

In this sense, the NESO’s work is a testament to endurance, an ongoing negotiation between representation and redistribution, between legality and care, between exhaustion and hope. It is through this negotiation that inclusion, however partial, continues to be enacted. The next chapter turns to the institutional level, examining

how these same dynamics manifest in the daily lives and practices of university EDI staff, revealing both the continuities and the fractures between national policy intention and institutional experience.

## Chapter 6: Perspectives of EDI staff of the implementation of EDI policies and law in Scottish higher education

### 6.1 Introduction

This chapter explores the perspectives of seven EDI staff members from various universities on the enactment and implementation of EDI policies, with a focus on LGBTQIA+ inclusivity. The chapter examines how institutional-level practices are shaped by the national legislative framework, including the Equality Act 2010, while considering the unique challenges faced by individual universities. The insights from these participants provide a detailed look at how EDI policies are enacted, adapted, and experienced by both staff and students across the Scottish higher education sector.

Building on Chapter 5's exploration of the National Education Staff Organisation's advocacy role, this chapter turns inward to the institutional sphere to examine how equality legislation and national discourse are interpreted, adapted, and resisted by university-based EDI practitioners. Following Smith (2021) and Priestley and Philippou (2018), this shift marks the move from *policy formulation* to *policy*

*enactment*, the moment where abstract commitments meet the interpretative and practical work of those tasked with ‘making policy work.’ In this sense, enactment is not a mechanical delivery of directives, but a situated negotiation shaped by professional values, emotions, and institutional hierarchies. Whereas Chapter 5 traced the rhetorical framing of inclusion at national level, this chapter analyses the everyday enactments through which those frames are reproduced or disrupted inside universities (Hudson et al., 2019; Barnhizer, 2013; Ball et al., 2012).

The discussion will address key themes such as the effectiveness of EDI training, leadership's role in policy implementation, and the resource constraints that often limit the success of these initiatives. This chapter explores the complexities of translating national policy into institution-specific actions by linking these themes to the overarching narrative of this thesis. The analysis employs the four-lens framework outlined in Chapter 2, interpretative space, material supports, instrument mix, and governance/sabotage, developed from Hudson et al. (2019), Smith (2021), Barnhizer (2013), Priestley and Philippou (2018), and Ball et al. (2012). These lenses enable a systematic exploration of how policy intent is interpreted, how resources and infrastructures condition practice, which combinations of tools and discourses shape enactment, and how governance structures both enable and constrain innovation. Using this framework grounds the discussion in a coherent analytical structure while maintaining sensitivity to the lived realities and emotional labour described by participants.

Drawing on both participant insights and my own experiences as a recipient and implementer of EDI training and policies, the chapter aims to provide a

comprehensive understanding of the factors that facilitate or hinder LGBTQIA+ inclusivity in universities.

## 6.2 Training and capacity

EDI training emerged as a central theme across the interviews, with participants providing mixed reviews on its effectiveness. While all universities offered some form of EDI training, the scope and focus varied significantly, with many institutions lacking tailored content specifically designed to address the needs of LGBTQIA+ students.

Seen through the interpretative space lens (Hudson et al., 2019; Smith, 2021), participants' mixed reviews reveal how equality training becomes a contested site where meanings of inclusion are negotiated. As Drew (University A) explained, 'the Marshalls online course isn't really relevant to university life – it feels designed for a corporate office.' Drew further noted, 'we buy these packages because we have to, but they don't start conversations.' Priestley and Philippou (2018) remind us that enactment is always mediated by professional cultures; here, EDI staff re-purpose external modules through their own ethical frameworks. Ball et al. (2012) situate this tension within neoliberal governance, where training is less about transformation and more about performance management

This reflects broader critiques of generalised EDI training initiatives, which, while well-intentioned, often fail to engage deeply with the specific experiences of marginalised groups (Creswell and Poth, 2018). My own experience as both a

recipient, at two universities in this study, and facilitator of EDI training through the NESO has mirrored these challenges. I often found that while the training provided foundational knowledge, it rarely explored the complexities faced by LGBTQIA+ individuals in the university context. This alignment between my personal reflections and the participants' feedback highlights the need for more bespoke, in-depth training that addresses the unique issues within specific communities.

Furthermore, several participants expressed concerns about the capacity of their institutions to deliver effective EDI training. Limited resources, both financial and in terms of staffing, were frequently cited as barriers to developing and implementing comprehensive programmes. This theme is consistent with findings in earlier chapters, where resource constraints were identified as a significant factor limiting the effectiveness of EDI policies.

Under the material-supports lens, the scarcity of time, funding and institutional recognition represents what Barnhizer (2013) calls the implementation gap, the gulf between legal intention and operational capacity. Robin (University B) captured this tension: 'I spend so much time writing the reports that I don't have time to do the work the reports are meant to evidence.' Collins (2019) frames this as a gendered and racialised division of labour where inclusion work falls to those whose 'epistemic authority' is questioned. Ali (University C) echoed this imbalance, observing that 'we're compliant because we must be, but real progress depends on people giving more than the policy asks.' The emotional and administrative load described by both

practitioners embodies the policy fatigue Formby (2017) associates with reactive equality.

The delivery of training within HEIs often involves intricate concepts and practicalities. The next section presents insights from interviewees on how they navigate existing training provisions, what is on offer, and crucially, how it could be improved.

While a variety of viewpoints are explored, it is essential to emphasise that all the participants work within EDI making each perspective valuable. However, discussions about training in this area are dynamic and constantly evolving; it is a rapidly changing field gaining more and more significance across the HEI sector.

In interpreting the responses, it is important to bear in mind that the interviewees come from diverse backgrounds. This diversity of perspective is what makes this research data rich. Gathering a range of views on the same topic from individuals with different backgrounds can offer a more comprehensive understanding of the current challenges surrounding EDI training.

### 6.2.1 Bespoke training within HEIs

The bespoke training on offer at the four universities in this research is optional and relies on faculty staff to approach EDI staff. The consensus from the interviewees is that bespoke training tailored to the needs of the department, demographic or wider

university population is more effective than the compulsory training that university staff may complete once or yearly depending on the university's policy.

In my experience of joining two HEIs as a faculty staff member (University A and University B in this research), the approach was different; University A had compulsory EDI training at the start of my tenure, whilst University B never asked me to complete any EDI training, I had to ask if I could access it. It is still unclear why this happened, as I never received a response from any staff at the university. Since it is the law to provide EDI training, University A and B both provided externally sourced training, and, at the time, neither offered bespoke training.

Bespoke training helps to engage staff and students which is supported by many previous researchers mentioned in the literature review section of this research (Jackson and Sundaram, 2015; Nguyen et al., 2018; Pryor and Hoffman, 2020; Woodford et al., 2014).

According to the interviews, outsourced EDI training is inadequate and is a click through exercise that seems to be a tick-box activity for universities as Eddie stated:

So, it'll [the EDI training] be like 'You'll meet black students, you'll meet trans students', and, you know, then you can click on that and learn a little bit more about these different groups ... So, they're trying to kind of really refresh it,

and I think it will be really, really good to the benefit of having the provision in house as we can go into it at any time. (Eddie, University A)

Eddie is referring to the revised training procedure, whereby it is being taken in-house and no external corporate like training provider will be used across University A.

Similarly, Jessie from University D argues that outsourced EDI training is not only redundant but also expensive, and implies that it only complies with the basics, in the law from the Equality Act 2010, and is not tailored to the needs of the people at the university:

I love that question, right...We [universities] spend hundreds of thousands of pounds on getting training from elsewhere, which isn't fit for purpose, it does the job, but it doesn't hit the spots that it needs to hit, that you can't relate to it as effectively, because there is no connection. They're not from your institution, they don't know what you've gone through. (Jessie, University D)

Jessie adds that people who create the bespoke training should come from minoritised backgrounds:

We should invite everyone around that table, you know, to take part in it. So, it's like that first session developed by everyone that makes sure that everyone's around that table for each protected characteristic as you go through it, because that's how you learn more. And you take it away, so it becomes that it's almost like that community of practice. (Jessie, University D)

Jessie's (University D) desire for a co-designed approach exemplifies Smith's (2021) conception of policy as work, a situated process of interpretation shaped by professional agency. Analysed through the *instrument-mix* lens (Hudson et al., 2019; Barnhizer, 2013), the blend of participatory dialogue, departmental data and peer facilitation represents a tactical response to resource constraint. Drew (University A) illustrated this approach: 'we start with our own stats, like how many Black and Minority Ethnic (BME) staff or students we have, and build the session around that. It makes it real.' Priestley and Philippou (2018) describe this kind of adaptive professionalism as 'policy creativity.' Yet Ahmed (2012) warns that without structural accountability, such creativity can be co-opted into bureaucratic self-congratulation. Moreover, Drew (University A) provides evidence that the bespoke training offered to departments raises awareness of EDI knowledge that is localised to them:

So, the training that we've designed for them has been bespoke to their department. So, we'll do like, I like to start off with like a wee speaker and a quiz about the kind of statistics of like, who's represented within each department. So that will be very much like, based on the information from their departments, like, how many percentage of staff are BME, for example, which is quite good, because it means that it's like very specific to them, and they can relate to that information. (Drew, University A)

Butler (2004) argues that institutions reproduce norms through repetition; even well-intentioned initiatives can reinforce what Ball (2012) calls the *performative pressures* of audit culture. Adrian (University A) recognised this cycle: 'we run unconscious-bias

sessions that get brilliant feedback, but the same people sign up each time, it ticks the box [to be compliant with the Equality Act]'. Using the governance/sabotage lens (Smith, 2021; Hudson et al., 2019) shows how sign-off systems and templates legitimise equality work while constraining innovation. Such mechanisms embody Barnhizer's (2013) idea of latent sabotage: resistance through procedural excess rather than outright opposition.

Eddie's (University A) viewpoint on the advantages of in-house EDI training was a real eye-opener. This idea resonates with me strongly because I think this shift is crucial for nurturing a deep understanding and sparking lasting change within institutions. I would argue that it is simply not enough to provide information; we must encourage a setting where learning and growth are continuous (Ahmed, 2012).

Jessie's (University D) critical stance towards outsourced EDI training left a significant mark on me. The argument regarding external training fails to 'hit the spots that it needs to hit' due to a lack of connection with the institution, highlights the importance of context-specific education. This critique rings true for me, as I believe any training or education must be rooted in the precise context and experiences of its recipients. Without this, the training risks being ineffective or even alienating.

Jessie's (University D) proposal to include everyone, particularly individuals from minoritised backgrounds, in crafting customised training is compelling and necessary. This approach could ensure a more comprehensive and representative training programme, considering the experiences and challenges of all protected

characteristics within the Equality Act 2010. Jessie's viewpoint aligns with my belief in the importance of inclusivity, representation, and intersectionality in creating effective EDI training. As Fraser (2003) argues, true 'community of practice' is possible only when everyone's voices are heard, promoting a more empathetic and informed understanding of EDI.

The example from Drew's (University A) notion of using localised statistics in training sessions was a fascinating one. Starting a session with a quiz on departmental representation would make the training more relevant and relatable to participants and it could encourage faculty staff to engage more deeply with EDI, seeing as they can understand how it directly relates to their surroundings. From my perspective, linking the abstract concepts of EDI to real localised data, the training becomes more immediate and impactful. Therefore, this can create a meaningful connection and perhaps be less of an echo chamber if the training is delivered to all, including those who are resistant, embarrassed or unaware of it.

My own experience facilitating EDI training often mirrored the tensions that participants described. I recognise what Butler (2004) terms *regulated performativity*: dialogues presented as open yet subtly constrained by institutional norms. As a queer academic, I also occupy what Collins (2019) describes as the *outsider-within* position, working both inside and against dominant organisational cultures. This standpoint aligns with Smith's (2021) notion of *interpretative agency*, in which the researcher participates in, rather than simply observes, the production of policy meaning. Rather than claiming that positionality alone is sufficient, I use it as an

analytic lens to interrogate how my standpoint shaped the research encounter, the questions I prioritised, and the interpretations I generated. Reflexivity therefore becomes part of the analytic process, not an add-on or a matter of personal disclosure.

Eddie's (University A) perspectives on bespoke training, Jessie's stress on education tailored to specific contexts, and Drew's inventive application of localised data emphasises the critical necessity for a transformation in EDI training within HEIs. It is my firm belief that this diversified approach has the capacity to foster an educational environment that is not only more comprehensive, empathetic, and enlightened but also harmonises with the intricate and varied facets of the present-day academic landscape.

### 6.2.2 Examples of bespoke training provisions in HEIs

The interviewees revealed some examples of in-house training that they ran in 2022. Eddie's (University A) aspiration to develop a module on gender-based violence is a significant and crucial undertaking. This is not just about creating another training module; it is a conscientious effort to address pressing social issues through education, illuminating the discourse on EDI training. In a collaboration with a Scottish charity, which is a leading organisation in addressing such challenges, Eddie's statement, '*We're looking to do [a module on gender-based violence],*' echoes an active commitment to this cause.

The collaboration adds another layer of content to their platform and signifies a broader goal of advancing a more aware, sensitive, and inclusive community.

Bespoke training is about sparking conversations, raising awareness, and promoting an understanding that can help drive societal change. The partnership with the Scottish charity strengthens this commitment, as it brings in credible, expert, and well-researched insights into the module's development. Additionally, Eddie (University A) mentions the intersectionality of the gender-based violence training, *'it's explicitly, like, LGBT inclusive. It has reflections on race and ableism.'* Eddie's emphasis on LGBTQIA+, race, and ableism within the gender-based violence (GBV) module highlights an important shift toward what Crenshaw (1991) calls embedded intersectionality. This approach challenges the historically narrow framing of GBV as an issue predominantly affecting white, cisgender, heterosexual women, a framing widely critiqued for erasing the experiences of queer, trans, racialised and disabled survivors. By explicitly integrating reflections on race, sexuality and ableism, the training begins to unsettle these dominant associations and recognises how GBV operates through multiple, overlapping systems of power. For example, trans and non-binary people frequently face GBV that is both misogynistic and transphobic, while racialised LGBTQIA+ survivors encounter forms of violence shaped by racism and cultural exclusion. Embedding these intersections within the module therefore does more than broaden representation: it reframes GBV as a structurally produced harm, not a singular or universalised experience, and moves the training away from a white and heteronormative baseline toward a more situated and socially literate analysis.

Eddie (University A) enacts Collins's (2019) intersectional praxis by linking personal experience to systemic change: *'we worked with a Scottish charity, so the module speaks about gender violence, racism and ableism, it's explicitly LGBT inclusive.'* This initiative operationalises the 'joined-up policy instruments' described by

Barnhizer (2013) and Hudson et al. (2019). Eddie acknowledged the precarity of its funding: 'it's all run on goodwill; if we lose funding, it stops.' Such reliance on voluntary labour exposes the fragility of material supports and the precarious affective labour Butler (2004) associates with neoliberal institutions.

The focus on 'micro behaviours and a session on LGBT inclusion' (Eddie, University A) is a progressive move that addresses often overlooked aspects of HEI culture. Its focus demonstrates an understanding that inclusivity is not just about implementing changes, but also about recognising and addressing these micro-behaviours that can have a significant impact on individuals. Moreover, 42% of LGBTQIA+ students are at a higher risk of facing mental health challenges related to their gender and/or sexuality due to macro-microaggressions, in contrast to their cisgender/heterosexual peers at 29% (NUS, 2015).

The emphasis on micro-behaviours foregrounds Butler's (2004) theory of performativity and Ahmed's (2017) concept of the feminist killjoy, those who disrupt comfort to reveal inequality. Drew (University A) described such moments of friction: 'when we challenge sexist jokes in staff meetings, it's awkward – but that's where people start thinking.' At this micro-political scale, inclusion is enacted through small interruptions rather than grand policy decrees. Ball et al. (2012) see these everyday acts as enactments of resistance, gradually reshaping institutional culture.

Meanwhile, Adrian (University A) offers valuable insights into the variety of workshops conducted in the union. *'In the union, we've done things around active*

*bystander and unconscious bias*'. A noteworthy highlight from Adrian is the in-house workshop which has received positive response from students, 'We have previously delivered that [active bystander and unconscious bias training] in-house, which seems to be quite popular with students'.

These examples illustrate that policy change in universities is iterative and contingent, emerging from the interplay of emotional labour, interpretative agency and structural constraint, a theme developed further in Chapter 7 when institutional and national analyses are brought together.

The absence of compulsory training is a matter of concern as it implies that individuals who are not already inclined to pursue learning opportunities independently may inadvertently miss out on crucial knowledge and skills. This potential oversight could have repercussions on the overall quality of teaching, the inclusivity of the educational environment, and, ultimately, the holistic student experience and faculty staff working environments.

Making such training routinely mandatory could ensure that all staff, regardless of their personal inclinations, are held to a consistent standard of knowledge and expertise on, for example, pronoun use for gender fluid individuals. In 2022 during Pride Month (every June), I shared with colleagues why it is important to include their pronouns on their email signature, for visibility. I was happy to receive positive feedback and questions from colleagues. This created a safe space for a discussion and to educate those who may not have opted to engage in such discussion. This

made me think about the wider HEIs departments and how feasible it could be. However, I must also admit that not all colleagues acknowledged my training, so, again, I am aware that this approach can be met with resistance. That said, mandatory training could also serve as a clear signal from HEIs, mentioned in this study, their unwavering commitment to EDI, aligning with contemporary expectations of HEIs.

The collaborative initiative with the Scottish charity and the positive response from students to the in-house workshop on active bystander and unconscious bias further emphasises the paramount significance and tangible value of such forward-thinking initiatives. It not only reflects a proactive approach to addressing contemporary challenges but also signals an openness to learning and adapting within the institution. But does it go far enough?

Fatigue and frustration emerged as recurrent themes. Robin (University B) reflected, 'sometimes I think we measure diversity more than we live it.' Such affective responses align with Ahmed's (2017) politics of complaint, where emotion itself signals structural friction. Feeling worn down is a form of critical knowing, or what Ball (2012) calls policy sense-making. These emotions reveal the affective infrastructure of EDI governance and link directly to the material-supports and governance/sabotage dimensions of the analytical framework.

Several key challenges, concerns, and areas for potential growth and development prominently emerge from these insightful interviews, highlighting areas that need attention.

A critical point of concern that stands out is the distinct discrepancy in engagement levels across different departments within the university. It is observed that some departments show little to no interest in actively participating in EDI training as Drew (University A) said: 'I've not had much engagement from essentially anyone that's not those [two departments only]'. In Drew's interview revealed that two departments had engaged with upskilling faculty staff with bespoke training. It is neither mandatory nor widely advertised that this bespoke training is available. Drew also stated that the EDI training available to students to upskill their knowledge is voluntary, however, I view this as a contentious issue, 'So, we've decided to make it like, voluntary at least for this Freshers Week. And yeah, I, pretty much everyone has said that like, yeah, we're going to tell our students, they need to do it, it's down to the departments essentially to choose. (Drew, University A). It would seem the main reason that University A decide to keep their student EDI training optional is because the university is unclear on how to approach mandatory training as Drew said, 'I can understand why it makes it like a bit of resentment, like why do I have to be here, that kind of thing? And that's a lot. That's a hard one to balance really, like, I'm not, I don't know what the right answer is. (Drew, University A).

Jo (University B) also stated that University B provides training, but it too like University A, is optional and many staff decide not to partake in upskilling their knowledge around EDI:

For so many staff at universities, particularly older staff, staff that have been around for longer, they've not had to do any, any sort of this is how you talk to students, these are matters affecting students, this is what we expect you to do when you're delivering your content. This is, you know, this is how you'd be more disability aware; all of that stuff is optional. (Jo, University B)

Jo firmly believes that mandatory training would mean people would disengage when present at the training, 'If you make something compulsory, the people that don't want to engage with it still won't engage, they'll show up because they have to. But they might be even more put off, as to actually believing or starting to apply the knowledge that they're given. And they might just sit there and switch off. (Jo, University B).

There seems to be concerns over engagement with training which would suggest that there is a reluctance to implement this as a strategy. Adrian (University A) pointed out that even if mandatory training is not successful, it is better to enforce it than not:

Yeah, I think there's probably a couple of things I think training is is one, I think, is quite a tricky one is training because, there's always this little bit of attention to well, if you make it mandatory, will people engage with it properly, but I kind of think it's

better to have it. And then, then, if people don't engage with it, or don't take things away from it, then that's that. (Adrian, University A)

However, Jessie (University D) stated that training needs to be ongoing and that training should be a place where mistakes happen with all stakeholders involved from all areas of society:

It should be **continuous**. Because what it does, it builds **networks** across the university that many wouldn't have had access to. And it's also about building **relationships** alongside those networks, which is really, really important, because of those different perspectives. It's about the language you use and, and listening to see what's appropriate, nor appropriate. And being in a space where it's, you can make mistakes, everyone makes mistakes, but it's like having a space where everyone is working on **empathy and compassion**. It's learning. Rather than that, that finger pointing or like, oh, my gosh, did you hear what they said? That nonsense goes out. It's not brought into that space. It's about learning. **It's about creating that institution, that space, that is about social justice, it is about human rights**. It's, it's as the primary incentive for everyone to be around there, around that table, like, workshop areas, I think does that make sense? (Jessie, University D)

This would imply that mandatory training should be framed in a way that people understand it to be a space where they can upskill without fear of ridicule or embarrassment for making mistakes. This resonates with studies and surveys

where university faculty staff have shown an interest in upskilling but often fear ridicule (Sunberg et al., 2021; Ahmed, 2017)

Further, the interviews reveal a significant gap in the provision of training for staff who provide pastoral support to students which may mean that upskilling is not high up on their agenda, but could also mean that, as Jessie (University D) stated, the training may not have been framed to encourage faculty staff to partake in the training. Jo said:

So many students also go to their personal tutor for pastoral support. And these people are not taught how to, you know, listen to a student actively, they, they might be given a whole bunch of information about where to signpost, someone to someone who has a problem. But that doesn't teach you how to not be a dick! (Jo, University B)

Turning my attention to the topic of mandatory training within the context of upskilling, I find myself with mixed feelings. On one hand, I understand its necessity in ensuring that all staff receive the necessary information and skill-building opportunities. However, it would help to create a standard level of understanding and knowledge across the board if students and staff attended EDI training, which I would argue is, perhaps, crucial. However, I also recognise the potential resentment making training compulsory might generate. I see this as a delicate balancing act that requires a well-thought-out strategy. The strategy should acknowledge and address potential resistance while emphasising the collective benefits and importance of training for the overall growth and development of the university

community. I, like Drew (University A), do not have the answer at this moment of writing.

It is unsurprising to me that there would be an absence of active listening skills among staff members. This strikes a chord with me as I see this as a shortfall that could impact the overall student experience negatively. In my view, the ability to offer effective, empathetic support to students is integral to their experience and success at university. Therefore, I see an urgent need for a curriculum revision to address this deficit, perhaps through embedding EDI as part of the curriculum and therefore credit-bearing. I would argue that the inclusion of training modules that build these essential skills could greatly improve the quality of pastoral support provided by staff, thereby positively influencing the overall student experience. From my experience of being both a teacher and supervisor, I have tried to listen to and support students beyond my job roles. I follow up with students, check in with them once they have raised an issue or concern. I do, however, appreciate that there is an intersectional paradigm at play with different jobs requiring more or less demand and therefore it may not always be possible.

### 6.2.3 External training provisions not fit for purpose

During the interviews, Drew (University A) and Eddie (University A) discussed the role and impact of training materials within their place of work. Drew (University A) discussed the current state of their training materials, stating 'We buy [training] externally...They are diversity training. And it's like, just not very good... it's just not very, like, relevant to the university environment'. Drew further emphasised the

shortcomings of these externally sourced materials 'I would say it's quite dry and like, there's not a lot of room for, like debate or discussion or like if you have any questions and that sort of thing'.

Eddie, echoed Drew's sentiments, suggesting that the materials developed externally do not have the desired impact. During Eddie's interview, the opinion on the effectiveness of these materials was repeated sparking a more in-depth discussion on their relevance and applicability '...they're [external EDI training] very, like, they're designed for like a more kind of corporate environment like a workplace environment'. Drew contended that these materials are not relevant to the students' lives, even criticising the advice provided within them by pointing out an example, saying, 'the advice would be like, go to HR if you've got this problem, but if you're a student, like, that doesn't work for you, that doesn't make any sense'.

Thus, it emphasises the need for HEIs to take ownership and develop bespoke EDI training materials, just as Eddie, Adrian, and Jessie exclaimed in sections 6.2.1 and 6.2.2, tailored to their unique student and staff population and institutional culture. These materials should engage students and staff in meaningful conversations about diversity and inclusion, prompt critical thinking, and provide practical, context-specific advice. I believe that only then can they effectively contribute to creating an inclusive, respectful, and understanding academic environment and campus climate.

## 6.2.4 In person vs online training

During the discussions with the EDI staff, we thoroughly explored various aspects of training and awareness, bringing to light important considerations. One theme throughout the conversations was the significance of using the correct language when it comes to LGBTQIA+, particularly in environments demanding sensitivity. The interviews revealed that many faculty staff seemingly possess the desire to positively contribute towards a more inclusive campus, yet they often hold back due to uncertainty regarding the appropriate terminology as Adrian (University A) stated:

I think, what, what we were looking at is quite a few people just unsure and unclear around things around language more than anything else. I think people are a bit like they always want to help and do as much as possible. It's just, like all the impression though, sometimes they just didn't know if they have the right words, or they weren't 100% sure what, what the right thing to say was. (Adrian, University A)

The interviewees suggested introducing more interactive forms of training to address these concerns and enhance staff confidence. This could involve organising discussion groups alongside traditional online courses, providing a platform for individuals to ask questions, share experiences, and learn in a more dynamic setting to be able to understand how, for example, terminology has changed or been reclaimed. Drew made this point about terminology and the importance of in-person training:

Language is such like a complex thing and is continually changing. And like, even amongst different demographics, like different age groups within the same society, they're going to perceive it differently. And I think if you just had, like an online training, and like, just one question, it says, like, yeah, true, or false, this is a reclaimed term, or this is a slur, you can't use that. Like, it doesn't give up any opportunity for like nuance and like, change in perceptions and understandings. Like I don't think that the online stuff can keep up as much compared to comparison. (Drew, University A)

From the interviews, it is clear that the importance of integrating case studies and workshops into the training schedule is valuable. They believe these practical elements offer participants a more immersive experience and a deeper understanding of the subject matter. This approach to learning has garnered overwhelmingly positive feedback, further validating its effectiveness.

Expanding on this, the interviewees also compared the efficacy of face-to-face training sessions with online courses. They noted that face-to-face sessions generally promote higher levels of participant engagement, consequently leading to more effective learning outcomes. This is because such sessions demand the full attention of participants, unlike online courses, which often allow for multitasking, resulting in decreased engagement and absorption of the course content as Jessie (University D) said:

When I joined the university, that was part of my induction training, to look at all these different training paths [online] that were available that I had to

complete, it should have gone further. Because I find that engagement with videos, it's superficial, there's only so much information I can take in, in my short-term memory, only some of it goes into my further long-term memory that I can pull up on. So, I need to continue to be pulling up documents to say, did I get this? (Jessie, University D)

Ali (University C) discussed the fact that in-person training from specific NGO's generates more interest than providing standard equality training, which is an indication of '*going further*' and therefore seems to support Jessie's statement above.

Ali said:

So, when you look at something like LGBT+ training, which we have got as well, an encouraging take up for that, when you can't actually get people to take up the general equalities training, it can be really difficult, because we have got online training and organised bespoke [in-person] sessions as well. In terms of whether it's trans or LGBT, LGB or whatever we'll get, we'll get training, we've brought in for example Stonewall, we've brought in the Terrance Higgins Trust. Plus, we've got online training. (Ali, University C)

Consequently, providing more comprehensive and interactive training could enhance staff confidence and, by extension, contribute to a more inclusive campus culture through knowledge exchange.

Drew's (University A) commentary on the dynamic nature of language and the critical importance of understanding its layered undertones, offers an interesting perspective. They suggest that a traditional, online training approach may not serve as an adequate solution. From this observation, it could be inferred that more engaging, discussion-based training methods might serve as a better alternative. These methods could potentially offer a conducive environment for participants to grasp the evolving nature of language and its implications, thus promoting a deeper understanding and respect for EDI.

The interviewees' comparison of face-to-face and online training indicates a clear preference for the former. The higher engagement and more effective learning outcomes associated with face-to-face sessions suggest that these should be prioritised where possible. Therefore, universities should consider investing more resources in face-to-face training sessions to ensure more effective learning outcomes and greater inclusivity. However, the question is, do HEIs want to provide sufficient resources?

Ali's (University C) comments reveal the importance of expertise in this context. It is evident that both university students and staff highly value expert input. On the one hand, I believe that establishing meaningful and long-term partnerships with expert organisations, such as Stonewall and the Terrance Higgins Trust, could potentially enhance the effectiveness and engagement of training sessions. On the other hand, implementing such a strategy would largely depend on the finances within EDI

teams, which, from my experience of working with EDI colleagues, are often already thinly spread.

### 6.2.5 Embedded EIA

Both Jo (University B) and Ali (University C) strongly advocate for the integration of equality considerations throughout the university sector. Jo offers the opinion that such considerations should be made mandatory across all courses. This suggestion implies a vision where every single aspect of university life, from academics to extracurricular activities, should be guided by principles of equality. Jo's beliefs indicate a conviction that the constant consideration and promotion of equality is essential in ensuring a just and equitable educational environment, 'I think the ideal way that this should work is that it should become part of everything that is done at universities. And so, from an undergraduate level, regardless of the course you do, there should be embedding of equality considerations. (Jo, University B). On the other hand, Ali (University C) has a slightly different approach to promoting equality within the university settings. Ali emphasises the critical role of understanding the legal framework surrounding equality, particularly the Equality Act 2010 and the issues of discrimination it addresses. Ali highlighted:

...And you can at least get reassurance that people have got knowledge of the Equality Act [2010], they've got a knowledge of what discrimination is, and what that looks like. But Equality Impact Assessment is probably the, the tool that that that I would use, to make sure that the decisions that had been made, the policies and process that we're building in, and you've considered the equality within that. (Ali, University C).

Ali's proposal to use of an EIA, which is designed to evaluate the implications of policies and decisions on various demographic groups, suggests that it's implemented to ensure that every decision made and every policy implemented within the university is rooted in considerations of equality. However, Ali frames the tool as a safeguard to ensure equality considerations are embedded in decision-making, research shows that EIAs often become neoliberal, bureaucratic instruments rather than mechanisms for structural change. Studies of the PSED demonstrate that EIAs frequently drift into *procedural compliance*, producing the "audit trails" institutions need to evidence action rather than generating material shifts in practice (Ahmed, 2012; Shore and Wright, 2015). This risk is heightened in contexts marked by resource scarcity, where limited staffing and high workloads mean EIAs are completed retrospectively or superficially (McLaughlin, 2014; Hudson et al., 2019). Furthermore, without explicit intersectional design, EIAs can unintentionally reproduce the very inequalities they seek to address by collapsing complex structural experiences into administratively manageable categories. Thus, while EIAs have the potential to structure more equitable policy decisions, their impact remains contingent on institutional capacity, political will, and the extent to which they resist becoming bureaucratic artefacts of neoliberal governance.

Jo (University B) and Ali (University C), provide data that suggests the incorporation of equality considerations into all aspects of university life is fundamental.

Universities serve as the breeding ground for the future leaders of our society, and instilling the values of equality early on can shape a more inclusive and equitable future.

This change must start at the undergraduate level as Jo said. An individual's undergraduate years are often pivotal in shaping their perspective and approach

towards society. If a university incorporates equality considerations into all courses at this level, we can ensure that all students, regardless of their chosen fields, develop a foundational understanding of equality and its importance. When students attend university, we do not know their background, what their upbringing has been like or if they hold any prejudices. I believe it is important to start students out on a journey of understanding, acceptance, and tolerance through EIA provisions and training. EIA could be used for every module, therefore ensuring visibility for marginalised groups, such as disabled lesbians.

### 6.2.6 Capacity

These interviewees raised two key issues in this section with the over-arching theme of capacity in HEIs: casualisation of staff, and resources and funding.

The concept of 'capacity' rose to prominence as the main point of this section. Within the scope of EDI, I use the term 'capacity' to refer to the ability of HEIs in Scotland to effectively implement and maintain EDI policies and practices. Capacity speaks not only to the availability of resources, but also to the willingness and ability of university staff to take these initiatives forward. Moreover, the term is not only about having the right infrastructure in place, but also about having the finances available to support a culture that values and prioritises EDI.

The interviewees discuss the issue of the casualisation of faculty staff. This was done with a particular emphasis on understanding how this trend impacts the implementation of EDI across university campuses. Casualisation, which refers to the increasing reliance on faculty staff on temporary or casual contracts, can pose significant challenges for EDI. Staff on such contracts may not have the same

access to opportunities and resources as their permanent counterparts. This inequality can create an uneven playing field and can potentially undermine the effectiveness of EDI efforts.

As aforementioned, resources and funding are integral to employing enough people to work within EDI. These elements were identified by interviewees as being crucial for the successful implementation of EDI. Without a strong provision of resources and adequate funding, EDI initiatives may be constrained. They may not be able to be implemented effectively, or if they are, they may not be sustainable in the long term. Therefore, securing sufficient resources and funding is a critical aspect of ensuring the longevity and impact of EDI initiatives.

#### *6.2.6.1 Casualisation of staff*

Casualisation is a term that refers to the practice of employing part-time or temporary workers instead of full-time or permanent workers. Casualisation is often used as a cost-saving measure as casual workers typically do not receive the same benefits as their full-time colleagues (Leathwood and Read, 2022). This can lead to a host of issues, including instability, lack of job security, and diminished workers' rights.

In the context of HEIs, responses from Eddie (University A), Adrian (University A), and Jessie (University D) provide reasons in understanding how casualisation impacts staff and students. Their commentary lays bare the struggles and intricacies of casualisation within their respective roles and offers valuable perspectives on this universal issue. Eddie's remarks focus on the casualisation of equality and diversity officers, highlighting a potential issue with job security and stability. Eddie states, 'I think more investment is coming from the university. But at the moment, it's, most of

the team in equality and diversity officers fixed term, placing EDI work/staff at constant risk. And part of that is circumstance for what part of that is, you know, frustrating, and it shouldn't be the case. (Eddie, University A). This could imply that while the university is demonstrating a willingness to allocate resources towards EDI, the precarious nature of these roles could limit their potential impact. The temporary nature of these positions may result in a lack of continuity and long-term planning, which is often crucial for instituting meaningful and lasting change.

Adrian, on the other hand, provides insight into the voluntary nature of some roles within the university. The comments suggest that the issue of casualisation extends beyond the staff and affects students as well, 'Our elected officers including our executive team, that full-time paid officers as well as our non-executive officers who are voluntary, but they receive stipends that vary, and it kind of depends on what they [the university] want to do. (Adrian, University A). This could suggest that while there is a passion and drive among some individuals to make a difference, the lack of substantial financial compensation could pose a significant barrier to participation. This highlights the need for a more equitable system that values and rewards the time and effort put in by those who are engaged in these roles and the need to revise institutional practices, structures, and values that exploit staff's investment in social justice and equity to drive these initiatives, rather than institutional investment in labour and expertise that enables them to function more equitably.

Jessie's (University D) comments bring attention to the intersectionality and the precarious nature of casual employment. Jessie's perspective illustrates how

casualisation can disproportionately affect the most marginalised groups. Jessie said, '...it's those from the you know, the working class, minority backgrounds, those that have those protected characteristics who, who are disadvantaged most, but they are also the ones that are participating the most as well, because they are so passionate to see change happen. (Jessie, University D). This could indicate that the burden of driving progress and enacting policies often falls onto those who are already facing marginalisation. Furthermore, they may not receive adequate recognition or compensation for their efforts, which not only exacerbates the existing inequality but could also discourage future participation.

The comments from Eddie (University A), Adrian (University A), and Jessie (University D), highlight the challenges posed by casualisation in HEIs. The condition of casualised employment within universities could potentially hinder progress, particularly in areas such as EDI. The voices of those most affected by casualisation, the casual workers themselves, stress the urgent need for systemic changes to address this issue.

The casualisation of the workforce in HEIs presents a significant challenge that needs to be addressed promptly. As Leathwood and Read (2022) highlighted, the practice of employing part-time or temporary workers instead of full-time or permanent workers can lead to instability and lack of job security. I would say that this potentially prevents the progress in vital EDI related areas such as the decolonisation of the curriculum and the provision of training across departments; if there is a lack of staff, there will be a lack of training available. I would argue that the voices of Eddie, Adrian, and Jessie explain the multi-layered implications of

casualisation, drawing attention to the fact that it is not merely an employment issue, but also a matter of social justice. It is worrying that those most passionate about change, often from marginalised backgrounds, are the ones most affected by casualisation, as highlighted by Jessie (University D).

### 6.2.7 Resources and funding

Eddie's comment about the recent appointment of a Diversity and Inclusion advisor at University A suggests a growing recognition of the need for dedicated roles to handle specific grievances related to EDI. This could mean that the responsibility for EDI is beginning to be centralised within specific roles or departments, rather than being distributed across different departments. However, it is worth noting that this is University A's first time adopting such a role, which could indicate that their approach to EDI is still in its early stages of development as Eddie said in the interview, 'So recently, HR actually brought on a dignity [unintelligible] what was it a diversity and inclusion advisor. And so that's the first time they've ever had that role for someone now in HR with specific grievances.' (Eddie, University A).

On the other hand, Jessie's (University D) comments suggest a different perspective. Jessie mentions the burden often falls on the '*most minoritised*' who are not recognised or rewarded for their contributions. This could indicate a systemic issue where those most affected by EDI issues are also those most involved in addressing them, without receiving adequate recognition or compensation as Jessie stated, 'It's always on the backs of the most minoritised who aren't rewarded or recognised for what they bring'.

Jessie further comments about the structural barriers that prevent change, such as bureaucracy, lack of resources, and the demands on student representatives, could suggest that there are significant institutional obstacles to improving EDI. The comments could imply that without fundamental changes to these structures, progress in EDI may be slow and uneven. I asked Jessie about why change comes from minoritised individuals within universities and why there is a lack of recognition; Jessie said:

Because of the structures that we work within. And because when we question them, we are told that this is the way it's always been or it would create too much bureaucracy or paperwork. We don't have the resources or the funds to, to enable that to happen, because in some cases, there will be no student representation because they're probably working one or two part time jobs, they can't afford to come to meetings, if they those meetings, had a financial incentive, it would be worth their while. So, I think recognising that, especially in today's context with the cost-of-living crisis, with the fuel crisis.

(Jessie, University D)

Jessie's comment about the cost of living crisis across the UK indicates that there is a belief that the students are being severely impacted by rising inflation (see <https://commonslibrary.parliament.uk/cost-of-living-and-inflation/> for further information).

The recent developments in university roles dedicated to EDI are steps in the right direction. However, the progress seems to be emerging and uneven. While working to set up LGBTQIA+ conferences, I have personally experienced the lack of funding

for EDI initiatives. The burden, as Jessie mentioned, often falls on the 'most minoritised' who are not recognised or rewarded for their contributions (University D).

Consequently, it could be the case that EDI initiatives, while gaining recognition, are not yet adequately supported by the necessary resources and structures. This lack of support impairs the challenges faced by those most involved in these initiatives, often those most affected by the issues they aim to address.

#### *6.2.7.1 University leadership, collaboration and policy support*

A recurring theme throughout the interviews was the critical role that leadership plays in determining the success of EDI initiatives. Participants from universities with strong leadership support for EDI policies reported a more integrated and cohesive approach to LGBTQIA+ inclusivity. Participant 5 noted, 'At our university, the senior leadership team is very involved in driving EDI initiatives. This support has made a huge difference in how these policies are prioritised and implemented.'

In contrast, participants from institutions where leadership engagement was limited or inconsistent described a fragmented approach to policy enactment.

These differences in leadership support underscore a critical finding of this research: the extent to which institutional leaders champion or neglect EDI efforts significantly impacts how these policies are applied on the ground. This pattern mirrors my own experiences working with the NESO, where universities with engaged leadership were more likely to adopt proactive approaches to LGBTQIA+ inclusivity. These insights further reinforce the argument presented in earlier chapters that leadership

commitment is a key factor in ensuring the successful implementation of EDI policies.

#### *6.2.7.2 Knowledge*

In analysing the responses from Jo (University B) and Robin (University B), a theme around the evolution of leadership within the university context emerges. Robin (University B) shares the experience of managing two junior team members who are relatively new to the field of EDI. Robin admits:

I feel they didn't necessarily have a huge amount of EDI knowledge. But neither did I, when I started. It's not beyond the wit of man. You just need to listen to people and to understand what they're telling you. (Robin, University B)

This candid admission could suggest a culture of learning within the team, where the lack of initial knowledge does not serve as a barrier to entry but rather as a starting point for continuous professional development. It could also mean that the university is willing to take risks by bringing in individuals from different backgrounds and training them in EDI, possibly to bring in fresh perspectives and new ideas.

Additionally, the phrase 'it's not beyond the wit of man' from Robin's response suggests that the challenges of understanding and implementing EDI initiatives, while perhaps daunting, are not insurmountable. It implies that with effort, openness to learning, and empathy, these challenges can be overcome. It highlights the importance of not being overwhelmed by what we do not know but rather embracing it as an opportunity for growth and understanding.

Similarly, Jo's (University B) response indicates an openness to learning and growth at the senior leadership level. Jo recalls a recent university election where a senior, white, straight male candidate openly acknowledged areas where his knowledge was lacking. Jo states, 'his answers were very open about what he didn't know. And it's been such a long time since I've seen that, at that level'. This could mean that there is a shift occurring in the university's leadership, moving away from a need to always appear knowledgeable, towards an attitude of learning and growing. This could potentially create a more inclusive and understanding leadership, one that is not afraid to admit its limitations.

Both Robin's (University B) and Jo's (University B) responses could suggest an evolving landscape within the university leadership, one that values learning, growth, and the ability to admit when knowledge is lacking. This could have significant implications for the future direction of the university, potentially leading to a more inclusive and understanding environment.

#### *6.2.7.3 Change in leadership*

The responses from both Jessie and Eddie indicate a shift in the way universities are addressing issues of EDI. Eddie (University A) attributes this to 'changing attitudes', suggesting that newer staff members may bring more progressive perspectives to the institution. This could mean that the university's commitment to equality, diversity, and inclusion is becoming more deeply ingrained in its culture and practices as Eddie states, 'I think it's actually changing attitudes, and maybe also changing people a bit of moving on of the old guard to like different people with different attitudes and things like that.'

Eddie also mentions a change in committee management, which could imply structural changes in the way these issues are addressed. The shift in responsibility from the vice principal to the EDI committee, could suggest a decentralisation of power and a more collective approach to decision-making.

Jessie (University D), on the other hand, seems to emphasise the power dynamics at play. Jessie questions the motives behind these changes and whether they are truly equitable or simply a performative attempt to 'make the university look good.' This sceptical viewpoint could point to a much deeper issue within HEIs, where the voices of marginalised communities may be exploited for the sake of appearances, as Jessie said:

How can we make them see that what they're asking of us? You know, what? What are they getting out of it? Compared to what are we getting out of it? So, it has to be equitable. And I've always, I think, because of my background, I can always see the power imbalance, whether it's to do with marginalised communities, not just in universities and schools and wider society, and I think I'll be there to make the university look good. Are we there to tick boxes?  
(Jessie, University D).

If this is the case, it could mean that while there is a visible shift towards more inclusive practices, there may still be underlying issues that need to be addressed. There is a strong sentiment in Jessie's comment of performativity at work. Fundamental changes in attitudes and structures, as mentioned by Eddie, could be a

step in the right direction. However, Jessie's response suggests that these changes need to be matched by a genuine commitment to equity and social change.

#### *6.2.7.4 Gatekeepers*

From the interviews, there is a distinct contrast between Jessie (University D) and Eddie's (University A) experiences with leadership gatekeepers. Eddie seems to have experienced a positive change with the arrival of the new vice principal for social inclusion. Eddie mentions that the newly appointed is 'really approachable' and 'really responsive', which has enabled them to move projects forward more quickly. This could suggest that having a leadership figure who is accessible and responsive can greatly improve the efficacy of inclusion initiatives at a university, as Eddie highlighted:

Fairly recently, it's changed to ... who's the vice principal for social inclusion. And things are just shifting so quickly with us because he's really approachable. I can email him anytime ask him any questions. He's really responsive, we can just get stuff going, we can get stuff moving forward.  
(Eddie, University A).

On the contrary, Jessie (University D) presents a different experience. Jessie describes a situation where attempts to promote financial incentives for network participation are regularly 'shut down'. This could mean that there are still significant barriers to advancing diversity and inclusion initiatives in some institutions, and that the role of leadership gatekeepers can sometimes serve as a limiting factor rather than a facilitating one. The lack of support or understanding from leadership could potentially prevent efforts to enact meaningful change.

When I take it [financial incentive] higher up, I am shut down. And I kind of need to, that's when I grit my teeth and go, how can I navigate this? Who can I get in that network to take that conversation who will be listened to? So, if it comes from the network itself, it will have more credibility than when it comes from me. (Jessie, University D).

'I grit my teeth' implies this may be a barrier that occurs frequently and in order for Jessie to obtain financial incentives, Jessie has to work with the system and not against it. Perhaps this shows Jessie is thinking selflessly, for the students and staff, yet, at the same time, how would it be possible to interrupt the system that Jessie claims is not working? It suggests that the role and attitudes of leadership gatekeepers can significantly impact the progress and success of initiatives aimed at promoting EDI. The discrepancy between Eddie and Jessie's experiences could indicate that there is still much work to be done in improving leadership understanding and support for these initiatives.

Robin's admission about both new team members not having a lot of EDI knowledge initially shocked me. However, Robin wanted to highlight the importance of willingness to learn and adapt, highlighting that it's not the initial lack of knowledge, but the desire to grow that matters. Moreover, Jo's recount of the senior leadership candidate's transparency about his lack of knowledge in certain areas indicates a shift in the mindset of EDI leadership, moving towards an attitude of learning and growth and active listening.

Eddie's insights present the idea of changing attitudes within university leadership and staff. The mention of a shift in committee management and a move towards more progressive perspectives makes me feel optimistic about the future. However, I also cannot help but consider Jessie's experience, which offers a different perspective. Jessie's doubt about the motives behind these changes and the questioning of whether they are truly equitable or simply performative, serves as a simple reminder of the challenges that still exist. Jessie's struggle to promote financial incentives for network participation and the constant '*shut down*' Jessie faces, contrasts sharply with Eddie's positive experiences with an approachable and responsive leadership. It made me realise that although we are moving forward, each EDI leader is experiencing a different form of treatment.

### 6.2.8 Collaboration

Eddie (University A) speaks of improving 'connections, collaborations, and communication', hinting that there may currently be a tendency for departments to operate in silos. This could suggest that there is a lack of communication between different departments when it comes to EDI, which could result in disjointed strategies or missed opportunities for collaboration:

One of the big things is that I'm hoping I'm looking to improve is connections, collaborations and communication, I think that's one of the main sort of things because often you can be doing things in silos otherwise and not really be talking to other departments but I think in terms of how it's functioning, it's ok, I just think the communication could be better. (Eddie, University A).

Jessie (University D), on the other hand, provides an example of how successful cross-department collaboration can look like. They highlight the work being done with the LGBTQ+ staff network in their university, describing it as ‘a community within a community’. Jessie mentions role models, mentoring, and a shared research page, all of which seem to encourage a sense of community and collaboration:

We have one of the largest staff that works in, in Scotland, right, which is incredibly active, and everything is put on, on our websites on the equality diversity unit. So, we have role models, we asked members of staff to be role models, so other members of staff could see themselves being able to, to gain that career progression that others have. It's about that mentoring. There is a research page in the in the network, where people share the research or when opportunities come up for more specific research. That's where we reach out to, to staff members and they can then engage with other members or students to work together, or they'll know research associates who can come together to deliver, deliver that project. So, it's kind of like a community within a community. (Jessie, University D).

This could mean that creating platforms for sharing and collaboration across departments can lead to a more cohesive and comprehensive approach to EDI for LGBTQIA+ staff and students, as well as provide opportunities for mentoring and career progression. It sends a strong message of representation and inclusivity. Furthermore, the idea of career progression being visibly attainable may provide a clear pathway for others of similar backgrounds.

These responses suggest varying degrees of success and challenges in working towards a collaborative environment, particularly concerning LGBTQIA+.

Adrian (University A) speaks about the experiences with the LGBT inclusion training through collaboration with the University's Student's Union and the EDI team. The context of the response could potentially illustrate a commitment to LGBTQIA+ inclusion within the university setting. Adrian mentions that the association with these initiatives enables the team to establish more robust relationships with other departments. This observation might imply that these activities serve as catalysts for enhancing inter-departmental collaboration. Adrian said, 'I know I've personally built a bit more relationships within the E and D Team [Equality and Diversity]. And I think we're quite keen to do more sort of collaborative things.'

This suggests that Adrian sees potential for further collaborative projects, which hints at a positive attitude towards cross-departmental cooperation.

In contrast, Robin (University B) highlights the complexities associated with mainstreaming diversity initiatives. Robin expresses the challenges related to the distribution of responsibilities across the entire university, which could potentially complicate efforts of collaboration. Robin highlights:

It's much more mainstreamed, which is what the law would want you to do. But actually, in practice, it's quite difficult because you end up scrambling around trying to find the person who might be responsible for that. And then, within all of that, promoting mainstreaming. So, it's, there's tensions there between promoting mainstreaming and then having absolutely no idea what's

going on across the university. So, when you come to write your mainstreaming report, you go, I don't know. (Robin, University B).

This comment paints a picture of possible disconnect between departments, which could serve as a barrier to effective cross-department collaboration. It could be inferred that a lack of clarity and coordination might hinder the successful implementation of diversity initiatives or that because Robin needs to produce a mainstreaming report connected to EDI and there is a lack of ownership within departments, it is difficult to write it. It is also worth mentioning that Robin says that the mainstreaming report is 'what the law would want you to do', yet there seems to be an issue with cross-department relations and a no clarity regarding who Robin needs to approach for the required information for the report.

Meanwhile, Jessie (University D) voices the disapproval over what is perceived as a siloed approach to diversity initiatives. Jessie emphasises:

As an employee, we have ticked the legislative boxes. As an activist, it's like, we can do so much more. It's the siloed approach that that really has me scunnered. It's like, oh, LGBT, over there. Gender Based Violence over there. Eh, we'll put it up there and race, right, you know, it's we're all scattered when we should be a community that pulls upon each other, to learn from each other to, you know, to get that good practice, and share what we have in common, rather than there'll be differences, but then we can go work on them ourselves. But it's that commonality, that good practice, it's, it's knowing what each other is doing. Yeah. It's, it's that communication aspect. I think it needs to be stronger. (Jessie, University D).

From Jessie's response, it is clear there is a frustration with a perceived lack of unity and cooperation among different advocacy groups within the university. Jessie is emphasising the need for a more integrated approach, as opposed to working separately. Jessie seems to believe that there is more power in unity and that by sharing good practices and through communication, these groups could be more effective in their advocacy work. The scattered approach, as Jessie describes it, might limit the potential of these collective efforts.

Taken together, these responses imply that while there are conscious efforts towards inclusion and diversity within these institutions, the approach to collaboration across departments seems inconsistent, with challenges that need to be addressed. A possible inference could be that a more unified and coordinated approach might facilitate better communication and collaboration, leading to more successful diversity initiatives. However, this would likely require careful planning, open dialogue, and shared responsibility among all involved departments.

I felt a strong sense of alignment with Eddie's emphasis on improving 'connections, collaborations, and communication'. It reminded me of several instances where I had been asked on a few occasions to collaborate across different departments but found myself hindered by contractual commitments and bureaucratic red tape. On one hand, I was heartened by Adrian's positive attitude towards inter-departmental cooperation. Adrian's mention of having successfully built relationships within the EDI team, and eagerness to engage in further collaborative projects, signified potential for a more unified approach. However, on the other hand, I encountered

similar challenges as Robin did with the difficulties of mainstreaming diversity initiatives. The distribution of responsibilities across an entire university can indeed prevent collaboration and complicate efforts.

### 6.2.9 EDI policy support

The interview data gathered offers a deep look into the triumphs and obstacles faced when implementing EDI policies in HEIs. The insights in this section come from comments made by Eddie from University A, Robin from University B, and Jessie from University D.

Eddie, from University A, brings up the idea of breaking down EDI policy into specific areas such as race, ethnicity, religion, or gender. Eddie explains:

What's working well are the plans for the future. So, I don't think it's [EDI policies across the universities] currently working well right now... There's like an LGBTQI guidance document, there's, like, advice, support for LGBTQIA staff and students. I think this model has real potential. So, the idea is that we focus on race and ethnicity, religion or belief, gender, and do that in different areas over time. (Eddie, University A).

Eddie's perspective highlights the possibility of shaping university initiatives to meet the unique needs and challenges of different groups. This strategy could lead to a more effective and targeted EDI approach. However, it is important to note that this approach is still in the planning stage and has yet to prove its effectiveness (at least at the time of interview in July 2022). Robin from University B, conversely, seems to draw attention to the complexity of having separate EDI policies for staff and

students. Robin recognises the difficulties in aligning these policies with each other, 'it's quite complicated. It's too complicated. But there's two policies that cover staff and students which is tricky'. (Robin, University B). Further to this, Robin says, 'Well, I'm now starting to reflect on that, it doesn't make sense, it certainly would have made things easier. It doesn't make sense to have two policies saying the same thing, to staff and to students, all over the trans equality policy. (Robin, University B).

These comments from Robin highlight the need for a more streamlined and unified approach to staff and student EDI policy development. Robin questions the reasoning behind having two separate policies conveying the same message to both staff and students. Robin reminds us of the importance of creating policies that are clear, consistent, and align with the wider goals of the institution.

Jessie (University D), on the other hand, mentions the crucial role of action in implementing EDI policies. Jessie firmly believes that having policies and verbal support from leadership is insufficient. Real action is needed to make these policies meaningful and show a true commitment to EDI. Jessie asserts:

We can have as many policies, and we can have as many people from the top say, 'Yeah, we support this'. But where is the action? Where can we see that happening, signpost to that area, and don't make it siloed. Just don't put it in part of the web pages, put it across social media, put it across internal newsletters, think about it, shout about it, not just our successes, but also the journey and why that journey happened in the first place. What caused us to start thinking this way, and why we took the steps that we did. (Jessie, University D).

Jessie's powerful words underline the need for universities to back up their commitment to EDI with noticeable actions and communications that reach across multiple platforms, including social media and internal newsletters. This way, universities can increase visibility and awareness of their EDI initiatives, promoting a sense of inclusion and shared values among everyone in the institution.

The interview data shows a sector trying hard to develop and implement EDI policies while grappling with substantial material challenges. These include shaping policies to specific groups, aligning policies for staff and students, and turning policy into real action. Tackling these challenges will require understanding the unique needs of different groups within the university, a cohesive and targeted approach to policy development, and a commitment to clear and widespread communication of EDI initiatives. The insights from Eddie, Robin, and Jessie could offer a valuable starting point for this work.

I find myself in agreement with Eddie, Robin, and Jessie's collective assertion that the implementation of EDI policies in HEIs is a multifaceted, complex, and ongoing that seems troubled with a unique set of challenges and peppered by intermittent successes. Their shared experiences and observations mirror my own, providing a meaningful combination of familiarity and validation.

One example that immediately springs to mind is the implementation of a dedicated EDI taskforce at a leading London university, which sought to investigate the specific needs, challenges, and institutional barriers experienced by different demographic

groups. This mirrors Eddie's call for targeted, bespoke approaches and resonates with wider evidence that EDI work is most effective when institutions move beyond generic, compliance-oriented strategies and adopt more granular, context-sensitive mechanisms. Research shows that EDI practitioners often possess deep insight into institutional inequalities but remain structurally constrained in their ability to enact meaningful change due to limited authority, resource limitations, and organisational resistance (Bhopal, 2023). This reinforces the argument that institutional structures frequently rely on equality legislation as a baseline while simultaneously limiting the capacity of staff to 'walk the walk' (Bhopal, 2023, p. 334) through substantive, transformative action. A task-force model offers one way to counter this by generating an intersectional evidence base, facilitating internal collaboration, and creating clearer conditions for institutional accountability.

Moreover, I have witnessed occasions where the implementation of EDI policies has been less than successful, falling noticeably short of the intended goal. A distinct lack of cohesion and synergy between the policies for staff and students resulted in unnecessary complications, confusion, and miscommunication. This unfortunate situation echoes Robin's well-founded concerns about the critical need for a more unified, harmonious, and comprehensive approach when it comes to the development and implementation of EDI policies.

Policies on paper and verbal affirmations, as Jessie (University D) says, of support are merely the starting line in this marathon towards achieving equality, diversity, and inclusion, which is ultimately a bridge to social justice. Such words must be

substantiated and reinforced by tangible, demonstrable actions that explicitly reflect a genuine commitment to EDI in all its forms.

## 6.3 The Equality Act

In the following section, all but two of the interviewees explored the effectiveness and implications of the Equality Act 2010, particularly in the context of university policies related to EDI. The interviewees offer insights into how the Act impacts their work, decision-making, and the broader university environment. The data address how the Act is interpreted and applied within universities, the perceived gaps in the legislation, the role of case law in shaping understanding and implementation, and the ongoing debates around terminology, especially in relation to gender and sex. The interviewees highlight the suggested improvements and alterations to the Act, considering the rapidly changing societal and economic contexts.

### 6.3.1 Basic compliance

Eddie (University A), Jo (University B), and Ali (University C) provide a range of perspectives on how the Equality Act 2010 shapes decision-making within their institutions. Eddie (University A) describes the Act as central to their compliance infrastructure, noting that ‘a lot of our policies, and our compliance work is all based on the Equality Act. And I think it is a really solid foundation.’ This suggests that, for Eddie and for University A more broadly, the Act operates as a baseline mechanism for assessing institutional responsibilities and legitimising policy choices.

However, what emerges across the interviews is that ‘basic compliance’ is neither straightforward nor neutral. While the Act offers a legal foundation, it is also a living

document that is continually interpreted, contested, and reshaped. Recent debates regarding the definitions of *sex* and *gender* in Equality Act guidance, and the accompanying controversies surrounding the EHRC's interpretation, illustrate how shifts at national level can destabilise what institutions assume to be 'clear' legal categories. For many EDI practitioners, including the participants in this study, these changes create uncertainty not only about policy content but also about how to enact protections for gender-nonconforming and trans people in practice.

This highlights two points relevant to the participants' accounts. First, the Equality Act is treated as a stable reference point, but its practical application depends heavily on institutional interpretation, available resources, and the expertise of those implementing it. Second, the very idea of clarity in equality law is itself fragile: statutory definitions provide a structure, but the meaning of those definitions, particularly around gender, remains open to political influence and organisational discretion. As a result, the Act functions less as a fixed directive and more as a negotiated framework through which universities make sense of their obligations. In this sense, the Act depends on institutional actors just as institutional actors depend on the Act. Compliance becomes an interpretive practice shaped by knowledge, judgement, and the political conditions in which EDI work takes place, rather than a simple matter of applying predefined rules.

However, Eddie also highlights a structural weakness in how the Act is enacted in practice: the absence of external monitoring means responsibility for enforcement rests almost entirely on individual staff and students. As Eddie explained:

...it's on individuals to bring cases around that, right. So you kind of almost self-governing in that respect, because there's not very much kind of monitoring and compliance work externally... it feels a little bit just down to how good we want to be as an institution... we're basically self-governing, and we're holding ourselves to account which isn't necessarily a bad place to be, but we should also have all the checks and balances that I'm afraid I don't think at the moment in Scotland are there. (Eddie, University A)

Eddie's reflection also exposes a deeper structural issue in how the Equality Act is enacted within universities: the absence of external monitoring means compliance depends almost entirely on the institution's own willingness and capacity to uphold the Act. As Eddie describes the responsibility for enforcement 'is on individuals to bring cases,' leaving universities 'basically self-governing' and without the 'checks and balances' needed to ensure consistency across the sector. This mirrors the problems outlined in Chapter 2, where policy enactment is understood as a *translation process* rather than a straightforward application of law. As discussed in Section 2.4.3, policy documents function as *pre-texts* that take shape through organisational routines, staff interpretations, and uneven institutional cultures, precisely the variability Eddie highlights.

Eddie's concern also resonates with the argument in Section 2.4.4 on *governance /sabotage*. There, I noted that equality policies often embed structural vulnerabilities, particularly limited monitoring, resource-dependent obligations, and the absence of external enforcement, which can unintentionally (or deliberately) undermine policy effectiveness. Eddie's account provides a lived example of these dynamics: without

external oversight, the Equality Act becomes reliant on internal goodwill, local expertise, and whether individuals feel able or safe to raise cases.

Finally, Eddie's observation aligns with the neoliberal governance pressures discussed in Section 2.4.6, where compliance tends to prioritise reputation and auditability over structural accountability. In such contexts, institutions may maintain the appearance of compliance while lacking the infrastructure needed for meaningful implementation. Eddie's experience illustrates the consequences of this governance model; a system where the legal baseline exists, but its enactment is uneven, fragile, and dependent on institutional cultures rather than durable policy mechanisms.

Jo, from University B, echoes a similar sentiment regarding the Act's function as a benchmark in policymaking. Jo stated that the Equality Act is used as 'a list of minimums that we have to be considering.' This could mean that while the Act's provisions are considered essential, they are perhaps seen merely as a baseline requirement, rather than an aspirational standard to go beyond the Equality Act's provisions.

Additionally, Jo's comments provide insight into University B's approach to gender data collection. While they do gather binary data (male or female) about individuals' gender, their new system also incorporates an extra layer for data capture. This allows individuals to express their actual lived identities, thereby enabling the recognition and inclusion of non-binary individuals within the university. This initiative is not a requirement but was actively pursued because 'these people exist' as Jo (University B) said. There's no external mandate driving this change, suggesting a reliance on individuals' knowledge and understanding at University B. Therefore, it

appears that while some universities may use the Equality Act as a baseline, they are also willing to go above and beyond its minimum legal requirements to foster a more inclusive environment.

However, Ali (University C) brings attention to the role of clear definitions within the Equality Act. Ali emphasises the importance of having clear definitions:

I think in that we need to be compliant to, it is good. It's that kind of, I suppose, like that carrot stick approach. So, you can always go back to the legislation. And that in discrimination, you know what I mean? So, if you've got something there that is down there in black and white, that's clearer that for people so that they know what discrimination is they know what harassment is, so we can back and relate that to the protected characteristics. (Ali, University C).

This could indicate that having these definitions explicitly stated in the Act is crucial for institutions to better understand and adhere to its provisions. Furthermore, it highlights the importance of explicit language in legislation to provide a clear framework for institutions to follow.

Eddie (University A), Jo (University B), and Ali (University C) suggest that the Equality Act plays a crucial role in shaping policy-making at their respective universities. However, they also highlight potential areas for improvement, such as the need for more robust enforcement mechanisms and a shift from viewing the Act as merely a list of minimums to a proactive, comprehensive guide for creating inclusive environments within educational institutions.

Case law refers to court judgments that set precedents for how legislation, like the Equality Act 2010, is interpreted and applied. These judgments help clarify certain aspects of the law that may be vague or open to interpretation, providing guidance on how the law should be implemented in real-world situations. In the context of the Equality Act 2010, case law helps to define the standards for equality and discrimination in various settings, including in education and the workplace.

The responses of Ali, Robin, and Jo provide details from their perceptions of the Equality Act 2010 and how it is implemented within their respective universities. Their views are distinct, yet they interlink, hinting at the complexity of implementing equality measures in HEIs.

Robin presents the difficulty of the relationship between personal belief and behaviour. Robin highlights that while the Equality Act protects personal beliefs, it does not necessarily sanction every behaviour deriving from these beliefs. Robin said 'I think, that you can believe what you want to believe when you want, but it's how you behave. But we're not necessarily being supported by case law.' This could imply a call for the Equality Act to set higher standards, particularly regarding defining what might constitute harassment. Robin finds the Act to be vague on this aspect, suggesting that clearer guidelines could help improve the Act's effectiveness in managing behavioural issues stemming from protected beliefs such as gender critical beliefs (e.g. Forstarter Case 2021).

Ali, conversely, perceives the Equality Act as a beneficial structure and framework. However, Ali also points out the Act's limitations in always providing clear-cut

answers. As Ali puts it, 'It's like some of these things. You don't know until, until things go to case law or do what we know or whatever. So, some of that is still about, suppose you don't always know how things get worked out. (Ali, University C). This could mean that while the Act provides a solid foundation, its interpretation and application are often influenced by evolving case law and the societal context. Such a view suggests that the Equality Act is a living document that needs constant adjustments and updates (see next section) to stay effective and relevant in a changing societal landscape.

Jo, on the other hand, stresses the importance of individual advocacy in the Equality Act's enforcement. Jo notes that, 'I think it comes from people saying standing up and saying, I can be counted now or I can be protected, or I matter. And I need that my workplace to recognise that'. This may indicate that the effectiveness of the Equality Act relies heavily on individuals asserting their rights and institutions recognising and responding to these claims. Jo's perspective implies the need for active participation from both individuals and HEIs for the Act to reach its full potential in promoting equality.

The insights provided by Ali, Robin, and Jo collectively illuminate the complexities implementing the Equality Act 2010 in HEIs. Although the Act provides a foundation for equality, as Ali suggests, its effectiveness can be hampered by the vagueness and ambiguities inherent in its interpretation and application. Additionally, as Robin observes, the Act's protection of personal beliefs does not automatically sanction behaviours stemming from these beliefs. This emphasises the tension between protecting individual freedoms and maintaining a respectful, non-discriminatory

environment. I would argue that this highlights the need for clearer guidelines and definitions within the Act, particularly on what constitutes harassment.

Furthermore, Jo's comments highlight the critical role of individual agency and institutional responsiveness in enforcing the Act's provisions. It is clear to me that the Equality Act's full potential in promoting equality can only be realised when individuals assert their rights and institutions proactively respond accordingly.

### 6.3.2 Updates to law

It becomes clear when looking at the interviewees responses that there is a shared sentiment about the limitations of the Equality Act 2010. The Act, while having historically played an instrumental role in the shaping of EDI policies, appears to have fallen behind in its ability to address societal changes and current needs.

Jo (University B) provides a persuasive commentary on the current state of the Equality Act, stating that, 'the way that legislation is in this country is it's sort of now a bit behind, you know, 2010 was, you know, 12 years ago, and the amount that things have changed in that amount of time, it's significant'. This observation implies a pressing need for the Act to be updated, with the aim of accurately reflecting the evolving societal landscape. Perhaps this indicates that the law, in its current state, is somewhat disconnected from the realities of our society

Ali's (University C) response builds on Jo's (University B) sentiment. Ali indicates that 'things are moving ahead, I suppose at a faster pace than the Equality Act can sound to keep up with'. This statement can be interpreted as a critique of the Act's lack of

agility. It is possible that the Act, due to its rigid nature, is struggling to adapt to the rapid HEI changes. This potentially exposes a significant flaw in the Act's design.

Robin (University B) provides a specific instance where the Act's limitations become apparent. Robin notes that the Act fails to provide a clear definition of 'transition' in the context of trans equality. Robin states, 'because it talks about, you know, people are protected from the moment that they [trans individuals] tell you that they are intending to transition and what they [the Equality Act 2010] mean by transition isn't clear'. This lack of clarity could be indicative of broader shortfalls in the Act's language and interpretation. It suggests that the Act may be failing to provide adequate protection and guidance for certain groups, especially those within the trans community.

During the interviews Ali, Robin, and Jo discussed the topic of the Equality Act in relation to gender terminology, and their implications in academia. While all three individuals recognise the worth of the Equality Act, they share a sentiment that the language of the legislation could benefit from clarification and expansion to include all gender identities more definitively.

Jo expresses a concern over the lack of explicit protection for non-binary individuals in the Equality Act:

Binary people are protected under the Equality Act, within the definition of gender reassignment. But the wording of the Equality Act doesn't specifically say that what we have now is a case, is case law, that shows in practice, it

can be read that way. But it's not codified into the statute...the university will recognise non-binary people as being protected. But then how that works in practice is, is not as secure as it could be, because it's not written into our legislation in the UK. (Jo, University B).

This statement could indicate that Jo believes the protection of non-binary people under the Act is subject to interpretation and is therefore possibly precarious. They imply that the Act's effectiveness in safeguarding non-binary individuals may depend on each institution's understanding and application of the law. This could also have further implications for trans and non-binary individuals who work and/or study at different HEIs as a lack of coherence within HEIs and may see '*most minoritised*' (Jessie, University D) having to work unpaid to improve university culture.

Robin (University B), on the other hand, advocates for a clearer legal language surrounding gender identity. Robin feels that the current debate over gender and sex definitions is potentially damaging and unproductive. Robin states:

I think we need to find a new word. Everyone's arguing over who is gender as a thing I avoided...But I usually talk about sex and gender identity and never use gender on its own. Right. So, I think, I'm not sure a law can ever help us clarify what gender means. But I think it would be really helpful if the law moved to a position of being clear about gender identity, in addition to gender reassignment. (Robin, University B).

From this, we can infer that Robin is pushing for a clearer distinction between biological sex and gender identity in the legal framework, which they believe could potentially minimise misinterpretation and misuse of these terms.

Ali (University C), meanwhile, perceives the Equality Act as a beneficial framework, notwithstanding the ongoing disputes over terminology. Ali views the Act as a guide that institutions can refer to in their equality efforts but also emphasise the importance of surpassing its directives. Ali expresses, 'So I think it gives a structure and a framework in relation to ensuring that we are meeting the regulations that are part of the Public Sector Equality Duty that's within the within the act'. This statement could suggest that Ali appreciates the Act as a legal minimum but believes institutions should attempt to improve EDI more broadly.

The dialogue above reveals a shared concern about the clarity and inclusivity of the Equality Act's language. This concern is particularly pertinent given the fluid and evolving language of gender identities. As Jo (University B) points out, the Act's current wording leaves the protection of non-binary individuals to interpretation. This uncertainty could indeed be dangerous.

The recent divergence in the approaches of the UK and Scottish governments concerning trans and non-binary identities sharply reinforces the importance of precise and codified language within the legal framework of equality. The UK government's decision not to amend the Gender Recognition Act 2004, thereby maintaining the necessity of a medical diagnosis for legal gender change (GOV.UK, 2020), contrasts with proposed reforms in Scotland (Scottish Government, 2020).

This legislative split immediately exposes the precariousness of the Equality Act 2010's statutory definitions, highlighting critical implementation gaps: for instance, Robin (University B) noted that the Act fails to provide a clear definition of 'transition', stating: 'what they [the Equality Act 2010] mean by transition isn't clear'. This lack of clarity transforms trans and non-binary protection into an interpretive challenge, rather than a fixed legal certainty, demanding greater definitional precision to secure equitable institutional enactment on the other hand, the Scottish government proposed to simplify legal gender recognition, including for non-binary individuals (Scottish Government, 2020).

The practitioner imperative to secure protection leads advocates, such as Robin (University B), to argue for a clearer legal distinction, proposing a focus on 'gender identity' rather than 'gender' to minimize confusion and misuse of terms. Robin's pragmatic appeal stems directly from the Interpretive Space constraint of existing law, evidenced by the ambiguity of foundational terms: 'what they [the Equality Act 2010] mean by transition isn't clear'. However, integrating this solution with the thesis's theoretical framework suggests the risk of reductionism; codified clarity, while offering security, can simultaneously narrow the interpretative space in ways that align with cisheteronormative norms. This tension is acutely illustrated by the role of the EHRC, whose recent review of single-sex and gendered space policies demonstrates how cisheteronormative norms can persist within institutions even in compliance contexts. Therefore, pursuing precise statutory definitions risks replacing legislative ambiguity with a form of codified reductionism, where inclusion becomes legally sound but structurally limited to reductive categories, often functioning as 'caution tape' rather than a mechanism for material redistribution

As Ali (University C) suggests, the Equality Act 2010 serves as a beneficial framework that guides institutions in their equality efforts. Yet, it could be the case that simply meeting the regulations of the Act is insufficient. Therefore, institutions should strive to surpass these directives, particularly considering ongoing debates and evolving understandings of gender identities.

Jessie (University D), on the other hand, adopts a more assertive stance. Jessie makes a strong call for a comprehensive re-evaluation of the Act, asserting that it is 'not fit for purpose' and 'needs to be rewritten and to make it more realistic'. This perspective suggests a fundamental dissatisfaction with the Act's effectiveness in its current form. It amplifies the call for reform, suggesting that incoherent adjustments may not be sufficient to address the Act's perceived failings: Jessie states:

It [the Equality Act 2010] needs to be looked at in today's context and where it also needs to take into account, class and poverty, austerity, they need to be included in that, in that to make it effective....And that's a get out clause for all institutions, not just universities, they, they, will do the bare minimum in order to get through the scrutiny and in order to get the funding from the Scottish Funding Council. So no, I don't think it's fit for purpose, the Equality Act, it needs to be rewritten and to make it more realistic. For what, what, is needed in 2022. Post COVID. And the economic situations that we're living in! (Jessie, University D)

These responses suggest that the Equality Act 2010, which may have been a significant step forward at its inception, now appears to be out of step with the

current societal norms and challenges. This could imply that there is a pressing need for lawmakers, i.e. the government to revisit and revise the Act to ensure it remains a powerful, relevant tool for promoting EDI. The task at hand appears to be a challenging, requiring not only an understanding of the complex social dynamics at play but also a willingness to question and reshape the established norms of equality legislation.

The prospect of meaningful reform under the current government seems bleak, particularly given the stances of figures such as Kemi Badenoch. Badenoch, the Minister for Women and Equalities, has been criticised for her handling of trans issues, with many arguing that she fails to adequately protect and advocate for the trans community (Smith, 2021). Additionally, there is a concerning trend among some Conservative MPs, including former Prime Minister Boris Johnson, of making disparaging remarks about the LGBT+ community. For instance, Johnson has previously referred to gay men as 'tank-topped bumboys' (Haynes, 2019) which raises questions about his commitment to advancing LGBT+ rights and equality. It could be the case that if individuals with such views hold positions of power, the necessary updates to the Equality Act 2010 may not materialise. This, coupled with the apparent dismissal of the importance of class, poverty, and austerity in equality legislation, as highlighted by Jessie (University D), suggests that there are significant barriers to the Act's improvement. Thus, a concerted effort must be made to challenge and hold these individuals accountable, and to push for the necessary legislative changes to ensure the Equality Act 2010 is updated accordingly.

## 6.5 Conclusion

Across these narratives, practitioners described equality work as both a possibility and a constraint. Eddie (University A) observed, ‘every answer you give in this job is partly political, you have to keep the language safe.’ This captures the interpretative space (Smith, 2021; Ball et al., 2012) in which EDI staff navigate between conviction and compliance. Robin’s (University B) description of bureaucratic pressure demonstrates the weight of material supports (Collins, 2019; Butler, 2004); Eddie’s gender-violence module embodies a creative instrument mix (Hudson et al., 2019; Barnhizer, 2013; Priestley and Philippou, 2018); and Jessie’s (University D) emphasis on collective design shows the potential of collaborative governance tempered by the risk of policy sabotage (Ahmed, 2012; Ball et al., 2012). These experiences demonstrate that policy enactment in HEIs is not a failure of will but a negotiation of legal, managerial and ethical logics.

# Chapter 7 – Discussion

## 7.1 Introduction

This research aimed to examine the development and impact of LGBTQIA+ EDI policies within Scottish HEIs following the implementation of the Equality Act 2010, with a particular focus on LGBTQIA+ inclusivity. The study sought to address four research questions:

- **RQ1:** How have official university policies evolved in relation to EDI issues and protections following the Equality Act 2010?
- **RQ2:** What types of LGBTQIA+ inclusive programming have EDI leaders implemented at universities to align with institutional policies?
- **RQ3.1:** How do university EDI leaders perceive the usefulness of LGBTQIA+ programming in serving LGBTQIA+ individuals within their institutions?
- **RQ3.2:** What are the perceptions of EDI leaders regarding the role of EDI policies in facilitating or restricting the implementation of quality LGBTQIA+ programming?

Furthermore, the research aimed to understand the views of EDI leaders regarding the role of EDI policies in either enabling or hindering the implementation of effective LGBTQIA+ programming.

## 7.2 Summary of key findings

The analysis provided in Chapter 4 and the data from interviews in Chapters 5 and 6 of this thesis yielded several key findings in relation to the research questions. The findings suggest that the implementation and enactment of EDI policies is inconsistent across Scottish universities, as policies remain fragmented due to inconsistent action and lack of departmental collaboration.

This inconsistency reflects the challenges of translating national equality legislation into institutional mechanisms and cultures, rather than a simple failure of practice. As Chapters 4 and 6 illustrate, the Equality Act 2010 sets the legislative floor, but its interpretation within universities is mediated by local leadership priorities and organisational structures (sections 4.2.3–4.2.6; 6.2.7–6.2.9). This translation problem exposes what Hudson et al. (2019) call the *interpretative space* between policy intent and institutional enactment, where meaning is shaped by culture, knowledge, and resources. These findings align with Ball et al. (2012), who highlight how policy enactment varies depending on the actors responsible for implementation, particularly when leadership changes disrupt continuity of support for diversity work (section 2.2.6).

The findings also indicate that despite the legal protections in place, many universities face significant barriers to translating policy into meaningful institutional mechanisms, particularly in terms of leadership engagement, institutional culture, training, and intersectional considerations.

The findings indicate that the concept of intersectionality is essential in understanding how LGBTQIA+ individuals experience inclusivity within university policies. Many of the policies reviewed in Chapter 4 focus on singular aspects of identity, such as sexual orientation, without adequately addressing the compounded marginalisation faced by those with intersecting identities, such as LGBTQIA+ people of colour or those with disabilities. This aligns with existing literature, explored in this chapter, which argues that policies must be holistic to capture the lived realities of individuals with multiple minority identities. The analysis suggests that by

failing to adopt an intersectional lens, current LGBTQIA+ EDI policies limit their effectiveness in truly supporting diverse LGBTQIA+ students and staff.

The absence of an intersectional approach is not merely a philosophical omission; it structurally manifests through fragmented institutional mechanisms and resource deficits that actively resist integrated equality work. This failure is acutely visible in the breakdown of organizational processes and collaboration, leading to initiatives becoming 'scattered'. Participants consistently reported a structural tendency toward compartmentalisation, confirming EDI work operates in 'silos' (section 6.2.8, 6.2.9), which severely compromises the capacity for 'connections, collaborations, and communication' necessary for structural change (section 6.2.8). Jessie (University D) captured this fragmentation, expressing being 'scunnered' by the 'siloes approach' where issues like 'LGBT, over there. Gender Based Violence over there... and race, right, you know, it's we're all scattered" (section 6.2.9).

This siloing is a failure of Governance/Sabotage (GV) sustained by weak Material Supports (MS). The non-intersectional framing translates into procedural inefficiency, notably the duplication of policies for staff and students, which Robin (University B) found complicated and unnecessary, observing two policies often 'saying the same thing' (section 6.2.9). This segmented policy architecture limits the Interpretive Space (IS) for holistic, intersectional action. This structural fragmentation is further reinforced by the finding that EDI policies operate with insufficient material supports for cross-identity work. This deficit forces EDI work to rely on policy instruments that treat equality strands in isolation (sections 6.2.1 and 6.2.5), a failure noted in the NESO's critique of national-to-institutional policy transfer (section 5.3).

This resource shortfall is strategically maintained by senior leadership acting as 'gatekeepers' (section 6.2.7.3), controlling access to funding and enabling Governance through Scarcity (section 5.7.3). By withholding resources for integrated work, institutions maintain a policy structure that prioritizes symbolic recognition over the structural investment required for redistribution, a core critique of neoliberal policy enactment. These findings align with Hill Collins (2019), who argues that intersectionality must inform the social theory of institutions if equality measures are to move beyond tokenistic categorisation. The resultant structural fragmentation, therefore, acts as the organizational mechanism through which non-intersectionality is perpetuated.

### 7.3 Policy enactment and the Equality Act 2010

The Equality Act 2010 mandated inclusivity within educational institutions, which led to the creation and continual update of policies as outlined in section 4.1.2. These policies formally addressed sexual orientation and gender identity as protected characteristics.

While the Equality Act establishes a national legal framework, its translation into institutional policy instruments is mediated by local governance structures and resource arrangements. As the document analysis in Chapter 4 shows, institutional EDI policies frequently reword statutory duties into internal mission statements without creating enforceable mechanisms for implementation (sections 4.1.2; 4.2.3–4.2.4). This reflects what Hudson et al. (2019) describe as the *interpretative space* in which national policies are reinterpreted through the lens of institutional priorities and cultures. These findings align with Ball et al. (2012), who argue that policy enactment is contingent on local actors' capacity and understanding (section 2.2.6).

However, as interviews with participants highlighted, the implementation of these policies has been inconsistent. Jessie from University D expressed concern that the responsibility for actioning policies was left to individual departments, resulting in uneven implementation (section 6.2.9). Robin from University B echoed this concern, pointing out that the practical application is often hindered by a lack of clarity over responsibility (section 6.2.9).

These accounts underscore how governance gaps and fragmented accountability weaken the translation of national equality duties into institutional practice. Similar patterns were observed in other institutions, where EDI leaders described diffuse responsibility for policy ownership and monitoring (sections 6.2.9). At the national level, the NESO noted that universities often interpret statutory obligations independently, creating uneven compliance across the sector (section 5.5.1). This pattern exemplifies governance through scarcity, where limited resources and oversight lead to symbolic rather than substantive enactment of equality law.

In my literature review (section 2.2.6), I mentioned that policies are subject to interpretation and enactment based on the local institutional context. As Brooks et al. (2021) argue (section 2.4), policies often exist to meet legal requirements rather than as part of a concerted effort to drive cultural transformation. Peim (2012) also highlights how the neoliberal agenda in higher education encourages a compliance-driven approach to policy-making, where institutions implement policies for public image or legal compliance rather than to bring about genuine inclusivity (section 2.2.5.1).

This neoliberal compliance culture can also be read through Ahmed's (2012) concept

of non-performativity, where the institutional language of equality fulfils reputational goals without producing structural change. Within this study, participants described how equality initiatives were often subsumed within branding exercises, echoing Peim's (2012) critique that neoliberal governance converts moral imperatives into administrative checklists. Evidence from the NESO and from Universities B and D supports this reading, as EDI policies were praised publicly yet under-resourced internally (sections 5.5; 6.2.7–6.2.9).

The findings from this research highlight several critical implications for policy and practice. Despite the Equality Act 2010 providing a clear legal framework, the on-the-ground implementation of these policies is hampered by inconsistent leadership and departmental fragmentation. This reflects Bryce and Humes (2018), who suggest that many universities are more focused on market-driven objectives than on developing authentic inclusivity practices (section 2.2.4.5). This compliance-first mentality undermines the potential for universities to create policies that enable meaningful shifts in institutional culture. Therefore, I would argue that leadership training should be a priority, with a focus on educating leaders about the importance of inclusivity beyond legal compliance. Additionally, I would say that HEIs should develop cross-departmental accountability structures to ensure that policies are implemented consistently across all areas of the institution.

Participant narratives consistently revealed that leadership interpretation shapes the degree to which equality law becomes embedded within institutional culture. In University D, frequent leadership changes caused policy priorities to shift (section 6.2.7.1), while NESO advisors described how senior leaders often treated compliance as the endpoint of their duty (section 5.4). Addressing this translation

gap therefore requires not only leadership training but a reconfiguration of governance structures to ensure continuity, accountability, and institutional learning, features central to the governance and interpretative-space lenses underpinning this thesis.

## 7.4 Performative inclusivity

The concept of performative inclusivity, where institutions adopt diversity initiatives for public relations purposes rather than genuine transformation, was raised by multiple participants. For example, Taylor from the NESO discussed how universities often focus on high-visibility events, such as Pride celebrations, to showcase their inclusivity, but failed to provide adequate internal support structures for LGBTQIA+ students and staff (section 5.5). Jessie (University D) also expressed frustration that the university was more interested in maintaining a positive public image than addressing the needs of individuals on HEIs campuses: ‘Are we there to tick boxes?’ (section 6.2.7.2).

These examples illustrate the limitations of translating national equality commitments into institutional mechanisms that prioritise visibility over substance. Within the analytical framework of this study, performative inclusivity represents a distorted *instrument mix* in which symbolic actions, parades, campaigns, and branding, dominate at the expense of operational instruments such as resourced training, accountability metrics, and data monitoring (see Chapter 4, sections 4.2.3 and 4.2.6). This imbalance was also identified by the NESO, which noted that universities often equate compliance with public image management rather than structural

change (section 5.4). Across the interviews, staff expressed frustration that such displays of commitment rarely translated into concrete institutional reform (sections 6.2.7 and 6.4.8).

These findings reflect Ahmed's (2012) definition of equality which suggests that it is not just about treating everyone the same; it is about ensuring everyone has the same opportunities to succeed and thrive (section 2.10.1). Köllen (2016) refers to this as tokenism, where diversity policies are introduced for symbolic purposes rather than to address the structural inequalities faced by marginalised groups (section 2.8.2).

As analysed in Chapter 4, university EDI policies often reproduce the same performative logic: language that signals commitment without embedding mechanisms for accountability (sections 4.2.3–4.2.6). Ahmed (2012) conceptualises such gestures as *non-performative equality*, speech acts that name inclusion but fail to materialise it. Köllen (2016) extends this critique through the notion of *tokenism*, in which diversity is displayed as institutional virtue while power relations remain unchanged. Together, these perspectives reveal how performative inclusivity narrows the interpretative space for genuine transformation, reducing equality law to symbolic compliance.

The implications of performative inclusivity and tokenism are significant, as they limit the potential for genuine cultural transformation within HEIs. As Credit Suisse (2016) and Sundberg et al. (2021) argue, these initiatives often create a false sense of progress, where LGBTQIA+ individuals feel unsupported despite visible efforts to promote inclusivity (sections 2.8.2, - National Education Staff Organisation). This

approach can also damage trust between marginalised communities and the institution, as LGBTQIA+ individuals may perceive these efforts as hollow or insincere. Chicas-Mosier et al. (2023) note that when universities prioritise external recognition over internal reforms, they risk alienating the very communities they claim to support (section 2.8.2). The tension between visibility and authentic engagement is starkly visible in institutions like University D, where public-facing initiatives stand in complete contrast to the lack of substantive internal support mechanisms for LGBTQIA+ staff and students.

The persistence of performative inclusivity demonstrates how governance structures and resource scarcity sustain a narrow interpretation of equality work. As several participants observed, senior leaders often prioritised reputational benefits over long-term culture change, echoing examples of fragmented responsibility and limited follow-through across universities (sections 6.2.9). Addressing this imbalance requires reconfiguring the *instrument mix* to privilege internal structural tools, such as sustained funding, embedded accountability, and leadership evaluation, over external visibility measures.

## 7.5 Training and capacity building: knowledge gaps

Training has emerged as a critical area for developing a genuinely inclusive environment, especially for LGBTQIA+ communities within HEIs.

Within the context of this study, training functions as a key *material support* that translates national equality legislation into institutional mechanisms. As the document analysis revealed, most post-Equality Act policies identify training as the primary vehicle for embedding legal duties (section 4.2.4), yet interview data show

that such programmes rarely extend beyond compliance awareness (sections 6.2.1–6.2.3). The NESO similarly emphasised that universities tend to substitute short, generic training for deeper engagement with structural inequalities (section 5.5.1).

Across several interviews, the data suggest that there is an inadequacy of current EDI training programs, which are often generic and fail to equip staff with the specific knowledge required to support LGBTQIA+ individuals. For example, Adrian from University A noted that while some form of EDI training exists, it remains one-size-fits-all and does not address the nuanced needs of transgender and non-binary students (section 6.2.2). Similarly, Drew (University A), Ali (University C), and Jessie (University D) argued that without bespoke, context-specific training programs, the staff are left underprepared to effectively deal with complex identity-based issues (sections 6.2.1, 6.2.5).

These accounts reveal that training is not merely a technical exercise but a site where the *interpretative space* of policy is negotiated. Ahmed (2012) notes that diversity work often “keeps happening because the conditions that make it necessary have not been eliminated,” a dynamic evident here as staff repeatedly re-engage with the same introductory material without institutional change. This aligns with the policy clauses analysed in Chapter 4, which position training as a demonstration of compliance rather than as a mechanism for transformation (sections 4.2.4 and 4.2.6).

These findings are consistent with Davy et al. (2015), who argue that training must be tailored to the specific community it aims to serve, particularly for marginalised LGBTQIA+ individuals (sections 2.14.1, 2.14.2). These findings are also supported

by Bachmann and Gooch (2018), as well as Jackson and Sundaram (2015) and Nguyen et al. (2018) (section 2.14.4), as they suggest that LGBTQIA+ and anti-discrimination policies must be critically examined to develop tailored approaches, including training, that resist the mistreatment of LGBTQIA+ individuals on university campuses. Without specific training focused on LGBTQIA+ issues, these policies remain symbolic rather than transformative, as suggested by Ahmed (2012) and Köllen (2016) (section 2.14.3).

Read through the *material supports* lens, these findings suggest that universities rely on low-cost, high-visibility instruments that preserve institutional image while underinvesting in sustained professional learning. This pattern was reinforced by Charlie from the NESO, who described the lack of funding and continuity for intersectional training (sections 5.5, 5.7.3). Hill Collins (2019) similarly reminds us that knowledge production is a site of power, and that without critical, intersectional education, institutions reproduce exclusionary norms under the guise of learning.

The failure to provide adequate, specific training has significant implications for the inclusivity of HEIs. General EDI training, while useful for raising awareness, does not equip staff with the necessary tools to support marginalised communities, particularly those within the LGBTQIA+ spectrum. This gap in knowledge leads to ineffective policy implementation and contributes to the ongoing marginalisation of these groups within the institution.

The persistence of this knowledge gap also demonstrates how governance through scarcity limits the transformative potential of training. As participants from

Universities A and D observed, leadership engagement is sporadic and funding allocations minimal (sections 6.2.7–6.2.9), reflecting a neoliberal logic in which inclusion becomes an optional enhancement rather than a structural necessity (Peim, 2012, section 2.2.5.1). This again illustrates how the interpretative space of equality policy is constrained by managerial priorities and market rationalities.

Furthermore, intersectional challenges, as discussed by Charlie from the NESO and Jessie from University D (sections 5.5.1, 6.2.5), require a deeper understanding of how race, disability, and sexual orientation intersect, and there is a need for a diverse number of individuals ‘around the table’ to create meaningful changes. Without adequate training on intersectionality, policies fail to address the combined forms of discrimination faced by some LGBTQIA+ students and staff.

From a framework perspective, this reveals an absence of joined-up *instrument mix*, where intersectional policy intentions fail to materialise through corresponding material supports. The analysis of policy texts (section 4.2.1) and participant data (sections 6.2.1 and 6.2.5) both show that intersectionality remains rhetorical rather than operational. This echoes Crenshaw’s (1989) argument that structural systems must evolve to accommodate complex identities and supports Pryor’s (2023) call for intersectional competence as a measurable component of equality leadership.

### 7.5.1 Recommendations

Universities must implement bespoke training programs tailored specifically to the needs of LGBTQIA+ individuals to ensure that training contributes to meaningful cultural change. The following actions are recommended:

1. **Tailored LGBTQIA+ Training:** Institutions should develop LGBTQIA+-specific training modules that address not only sexual orientation and gender identity but also intersectional challenges, such as the compounded forms of discrimination faced by LGBTQIA+ people of colour or disabled LGBTQIA+ individuals. As noted by Abdullahi and Othman (2020), without intersectionality, training programs risk being ineffective and exclusionary.
2. **Regular, Ongoing Training:** Universities should ensure that training is not a one-off event but part of an ongoing process of learning and development. EDI training should be revisited regularly, with updates based on feedback and changing cultural contexts. Eddie from University A and Robin from University B highlighted the dangers of treating training as a box-ticking exercise, where once it is done, further engagement with LGBTQIA+ issues is limited.
3. **Inclusion of Case Studies in Training:** Training programs should include real-world examples and case studies that demonstrate effective approaches to LGBTQIA+ inclusivity in other sectors, as well as in education. This would provide staff with practical tools to implement these policies in their daily work. Farr et al. (2024) suggest using success stories from other HEIs to show how targeted interventions can foster inclusivity.
4. **Feedback Mechanisms:** Universities should establish feedback loops to continuously assess the effectiveness of training. Participants should be encouraged to provide feedback on the relevance and depth of the content, which can then be used to refine and improve future training sessions.

5. Inclusive Curriculum Design: Beyond staff training, institutions should ensure that inclusivity is embedded within the curriculum, using diverse case studies and examples that reflect LGBTQIA+ perspectives. As suggested by Linley and Nguyen (2015), curriculum design should highlight the contributions of LGBTQIA+ individuals in various fields, which can foster greater visibility and inclusion in academic environments.

## 7.6 Intersectionality

One of the major blind spots across EDI policies in Scottish HEIs is the lack of attention to intersectionality.

This omission underscores a deeper challenge in translating the Equality Act's universalist framing into institutional mechanisms that recognise intersecting inequalities. Within the analytical framework of this study, intersectionality exposes the limits of the *interpretative space* available to universities: while the law requires broad equality compliance, institutional actors interpret these duties through singular, siloed categories that reproduce exclusion (sections 4.2.1 and 5.3).

Policies mentioned in section 4.2.2, while addressing LGBTQIA+ inclusivity, mostly fail to acknowledge the compounded forms of discrimination faced by students and staff who belong to multiple marginalised groups, such as LGBTQIA+ students of colour or disabled LGBTQIA+ individuals. Eddie and Drew (University A) and Jessie (University D) discussed the idea that although there is a form of bespoke training, it is not intersectional (section 6.2.1). This also resonates with Taylor (NESO), who highlighted the need for policies to be more inclusive of individuals at the intersections of race and gender identity from a national point of view in the Equality

Act to policy in HEIs (section 5.3).

The accounts of Eddie, Drew, and Jessie further reveal how intersectionality is constrained by limited *material supports* and governance attention. Participants described a lack of time, funding, and leadership will, to address compounded identities (sections 6.2.1, 6.2.5). Charlie from the NESO (section 5.5.1) similarly identified insufficient coordination between government guidance and institutional resources, suggesting that intersectionality remains an unfunded mandate rather than a supported strategy.

Pryor (2023) emphasises the importance of adopting an intersectional approach to LGBTQIA+ policy, ensuring that the experiences of individuals with multiple marginalised identities, such as race, gender, and sexuality, are fully recognised (section 2.14.4). The failure to account for these intersecting identities in current policies reinforces Pryor's (2023) argument that inclusivity efforts often overlook the most vulnerable members of the LGBTQIA+ community.

These findings reinforce Crenshaw's (1989) conception of intersectionality as both an analytical and structural imperative. Hill Collins (2019) extends this, arguing that institutions often domesticate intersectionality through bureaucratic simplification, stripping it of its radical critique. Within Scottish HEIs, this bureaucratisation narrows the interpretative space for intersectional policymaking and allows governance inertia to persist. As Rankin et al. (2019) and Levrau and Clycq (2020) note, when intersectionality is not embedded structurally, institutions risk reinforcing the very hierarchies equality law seeks to dismantle.

The failure to adopt an intersectional approach to LGBTQIA+ EDI policies has serious implications for the inclusivity of HEIs. Without addressing how race, disability, and socio-economic background intersect with LGBTQIA+ identities, universities risk leaving behind those who are most vulnerable. Levrau and Clycq (2020) argue that a lack of intersectionality in policy-making exacerbates the marginalisation of students and staff with intersecting identities, further entrenching existing inequalities (section 2.10.1).

The documentary analysis also revealed an absence of intersectional data collection frameworks (section 4.2.6), while participants noted that even where such data exist, they are seldom used to inform practice (sections 6.2.6 and 6.2.9). The NESO argued that this evidences a failure of material supports, as universities are rarely resourced to gather or analyse intersectional data meaningfully (section 5.5.1). This gap between available knowledge and actionable capacity exemplifies the incomplete translation of equality law into operational mechanisms.

The absence of intersectional data also limits the ability of universities to craft effective policies. Abdullahi and Othman (2020) note that without comprehensive data on the intersections of identity, universities are unable to develop evidence-based policies that reflect the realities of their student and staff populations (section 2.2.6). Matsuno and Budge (2017) further argue that intersectionality is crucial for understanding the lived experiences of LGBTQIA+ individuals, particularly those who face multiple forms of marginalisation. Formby (2017) suggests that a move beyond the current 'tick-box' approach is necessary for lasting change, a perspective that resonates with the study's findings on policy effectiveness.

This echoes Ahmed's (2012) argument that diversity work often stops at the point of representation, rather than extending into structural repair. Staff described the exhaustion of performing inclusion without institutional reinforcement, linking intersectionality to the emotional labour discussed later in this chapter (sections 6.2.8 and 5.4). These observations further illustrate how limited interpretative space, and weak material supports sustain non-performative equality practices.

Recommendations for Scottish HEIs, therefore, include adopting context-specific, intersectional policies that are continuously evaluated and adapted to reflect the evolving needs of LGBTQIA+ students. Such a proactive approach, as Formby advocates, would promote inclusivity as a core institutional value rather than a compliance measure.

### 7.6.1 Recommendations

HEIs should transition to an intersectional lens in their EDI policies to ensure that they address the specific challenges faced by students and staff with multiple marginalised identities. This could involve creating intersectional task forces within EDI departments to review and update policies, ensuring that they are comprehensive and inclusive, but of course, this would be contingent on EDI staff being resourced appropriately (see below). For example, policies should be revised to explicitly address the intersections of race, disability, and socio-economic status with LGBTQIA+ identities as we are defined by more than one characteristic. Additionally, universities should prioritise the collection of intersectional data, allowing them to develop evidence-based policies that reflect the diversity of their communities.

## 7.7 Leadership, resistance, and institutional culture

Leadership emerged as a critical factor in the success or failure of EDI initiatives.

Within the framework of this study, leadership operates as the central *governance* mechanism through which national equality legislation is translated into institutional policy and culture. As the document analysis demonstrated, post-Equality Act policies often delegate accountability to senior management without clarifying oversight or evaluation structures (sections 4.2.3–4.2.4). Interview data revealed that this ambiguity leaves EDI leaders to interpret policy intent within variable institutional cultures, leading to uneven translation across contexts (sections 6.2.7–6.2.9).

Jessie from University D and Robin from University B both noted that leadership turnover often resulted in inconsistencies in the implementation of inclusivity policies, with new leaders deprioritising or reshaping existing initiatives (sections 6.2.7.3). Ali from University C described how senior leaders often acted as gatekeepers, controlling access to the resources needed for effective policy enactment.

This gatekeeping reflects what Ball et al. (2012) call *policy sabotage*, where individuals or departments consciously or unconsciously obstruct policy enactment to protect existing hierarchies (section 2.2.6). Similar dynamics were identified by Charlie and Taylor from the NESO, who described how universities' market-oriented priorities often redirected EDI resources towards branding or external accreditation exercises rather than substantive change (sections 5.4 and 5.5.1). Such practices

illustrate governance through scarcity: institutional control is maintained by rationing access to EDI funds, roles, and influence.

These findings align with Sundberg et al. (2021), who highlight the importance of stable and committed leadership in sustaining long-term EDI efforts, without which initiatives often lose momentum and become fragmented.

From an *interpretative space* perspective, leadership turnover not only disrupts continuity but also resets institutional memory about what inclusion means. Jessie (University D) described how each new leader redefined EDI priorities, erasing prior progress (section 6.2.7.1). Charlie (NESO) echoed this nationally, noting that shifting leadership discourses produce cyclical commitment without embedded practice (section 5.4). These fluctuations reveal how interpretative instability undermines the translation of equality law into sustained institutional mechanisms.

The resistance or lack of commitment from institutional leadership has profound implications for the effectiveness of LGBTQIA+ EDI initiatives. Without sustained leadership support, policies are likely to remain underfunded and deprioritised, limiting their impact on institutional culture. Pryor and Hoffman (2021) argue that leadership is critical in ensuring that EDI policies are not just symbolic but become integral to the institution's operations. These findings align with Ball et al. (2012), who highlight how policy enactment can vary depending on the individuals responsible for implementation, particularly when leadership changes disrupt the continuity of support for diversity work (section 2.2.6).

Evidence across Chapters 4 to 6 supports this. The document analysis shows that

policy language around leadership responsibility is often aspirational rather than enforceable (sections 4.2.3–4.2.4), while interview data highlight how market pressures divert leadership attention from structural equality to reputational management (sections 6.2.7.1, 6.2.9). As Peim (2012) observes, neoliberal governance converts social justice into an administrative checklist, limiting the moral and cultural reach of equality law (section 2.2.5.1).

The emotional labour required to advocate for and implement diversity and inclusion initiatives was a recurring theme across interviews. Eddie from University A and Adrian from University A both discussed the strain of continually pushing for inclusivity in an environment where their efforts were often underfunded or unsupported (sections 6.2.8). Charlie from the NESO similarly noted the emotional toll of constantly advocating for change, especially in the face of institutional inertia and resistance (section 5.4).

This emotional dimension also represents a hidden *material support* deficit: universities depend on the affective labour of EDI staff to uphold equality commitments without allocating sufficient structural resources. Ahmed (2017) conceptualises this as *complaint work*, where the burden of sustaining institutional conscience falls on those marginalised within it. Participants such as Eddie and Adrian (University A) and Charlie (NESO) described exhaustion, self-censorship, and burnout resulting from constant advocacy within unsupportive structures (sections 6.2.8 and 5.4).

These findings are consistent with Bhopal and Henderson's (2021) argument that EDI initiatives can sometimes place an additional burden on marginalised staff,

particularly when these initiatives are underfunded or lack institutional support (section 2.8.3). The resource constraints faced by institutions like University A and University D further exacerbate this issue, with EDI staff expected to deliver meaningful results with minimal support. This reflects Mintz's (2021) argument that the principles of academic capitalism can lead to universities prioritising market-driven objectives, potentially leaving less room for social justice initiatives and contributing to EDI staff being overburdened and undervalued (section 2.2.2).

These patterns reaffirm the idea that emotional labour functions as a compensatory mechanism within governance systems that under-resource equality work. As Bhopal and Henderson (2021) suggest, marginalised staff often become the moral infrastructure of the institution, bridging the gap between equality rhetoric and reality (section 2.8.3). The translation of national equality law into institutional mechanisms therefore rests precariously on personal commitment rather than collective responsibility, a key failure of governance through scarcity.

### 7.7.1 Recommendations

These recommendations arise from governance failures identified across Chapters 4–6, where leadership instability, fragmented accountability, and resource scarcity impeded the translation of equality law into institutional mechanisms. From a *governance* perspective, leadership accountability must be structurally embedded rather than reliant on individual commitment. This requires formalising oversight processes and evaluation criteria within institutional policies (sections 4.2.3–4.2.4), ensuring continuity through leadership transitions (sections 6.2.7.1, 5.4), and

safeguarding dedicated EDI budgets to protect equality work from market-driven reallocation (sections 6.2.7–6.2.9).

Leadership training should also function as an interpretative mechanism, equipping senior managers to translate legislative requirements into culturally responsive policy (section 6.2.7). Cross-departmental EDI committees, recommended by several participants (section 6.2.8), can redistribute interpretative authority, allowing equality enactment to move beyond hierarchical bottlenecks. These governance reforms address the translation gap identified earlier, transforming equality law from a symbolic commitment into a shared institutional responsibility.

## 7.8 Emotional labour and the hidden costs of EDI work

The emotional labour required to advocate for and implement diversity and inclusion initiatives was a recurring theme across interviews. Eddie from University A and Adrian from University A both discussed the strain of continually pushing for inclusivity in an environment where their efforts were often underfunded or unsupported (sections 6.2.8). Charlie from the NESO similarly noted the emotional toll of constantly advocating for change, especially in the face of institutional inertia and resistance (section 5.4).

The prevalence of emotional labour in this study reveals how universities have internalised equality work into the affective domain, relying on staff passion to sustain compliance structures. Ahmed (2017) describes this as the institutional “wall,” where equality workers absorb resistance by mediating between ideals and inertia. Hill Collins (2019) similarly frames emotional labour as the gendered and racialised maintenance of institutional conscience. Participants from both the NESO and University A articulated this clearly: they were responsible for performing care

and inclusion within systems that offered little reciprocal support (sections 5.4; 6.2.8). This dynamic illustrates a fundamental deficit in *material supports*, as the emotional effort expended replaces the structural investment required for sustainable equality work.

Emotional labour thus becomes a coping strategy for governance systems that withhold tangible support. Rather than signalling commitment, it exposes the neoliberal logic that underpins EDI work in higher education, one that valorises individual resilience while deprioritising collective responsibility. As Ball et al. (2012) and Bhopal and Henderson (2021) note, this creates a paradox where those most invested in equality bear the heaviest emotional burden (sections 2.2.6 and 2.8.3).

These findings are consistent with Bhopal and Henderson's (2021) argument that EDI initiatives can sometimes place an additional burden on marginalised staff, particularly when these initiatives are underfunded or lack institutional support (section 2.8.3). The resource constraints faced by institutions like University A and University D further exacerbate this issue, with EDI staff expected to deliver meaningful results with minimal support. This reflects Mintz's (2021) argument that the principles of academic capitalism can lead to universities prioritising market-driven objectives, potentially leaving less room for social justice initiatives and contributing to EDI staff being overburdened and undervalued (section 2.2.2).

The emotional toll of diversity work has significant implications for the wellbeing and retention of EDI staff, particularly those from marginalised backgrounds. Without adequate support and recognition, EDI staff are at risk of burnout and disengagement, which can undermine the effectiveness of inclusivity initiatives.

### 7.8.1 Recommendations

To redress these imbalances, recommendations must extend beyond wellbeing provision to address the structural roots of emotional labour. Within the analytical framework, this entails enhancing *material supports* and reforming *governance* so that emotional effort is not treated as an informal subsidy for policy implementation. Participant testimonies and policy review both point to the need for institutional recognition of equality work within workload models, career progression, and leadership evaluation (sections 4.2.4, 5.4, 6.2.8).

The findings indicate that HEIs should implement support systems that recognise the emotional and intellectual labour involved in EDI work. This could include providing mental health resources, counselling services, and regular check-ins to ensure that staff are not overwhelmed by the demands of their roles. Leadership teams should be made aware of the emotional toll of EDI work and take steps to compensate and reward EDI staff appropriately to avoid under-supported work. Implementing such measures would shift emotional labour from an invisible expectation to an acknowledged institutional responsibility, aligning with Ahmed's (2017) call to make "the work of complaint" visible as a collective rather than individual act.

## 7.9 Limitations

While the findings from this study offer significant insights into the implementation and enactment of LGBTQIA+ EDI inclusivity policies within Scottish HEIs, there are several limitations that must be acknowledged.

### 7.9.1 Incomplete understanding of departmental resistance

One of the main limitations of this research is its inability to fully capture the reasons behind departmental resistance to the effective implementation of EDI policies. Although leadership turnover and departmental autonomy were identified as factors influencing the inconsistent enactment of policies, the research does not explore the deeper power dynamics or institutional priorities that may affect policy implementation at a granular level. This limitation is partly a consequence of the interpretative-space lens of the study, which prioritised meaning-making among EDI leaders rather than line managers. Future research might combine this interpretative approach with ethnographic or organisational analysis to examine resistance within departmental hierarchies. Doing so would deepen understanding of how governance through scarcity operates at the micro level (see sections 6.2.9). Future research is required to explore how these structural factors contribute to the fragmented application of inclusivity policies.

### 7.9.2 Lack of comprehensive student and staff perspectives

The study primarily focuses on the perspectives of EDI leaders and other senior staff who are directly involved in policy creation and implementation. As a result, the research does not sufficiently capture the experiences of LGBTQIA+ students, junior staff, and faculty members who interact with these policies on a day-to-day basis. Their insights would provide a more nuanced understanding of how these policies impact the lived experiences of the wider university community and whether they perceive these policies as effective or performative. This focus reflects the study's intent to trace translation processes rather than individual experiences. However, future work could extend the *material supports* lens to students and early-career staff, exploring how resource and knowledge inequalities influence their engagement

with EDI mechanisms. This would help balance the leadership-centric focus of the present study.

### 7.9.3 Insufficient exploration of leadership dynamics

While leadership was highlighted as a critical factor in the success or failure of EDI policies, this study focuses primarily on senior leaders within universities. However, the roles of mid-level managers and faculty members, who are instrumental in shaping the day-to-day enactment of policies, are not fully explored. Additionally, the study does not explore the power dynamics within leadership teams that affect decision-making around resource allocation and policy prioritisation. This gap also reflects the challenges of accessing senior decision-makers during a period of leadership transition in several universities (sections 6.2.7.1, 6.2.7.2). It points to an inherent governance limitation within the research field itself: those shaping policy enactment are often least accessible for scrutiny. This reinforces Ball et al.'s (2012) observation that leadership cultures both create and conceal policy meaning (section 2.2.6). This limits the study's ability to fully understand how leadership influences the enactment of EDI policies across all levels of the institution.

### 7.9.4 Limited insight into emotional labour and its long-term impact

While the study addresses the emotional labour involved in diversity work, particularly among marginalised EDI staff, it does not provide an in-depth analysis of how emotional labour is distributed across different levels of staff within universities. This limitation reflects both time and resource constraints and the ethical complexity of studying emotional labour longitudinally. Applying the *material supports* lens, future studies could employ participatory or arts-based methodologies because

these approaches are particularly suited to exploring the conditions that make policy enactment possible or constrained in practice. In this thesis, material supports are not only formal resources (training, staffing, time, guidance) but also the less visible work that sustains enactment, including emotional labour, informal peer support, and the workarounds staff develop to manage organisational limits. Participatory approaches could strengthen this lens by enabling participants to co-produce accounts of what 'support' looks like in practice and to identify priorities for change from their own standpoint, rather than positioning them only as respondents. Asset-based methods could additionally support participants to represent complex, affective, or embodied experiences, such as fatigue, stress, and cumulative impact or HEI constraint, that may be difficult to capture fully through interview alone. to capture emotional sustainability and the relational dimensions of EDI work beyond policy analysis (see sections 6.2.8 and 5.4). The long-term effects of this emotional burden on staff retention, job satisfaction, and overall wellbeing are not fully explored. Further research is required to investigate how universities can better support EDI staff and mitigate the emotional toll of diversity work, particularly in underfunded and understaffed environments.

#### 7.9.5 Lack of focus on socio-economic factors

The research does not sufficiently address the role that socio-economic status plays in shaping the experiences of LGBTQIA+ students and staff. This omission highlights the interpretative boundaries of the research design: while the Equality Act lists socio-economic disadvantage as a potential axis of inequality, it remains absent from most institutional policy texts (sections 4.2.3–4.2.4). This absence thus mirrors a wider policy silence rather than a methodological oversight. While race, gender

identity, and disability are explored, socio-economic factors, which often intersect with other marginalisations, are not considered in detail. Future research should include a more thorough examination of how socio-economic challenges intersect with LGBTQIA+ identities in the context of higher education, influencing access to resources, opportunities, and support services.

Although this research highlights the need for more comprehensive training programs, it does not capture the perspectives of staff members who participate in these training sessions. Further research is needed to evaluate how current training programs are perceived by staff and how they could be improved to better address LGBTQIA+ issues. Moreover, the study focuses primarily on the training gaps related to EDI leaders and does not explore how training affects faculty members or student-facing staff, who are crucial for implementing policies on the ground.

#### 7.9.6 Methodological and reflexive considerations

There are several limitations to this study that should be acknowledged. Firstly, the relatively small sample size of participants, while rich in qualitative data, limits the generalizability of the findings. The participants, although from diverse institutions and backgrounds, may not fully represent the broad spectrum of experiences of LGBTQIA+ staff and students across all Scottish universities. Additionally, the inclusion of only two participants from the NESO, while providing valuable insights, may not fully capture the breadth of perspectives from third-sector organisations involved in advocacy for LGBTQIA+ rights.

Reflexivity was operationalised throughout the research process using several strategies. First, a reflexive journal was maintained during data collection and analysis to record assumptions and emotional responses. Second, transcripts and emerging codes were discussed with supervisory peers to check for interpretative

drift. Third, cross-referencing between interview and document data (sections 4.2.3–4.2.6; 6.2.7–6.2.9) was used to triangulate meaning. These practices align with Finlay’s (2002) model of reflexivity as “critical self-awareness in relation to the research situation,” ensuring that positionality informed rather than compromised validity.

As a cisgender gay man and EDI professional researching within institutions where I have also worked, my positionality provided insider access but also created potential for bias. Recognising this duality, I adopted a stance of critical reflexivity, viewing my identity as both epistemic resource and interpretative filter. Following Pillow (2003), reflexivity here is not about eliminating bias but about making the researcher’s standpoint visible as part of the analytic process.

Additionally, the use of post it notes and conceptual mapping, while valuable for organising themes, may have inadvertently simplified complex relationships between themes. While this approach helped in managing and visualising the data, it may have limited the depth of some thematic connections. Further research with a larger participant pool or alternative analytical tools could help address these limitations.

Finally, the nature of semi-structured interviews means that while they provide depth, they are also subject to the nuances of the interviewer’s influence on the conversation. Despite efforts to remain neutral, my identity as a gay cisgender man, a member of staff / EdD student at two of the universities in this study, and my personal connection to LGBTQIA+ advocacy could have influenced the participants’ responses. However, reflexivity throughout the research process helped to mitigate these potential biases.

### 7.9.7 Scotland-specific context

While the sample and policy data are limited to Scottish HEIs, the mechanisms analysed, policy translation, governance through scarcity, and interpretative framing, may be transferable to other devolved contexts. However, the findings should be read as illustrative of how policy enactment operates in Scottish HEIs context rather than representative in the sense of sector-wide prevalence across UK HE. The value of this thesis is therefore in the transferable insights it offers into mechanisms and conditions of enactment.

These limitations highlight areas where further research is necessary to fully understand the complexities of LGBTQIA+ inclusivity within Scottish HEIs. Addressing these limitations will require a deeper exploration of departmental resistance, leadership dynamics, intersectionality, and the emotional burden of diversity work. Expanding research to include student and faculty perspectives, as well as other intersecting identities like socio-economic status, will provide a more comprehensive understanding of how inclusivity policies impact the entire university community. Scotland also presents a particularly interesting sociopolitical context that differs from queer, trans, and HEIs research from/about the English context. Exploring Scotland, as entangled in the political dynamics of the wider UK, is thus necessary

### 7.9.8 The role of COVID-19

The COVID-19 pandemic has had a profound impact on educational research, and this project was no exception. One of the most significant effects was on the data collection process. Participants were given the option to conduct interviews either in-person or online via Zoom or Teams, and with the exception of Adrian from University A, all participants opted for virtual interviews. This decision can be attributed to a combination of convenience, the ongoing concerns about health and safety, and the normalisation of virtual communication in both personal and professional settings during the pandemic.

The choice of online interviews had several implications for the research process. Firstly, it allowed for more flexibility in scheduling, which may have contributed to the relatively high participation rate given the context of busy academic schedules. Moreover, the ability to conduct interviews remotely facilitated the inclusion of participants from a range of geographical locations. However, the shift to virtual interviews also had its limitations. Non-verbal communication cues, which are often more easily interpreted in face-to-face interactions, may have been lost or diminished in the virtual environment, potentially influencing the depth of interaction and the richness of the data collected. Additionally, technical issues, though minimal, did occasionally disrupt the flow of conversation.

From a framework perspective, the shift to online methods during COVID-19 also reconfigured the material supports of research practice, introducing new interpretative conditions for interaction. The predominance of online interviews arguably mirrored the hybrid governance structures of HEIs during the pandemic (sections 6.2.7.1–6.2.9), providing insight into how inclusivity is negotiated in virtual spaces.

Overall, the necessity of online interviews due to COVID-19 is reflective of broader changes within the higher education sector. Universities have had to adapt rapidly to new modes of delivery, including online teaching and learning, which in turn has implications for inclusivity. The use of online platforms for interviews mirrors the growing trend towards remote learning environments, where access and engagement may vary for LGBTQIA+ students depending on their personal circumstances.

### 7.9.9 Challenges and reflexivity

Conducting this research involved navigating several challenges, both personal and professional. One significant obstacle was the delay in ethics approval, which pushed back the timeline of the project. This delay not only impacted the overall progress of the research but also required flexibility in managing participant recruitment and interview scheduling. Reflexivity was crucial during this time, as I remained conscious of how these external pressures might influence my approach to data collection and analysis.

Another key challenge was the personal health issues I faced throughout the research process. Balancing these challenges with the demands of an EdD required careful time management and a commitment to maintaining the integrity of the research. Reflexivity here involved an ongoing self-awareness of how my experiences shaped the research process, including how I interacted with participants and approached the thematic coding.

My dyslexia also influenced the methodological choices I made. For instance, I found that manually coding transcripts by hand was more effective than using software due to my learning style. While this approach was time-consuming, it allowed me to

engage more deeply with the data and facilitated the conceptual mapping process that was integral to the development of themes. My reflexivity here was key, as I adapted my methods to suit my strengths and challenges while ensuring the rigor of the research.

## 7.10 Future research directions

While this study has contributed valuable insights into the development and implementation of LGBTQIA+ EDI policies in Scottish universities, there are several avenues for future research. One important area that warrants further investigation is the intersectionality of LGBTQIA+ identities with other axes of diversity, such as race, disability, and socioeconomic status. Understanding how intersectional identities are accounted for in EDI policies could provide a more nuanced approach to inclusivity in HEIs.

Additionally, further research is needed on the role of LGBTQIA+ advocacy groups, such as university resource centres, in shaping policy changes. While this study touched on the influence of staff and advocacy organisations, a more detailed examination of how these groups collaborate with university administration could offer insights into the dynamics of policy implementation.

Another area for future study is the longitudinal analysis of EDI policy evolution. As social attitudes and legal frameworks around LGBTQIA+ rights continue to evolve, tracking how universities respond over time would provide a clearer picture of their commitment to inclusivity. Such research could explore how universities adapt to changes in law, such as the Equality Act 2010, and societal expectations around LGBTQIA+ inclusion.

Finally, there is a need for more research on the lived experiences of LGBTQIA+ students and staff in virtual and hybrid learning environments, particularly in the post-COVID era. As online education becomes more prevalent, understanding the specific challenges and opportunities it presents for LGBTQIA+ inclusion could help universities design more effective and accessible learning platforms.

## 7.11 Conclusion

This dissertation sought to explore the development, implementation, and impact of EDI policies in Scottish HEIs, focusing particularly on LGBTQIA+ inclusivity since the introduction of the Equality Act 2010.

This study has argued that the central challenge is not the existence of equality legislation but the *translation* of national duties, such as those enshrined in the Equality Act 2010, into institutional policy mechanisms, governance practices, and cultures of learning. Through the analytical framework developed in this thesis, encompassing *interpretative space*, *material supports*, *instrument mix*, and *governance/sabotage*, the research has illuminated how meaning, resources, tools, and power interact to shape policy enactment.

These questions guided a critical examination of how legal equality intentions become institutionalised, mediated by the interplay of actors, resources, and cultural logics.

A qualitative methodology was selected as the most appropriate for this study. Semi-structured interviews with EDI leaders and policymakers from four Scottish universities were conducted, alongside an in-depth analysis of pre- and post-Equality

Act 2010 policy documents. This mixed-methods approach allowed for a triangulation of data, ensuring a more nuanced and comprehensive understanding of policy enactment.

This approach recognised that policy translation is a social process occurring within an interpretative space where actors make sense of legislative imperatives through institutional cultures and personal values.

**RQ1:** Findings revealed that while universities have made progress in developing policies aligned with legal protections, many remain performative.

As Chapter 4 demonstrated, the critical policy analysis of university EDI documents revealed that post-Equality Act policies rearticulate national duties into aspirational commitments without embedding enforcement mechanisms (sections 4.2.3–4.2.6). This evidences an interpretative gap between the legislative framework and institutional enactment, supporting Ball et al.'s (2012) contention that policy meaning is produced locally within power-laden contexts (section 2.2.6).

**RQ2:** The study found that EDI leaders implemented initiatives aimed at furthering LGBTQIA+ inclusivity, yet these programmes lacked consistent institutional support. The translation of equality law into programming thus relies on *material supports*, time, funding, and training, which participants identified as inconsistent and precarious (sections 6.2.7–6.2.9). This finding aligns with Ahmed's (2012) concept of non-performative equality and with Hill Collins' (2019) argument that inclusion requires structural investment rather than rhetorical visibility.

**RQ3.1 and RQ3.2:** EDI leaders perceived that existing policies facilitated inclusivity in theory but restricted it in practice.

Across institutions, the *instrument mix* of equality enactment was skewed toward symbolic initiatives, such as charter marks and campaigns, rather than operational mechanisms like data analysis or leadership evaluation (sections 5.4; 6.2.7.1–6.2.9). This imbalance reflects governance through scarcity and exemplifies the performative inclusivity discussed in section 7.2.1.

These patterns call into question assumptions about the inherent effectiveness of the Equality Act 2010 in producing social change. The research suggests that while the Act provides a necessary legal foundation, its practical influence is contingent upon institutional will, leadership stability, and adequate resourcing, variables that lie beyond the Act's reach.

By theorising emotional labour as a missing *material support*, this study extends critical understandings of EDI implementation. It demonstrates that the emotional burden borne by equality practitioners is not incidental but systemic, functioning as a compensatory mechanism within under-resourced governance structures (sections 5.4; 6.2.8). This contributes to ongoing debates on the affective dimensions of diversity work (Ahmed, 2017; Bhopal and Henderson, 2021).

The term “comparative analysis of practices” refers to the examination of multiple institutional and organisational sites, four universities and one national organisation, rather than to a comparison of discrete “best practices.” This cross-case design

allowed the study to trace the movement of equality law across policy levels, illustrating variation in translation processes rather than outcomes.

While the study is situated within the devolved Scottish context, its findings contribute to wider international discussions of equality enactment in neoliberal higher education systems. The analytical framework offers a transferable model for examining how national equality policies are localised through institutional governance elsewhere.

Overall, this thesis contributes to understanding how equality legislation is translated, resisted, and reinterpreted within the governance and culture of higher education. By integrating critical policy analysis with EDI leader perspectives, it exposes the interpretative and material conditions that sustain performative equality. The analytical framework developed here demonstrates how *interpretative space*, *material supports*, *instrument mix*, and *governance/sabotage* interact to explain why inclusion remains more rhetorical than structural.

Theoretically, this research extends critical policy sociology by applying intersectional and queer-feminist perspectives to the study of policy enactment, foregrounding emotional labour as an epistemic resource rather than an ancillary theme. Practically, it provides a diagnostic tool for institutions seeking to move from compliance to transformation.

The findings show that achieving genuine inclusivity requires shifting from performative alignment with the Equality Act to sustained institutional translation, embedding equality within leadership accountability, resourcing structures, and

collective responsibility. This, rather than legislative change alone, represents the most significant frontier for future equality work in higher education.

### 7.11.1 Call to action

Universities must adopt a more proactive and strategic approach to LGBTQIA+ inclusivity.

The evidence across this study demonstrates that progress depends on institutions' capacity to translate legislative intent into operational and cultural mechanisms. This requires widening the *interpretative space* for inclusion beyond compliance, strengthening *material supports* for implementation, rebalancing the *instrument mix* from symbolic initiatives to structural tools, and reforming *governance* to ensure accountability and sustainability. As shown in Chapters 5 and 6, where leadership continuity, resource allocation, and practitioner agency were decisive, inclusion becomes achievable only when these four dimensions interact coherently.

Building on these insights, I propose an integrated framework for translating equality law into institutional practice. It is designed not as a static model but as a cyclical, reflexive process in which policy, people, and power continually reshape one another.

#### 7.11.1.1 Proposed Framework

The framework, visualised in the revised diagram below, synthesises the four analytical lenses developed throughout this thesis, *interpretative space*, *material supports*, *instrument mix*, and *governance/sabotage*. Each circle in the Venn

diagram represents one of these dimensions. (see Figure 15 for a visual representation of how the four analytical lenses interact to facilitate the translation of equality law into institutional mechanisms). The overlaps indicate areas of interaction:

- the intersection between leadership accountability and policy development reflects *governance through learning*, where institutional leaders shape and are shaped by equality knowledge.
- the overlap between student and staff participation and intersectional policy development signifies *shared interpretative space*, recognising that lived experience is essential for inclusive policy-making.
- the convergence of training with leadership illustrates the *material supports* required to sustain change.
- the cyclical arrows surrounding the diagram represent continuous feedback and reflexivity, underscoring that translation is an iterative process, not a linear implementation.

The model therefore operates as both Venn and cycle: the Venn illustrates interdependence, while the arrows denote the temporal and developmental flow of policy translation (see Figure 16 below).

Within this model, five interlinked actions are proposed:

1. Leadership Accountability and Training (Governance/Sabotage Lens),  
Establish mandatory leadership education on LGBTQIA+ inclusion,  
embedding EDI metrics into performance reviews and institutional audits  
(sections 6.2.7; 6.2.7.1).

2. Intersectional Policy Development (Interpretative Space Lens), Revise equality policies to integrate intersecting identities and evidence-based evaluation mechanisms, supported by disaggregated data collection (sections 4.2.1; 6.2.5).
3. Ongoing Emotional and Institutional Support for EDI Staff (Material Supports Lens), Recognise and resource the emotional and intellectual labour involved in equality work, with formal workload models and mental health provision (sections 5.4; 6.2.8).
4. Student and Staff Participation in Policy Development (Interpretative and Instrument Mix Lenses), Create participatory forums that link lived experience to policy review, ensuring authentic co-production (sections 6.2.8, 6.2.9).
5. Monitoring, Evaluation, and Continuous Improvement (Instrument Mix and Governance/Sabotage Lenses), Implement transparent evaluation systems that track progress in both process and culture, feeding back into leadership accountability cycles (sections 4.2.6; 6.2.6).

Figure 16 is a framework that integrates four analytical lenses, interpretative space, material supports, instrument mix, and governance/sabotage, to explain how equality legislation such as the Equality Act 2010 is translated into institutional policy and culture. The overlapping circles represent interdependence, while the surrounding arrows illustrate the cyclical process of policy creation, institutional interpretation, implementation, and feedback. The central overlap, 'Institutional Translation of Equality Law into Practice,' marks the point where meaning, resources, tools, and accountability align to produce sustainable inclusion.

This framework represents a significant contribution to the study of EDI policy enactment by offering a transferable, multi-level model of translation. It bridges critical theory with applied policy analysis, demonstrating how equality legislation moves, and often stalls, between law, text, and lived experience. By integrating governance, resource, cultural, and emotional dimensions, the framework provides a diagnostic and developmental tool for institutions seeking to move from compliance to transformation.

In summary, the call to action and framework presented here respond directly to the findings of this research and to the limitations of existing approaches. They conceptualise inclusion as an ongoing negotiation between policy intent and institutional capacity. They reframe equality work as a collective, reflexive practice, the central task for universities committed to justice beyond rhetoric by foregrounding translation rather than compliance.

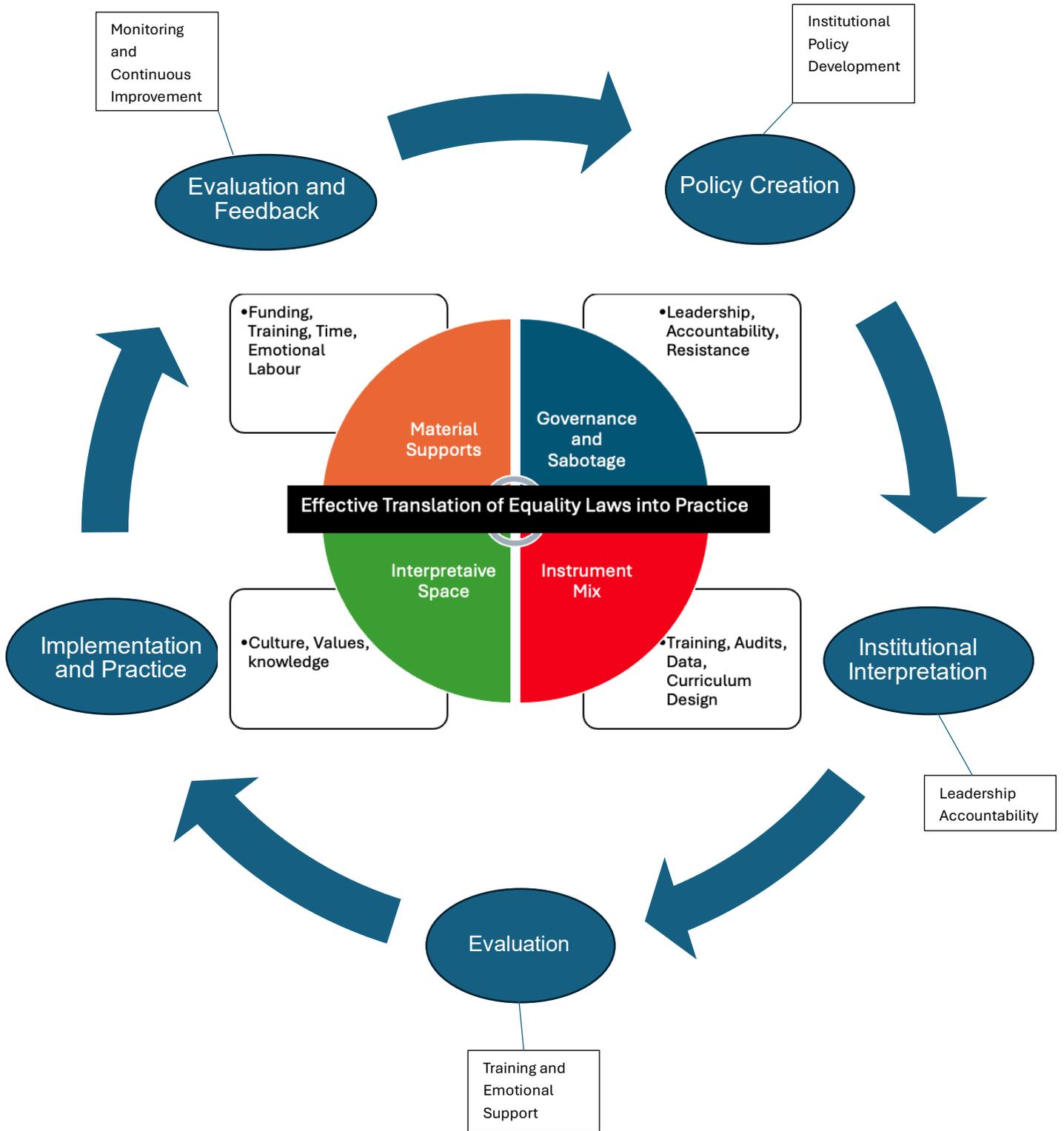


Figure 16 - Framework for Translating Equality Law into Practice

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# Appendices

## Appendix 1: Interview questions and outline for EDI university staff

Recording: Zoom Cloud Recording (Audio Only)

Location: Zoom / in Person

Duration: 30-60minutes

### **Legislative Level: The Equality Act Questions**

RQ1: How have official university policies evolved in relation to EDI issues and protections following the Equality Act 2010?

- What effect does The Equality Act 2010/2012 have on your university?
  
- To what extent does the Equality Act 2010/2012 help to inform the EDI policies, including training, at your university?
  - Informs decision making: What is the process for creating EDI policies in relation to The Equality Act 2010/2012?
  - Not inform all decisions: What is the process for creating EDI policies at your university?

- Do you perceive any gaps between the scope of the Higher Education section of The Equality Act 2010/2012 and the implementation of EDI policies to support those it is intended to protect at universities?

### **Institutional Level: Policies**

RQ2: What types of LGBTQIA+ inclusive programming have EDI leaders implemented at universities to align with institutional policies?

- Tell me about your university's LGBTQIA+ practices and policy(ies).
- What is working? Why? How does it work well?
- What is not working? Why? How could this be improved? What prevents it from working well?
- Is there anything missing from the LGBTQIA+ specific areas of your university policies?
  - Yes - What changes would you like to see reflected in the policy(ies)?

- No - What process does your university follow to check if anything is missing from the policy(ies)?

### **Institutional Level: Practices**

RQ3.1: How do university EDI leaders perceive the usefulness of LGBTQIA+ programming in serving LGBTQIA+ individuals within their institutions?

RQ3.2: What are the perceptions of EDI leaders regarding the role of EDI policies in facilitating or restricting the implementation of quality LGBTQIA+ programming?

- How have the policies at your university helped to inform the training about LGBTQIA+ persons for faculty staff and students?
- How effective do you think the training is?
- How does training help to improve equity across your university campus?
- Is there anything you would like to see implemented at your university?

## Appendix 2: Email to ask for LGBTQIA+ EDI policies

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**From:** Damon Young <[damon.young@strath.ac.uk](mailto:damon.young@strath.ac.uk)>

**Sent:** 26 October 2021 22:10

**Subject:** Equality Diversity and Inclusion / LGBTQIA+ Historical and Current Policy Requests

To whom it may concern,

I hope you and yours are well.

First of all, I apologise if these are available via the university website, I am severely dyslexic which makes browsing websites full of text quite a difficult experience for me.

My name is Damon Young and I am currently undertaking a Doctorate of Education (EdD) at the University of Strathclyde.

As part of my research, I am undertaking a policy analysis of Equality, Inclusion and Diversity (EDI) Policies. Specifically related to EDI and LGBTQIA+ policies or equivalent(s).

My research intends on analysing these policies by implementing a Critical Discourse Analysis. In order to conduct this research, I was hoping to obtain EDI/LGBTQIA+ (or equivalents) pre The Equality Act 2010 and/or pre and post The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

Ideally, I would be very appreciative if you were able to send me all EDI/LGBTQIA+ policies (or equivalents) pre 2010 and up to the most recent policy update.

I hope you are able to assist me with this research.

Thank you for your time and look forward to your reply.

Warmest regards,

**Damon Young**

He / Him / His

EAP Tutor & EdD Researcher

[Click here for latest blog post](#)

[Click here to access Strathclyde's Mental Health and Well-being Support Services](#)

**Please note, I am currently working remotely**



## Appendix 3 – Participant Information Sheet (PIS)



### Participant Information Sheet

**Name of department:** School of Education

**Title of the study:** An Investigation of LGBTQIA+ Equality, Diversity and Inclusive Policies from the Perspective of Equality Leaders at Scottish Universities

#### Why have I been sent this?

You have been sent this information sheet because I would like to invite you to take part in this research study. The details below include information about the study so you can make an informed decision about taking part.

#### What is the purpose of this research?

In this study I would like to explore LGBTQIA+ Policies, or sections of Equality, Diversity, and Inclusion (EDI) policies in higher education settings in Scottish universities are perceived by EDI staff. In addition to this, the research aims to investigate to what extent The Equality Act 2010 supports EDI staff to foster inclusive practices throughout university campuses, such as training. The findings will help to inform specific problems (if any) with the policies and highlight targeted recommendations (if any) to implement changes for better social equity for LGBTQIA+ students and staff on campus.

#### Who is conducting the research?

My name is Damon Young. I am a qualified teacher at the University of Strathclyde. I have been teaching in higher education for around four years. As a queer person working in higher education, I believe it is important to look for ways to improve equality and equity for marginalised people. This research will contribute to a Doctorate of Education (EdD) which I am studying for at the University of Strathclyde. The intentions are to gather your views on The Equality Act 2010 and current EDI policies.

#### Do you have to take part?

No. It is completely your decision whether you would like to take part in this study. If you agree to participate, you can change your mind at any time.

#### What will you do in the project?

If you decide to take part, we will arrange time and place that's convenient for you, whether that is in person or online. The study will consist of semi-structured interviews and will last around one hour. It would be good to arrange a date between April and June 2022.

#### Why have you been invited to take part?

You have been invited to take part as you work within your universities EDI department and/or you are a leader at your university. I would like your views on how The Equality Act 2010 has influenced EDI policies, with a focus on LGBTQIA+ / Trans specific sections. Additionally, your collective views regarding the effectiveness of these policies will help to make further and more detailed recommendations to universities to ensure campuses continue to strive for equality and equity for LGBTQIA+ people.

#### What information is being collected in the project?

Any personal information I collect from you will be handled in accordance with General Data Protection

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Regulations (2018). All information will be kept confidential, and your contact details will be kept separate from any data analysis. Your details will never be revealed to anyone at any point during this process.

### Confidentiality and Anonymity

All electronic data will be stored on the University of Strathclyde's secure cloud service, Strathcloud. This is encrypted, password protected and requires a two-step biometric verification for anyone to access the research data. All interview recordings and transcripts will be destroyed within 5 years of thesis submission.

Your details will always remain anonymous throughout this study. I will provide pseudonyms for your name and university. This will ensure this study is truly confidential and anonymous. All personal data will be processed in accordance with data protection legislation. Please read our [Privacy Notice for Research Participants](#) for more information about your rights under the legislation.

### What happens next?

If you have any further questions or would like to take part, please contact me on the details below via email. Once you agree to take part and I have answered your questions to your satisfaction, I will send you a consent form to read, sign (electronically) and date. Once the study is finished, you will be sent a copy of it.

### Researcher contact details:

I am the main contact for this study. If you have any questions, please do contact me on: Damon Young – [damon.young@strath.ac.uk](mailto:damon.young@strath.ac.uk)

### Chief Investigator details:

Professor David Kirk (1<sup>st</sup> Research Supervisor)  
Address: School of Education 141 St James' Road Glasgow G4 OLT  
Tel: 0141 444 8038  
Email: [david.kirk@strath.ac.uk](mailto:david.kirk@strath.ac.uk)

Dr. Dillon Landi (2<sup>nd</sup> Research Supervisor)  
Address: School of Education 141 St James' Road Glasgow G4 OLT  
Email: [dillon.landi@strath.ac.uk](mailto:dillon.landi@strath.ac.uk)

If you have any questions/concerns, during or after the research, or wish to contact an independent person to whom any questions may be directed or further information may be sought from, please contact:

Secretary to the University Ethics Committee  
Research & Knowledge Exchange Services  
University of Strathclyde  
Graham Hills Building  
50 George Street  
Glasgow  
G1 1QE

Telephone: 0141 548 3707  
Email: [ethics@strath.ac.uk](mailto:ethics@strath.ac.uk)

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# Appendix 4 – Participant Consent Form



## Consent Form

Name of department: School of Education

Title of the study: An Investigation of LGBTQIA+ Equality, Diversity and Inclusive Policies from the Perspective of Equality Leaders at Scottish Universities

- I confirm that I have read and understood the Participant Information Sheet for the above project and the researcher has answered any queries to my satisfaction.
- I confirm that I have read and understood the Privacy Notice for Participants in Research Projects and understand how my personal information will be used and what will happen to it (i.e. how it will be stored and for how long).]
- I understand that my participation is voluntary and that I am free to withdraw from the project at any time, up to the point of completion, without having to give a reason and without any consequences.
- I understand that I can request the withdrawal from the study of some personal information and that whenever possible researchers will comply with my request. This includes the following personal data:
  - audio recordings of interviews that identify me;
  - my personal information from transcripts.
- I understand that anonymised data (i.e. data that do not identify me personally) cannot be withdrawn once they have been included in the study.
- I understand that any information recorded in the research will remain confidential and no information that identifies me will be made publicly available.
- I consent to being a participant in the project.
- I consent to being audio recorded as part of the project

Signature of Participant:	Date:

## Appendix 5: Evidence Map (Anonymised Tags)

This appendix provides the anonymised evidence tags used throughout Chapter 4. Tags point to university (A–D), year of the policy, and the section of the anonymised corpus. Each tag is coded for lens focus: IS (interpretive space), MS (material supports), IM (instrument mix), GV (governance/sabotage).

### University A

- Uni A 2020 §1, IS -Values register: zero tolerance, equality framed broadly.
- Uni A 2020 §5, IM/MS -Staff equality training noted at induction.
- Uni A 2020 §6, MS/GV -Uni A 2020 §6, MS -No explicit resourcing or workload allocation stated
- Uni A 2021 §2, IS -Definitions broaden recognisability (LGBT+, intersex, trans).
- Uni A 2021 §4, IM -Online reporting and support routes specified.
- Uni A 2021 §4, MS/GV -No timelines, escalation, or sanctions provided.

### University B

- Uni B 2022a §2–3, IS -Responsibilities of managers, staff, students specified.
- Uni B 2022a §3, GV -No timelines/service levels (weak governance).
- Uni B 2022a §4, MS -Preventative tools (training, awareness) absent.
- Uni B 2022b §5, IS/IM -Transition process defined: records, facilities, confidentiality.
- Uni B 2022b §5.3, GV -Named owners, timelines, escalation specified.
- Uni B 2022b §6, IS -Non-binary identities absent, limiting recognisability.

### University C

- Uni C 2021 §1, IS -Values: fairness, dignity, respect foregrounded.

- Uni C 2021 §2, IS -Equality Act and Human Rights Act referenced.
- Uni C 2021 §6, GV -Review promised 'annually,' no detail.
- Uni C 2021 §7, MS -No training, budgets, or staff roles specified.
- Uni C 2021 §7, GV -Responsibilities named, sanctions absent.

## **University D**

- Uni D 2009a §1, IS -Broad diversity framing, dignity and respect in preamble.
- Uni D 2009a §4, MS/GV -No resource lines, timelines, or escalation.
- Uni D 2009a §5, GV -Monitoring referenced, sanctions absent.
- Uni D 2009b §2, IS -Sexual orientation explicitly recognised.
- Uni D 2009b §3, MS/IM -Recruitment training promised, but resources absent.
- Uni D 2009b §4, GV -Complaints mentioned, escalation unspecified.
- Uni D 2022 §1, IS -Intersectionality explicitly acknowledged.
- Uni D 2022 §3–4, MS/GV -Advisory boards referenced, no budgets or sanctions.
- Uni D 2022 §3, IS/GV -Values strong, escalation routes unspecified.

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