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International academic mobility, agency, and LGBTQ+ rights: a review of policy responses to internationally mobile LGBTQ+ staff/students at UK HE institutions with recommendations for a global audience

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International academic mobility, agency, and LGBTQ+ rights: a review of policy responses to internationally mobile LGBTQ+ staff/students at UK HE institutions with recommendations for a global audience

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ABSTRACT

Globalisation is a major driving factor in the Higher Education sector, which has resulted in significant developments relating to international academic mobility. This includes the establishment of international campuses, increasingly global facing research and extensive student international exchange schemes. We explore the advice given to LGBTQ+ staff and students in UK Higher Education Institutions ('HEIs') who engage in international mobility of this kind. Analysing data collected through Freedom of Information requests, we demonstrate that the advice given is overwhelmingly heteronormative, ignoring the potential challenges that LGBTQ+ travellers might fact and underestimating the impact of the disparate global landscape of LGBTQ+ rights. Drawing on agency literature, we argue that HEIs should develop detailed and informed policy which gives LGBTQ+ travellers greater agency during the travel process. We suggest that the lessons that can be learned from the UK context can be applied internationally by HEIs adapting to and developing in the increasingly globalised HE landscape.

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UK higher education; equality and diversity; LGBTQ + rights; academic employment; globalisation

Introduction

The Higher Education ('HE') landscape worldwide has been transformed by globalisation (which we understand as 'an ever wider, deeper and increasingly rapid linking between states and societies'; Fink-Hafner and Dagen 2017, 572). Although temporarily impacted by COVID, Higher Education Institutions ('HEIs') have increasingly emphasised internationalisation strategies in recent years. This has resulted in '[a]cademic staff and students [being] among the most mobile people in Earth' (Times Higher Education 2008, 2; see also, Maringe and Foskett 2010, 2–6; Rider-Grant 2014). International academic mobility, when understood as including both staff and students (Bilecen and Van Mol 2017), can be seen as interwoven with a range of academic activities, of longer and shorter durations.

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Longer term implications include the establishment and operation of international branch campuses, franchising arrangements, sabbatical leave and research collaborations, with shorter term implications including international conferences (inc. video conferencing) and invited presentations. For students, longer term implications include study abroad, join degree or twinning programmes whilst fieldwork, and internships may be of shorter duration.[1] All of these contribute to 'hyper-mobile lifestyles' (Hopkins et al. 2016, 378) and involve travel by both staff and students (Bilecen and Van Mol 2017).

In this piece, we review the current policy practices of UK HEIs in light of a gap in the literature on international academic mobility by LGBTQ+ staff and students. The data presented in this work was collected as part of a policy report conducted by the authors in 2019–2020 (Hamilton and Giles 2020). Building on that work, this piece makes an original contribution to the literature by analysing this data through the lens of the agency. It argues that by interrogating the challenges which may be facing LGBTQ+ staff and students when undertaking international academic mobility and exploring how HEIs are able to support such travellers when doing so, more comprehensive and effective policies and implementation practices can be developed. There are compelling reasons to focus on the UK as an initial case study of this issue; the UK Departments for Education and International Trade continue to emphasise the importance of 'vital' education exports (2021, 4) and there is an ongoing emphasis on internationalisation in the UK HE sector. The framework developed in this piece, however, has potential application in other jurisdictions and we emphasise that further research into the current provision of LGBTQ+ staff/student travel policies internationally is necessary, especially where jurisdictions posit international academic mobility as central to their HE landscape.

In the next section, our literature review addresses international academic mobility in HE. First, we explore the connection between international academic mobility and academic career progression and student employability. Second, we review literature regarding equality barriers to exercising international academic mobility by LGBTQ+ staff and students.[2] We then explore the legal equality duties UK HEIs are under before discussing the data collection in this project, which involved the analysis of 156 responses to Freedom of Information requests made to UK HEIs.

Our analysis of this data reveals that, taken as a whole, in the UK there is a lack of specific policy to support LGBTQ+ staff and students and where such policy does exist, its scope is often limited. This addresses the gap identified in the literature by exploring current practice, contributing to the literature on agency in the academic workplace and recommending steps that HEIs should take to develop policy further. Our study concentrates on UK HEIs because of the availability of UK Freedom of Information ('FOI') as a data collection tool. Whilst the study was not undertaken internationally, where other FOI regimes may apply, we would argue that our analysis is relevant to a global audience who face similar challenges and provides a basis for future work in other jurisdictions, taking account of their local legal framework and HE context.

Literature review

The prevalence of international academic mobility

Academic mobility in HE is well known. Musselin notes the 'long tradition [of such mobility] which began with the birth of the European University in the middle ages' (Mussellin

2004, 55). This has resulted in a global picture with academic mobility involving staff and students living and working across borders (Pherali 2012). Consequently, literature on issues of academic mobility can be drawn from across a range of disciplines, including 'Anthropology, Economics, Educational Studies, Geography and Sociology' which each consider a variety of implications including 'determinants, experiences, knowledge practices as well as outcomes of international mobility' (Bilecen and Van Mol 2017, 1242, citations omitted).

Although variations between legal jurisdictions should be noted, academic communities worldwide take great stock in internationalisation. In New Zealand, 'overseas travel has become a vital component of business [(including HE)]' (Hopkins et al. 2016, 377). Similarly, academic mobility is highly valued in the UK HE sector. Universities UK, an association of UK universities, describes the UK HE sector as a 'global success story' and internationalisation, with 19.6% of students and 20% of staff at UK universities coming from abroad, being central to this success (Universities UK 2019, 2).

It is worth emphasising the steep growth in international branch campuses in recent decades, with over 300 such campuses from over 80 home jurisdictions (Cross-Border Educational Research Team ('CBERT') 2020, 20th November). The largest exporting countries include the US (86), UK (43), France (38), Russia (29) and Australia (20) with campuses spread throughout the world, although with a majority operating in Asia and the Middle East (CEBERT 2020). However, this expansion has slowed dramatically since 2016, with Bothwell (2019) suggesting this stems from both 'financial and reputational risks' and 'global political challenges'. Of course, this has been exacerbated by COVID, the consequences of which are still emerging.

Authors consider academic mobility important (Bauder 2015; Ackers 2008; Li and Bray 2006; Hopkins et al. 2016) or even a 'fundamental element of the academic habitus' (Bilecen and Van Mol 2017, 1242). International academic mobility is linked to securing enhanced career prospects for staff (Morano-Foadi 2005; Waters 2009; Leung 2017). Parker and Weik (2013, 168) conclude that '[b]eing geographically mobile … assists career mobility, and someone who is not prepared to or cannot move … suffers'. Other authors state that early career researchers are commonly expected to undertake research abroad at places with excellent reputations (Ackers 2008; Jöns 2009) and senior academics are seconded to campuses overseas (Wood and Salt 2018) or assigned to multiple institutions at once. This mobility often feeds into the selection criteria for hiring or promotions. Whilst, technically, promotions do not require travel, but rather require 'evidence of national or international reputations' (Parker 2008, p.249); unless 'lucky enough to be based near an institution in the top rank' (Parker and Weik 2013, 173) it becomes easier to meet such criteria through academic mobility. Additionally, Parker and Weik (2013, 173) explain that conference attendance is 'almost always assumed to be a positive [whereas] lack of attendance would require explanation' which they consider tantamount to 'coercion' (168). Similarly, Bourdieu suggested conference attendance acts as a proxy for 'scientific power and prestige' (Bourdieu 1998, 46).

Students are also encouraged to undertake academic mobility in the interests of employability. For post-doctoral student this may be perceived as a 'difficult but necessary step on the road to a career in their native country' (Mussellin 2004, 7). Students in their hundreds of thousands have participated in international exchange programmes such as Erasmus+ with many HEIs globally advocating the benefits of international

mobility as a common component of degrees. The perceived benefits of academic mobility for students are associated with skills perceived of as essential for employment including the 'development of generic skills, language and multicultural competence' (Wang, Crawford, and Liu 2020, 68).

Given these advantages to HEIs, staff career progression, and student employability, any barriers to international academic mobility warrant close examination. The literature on this point remains heteronormative in nature – often omitting the challenges facing LGBTQ+ travellers, discussed below. Prior research has considered potential barriers, including gender, class and ethnicity, and concluded that these can impact both access and outcome in HE (Bilecen and Van Mol 2017, 1241), but has not taken into consideration LGBTQ+ identity. Wang, Crawford, and Liu (2020), similarly, examine the importance and impact of international exchange programmes for students, controlling for gender, age, nationality, socio-economic status and ethnicity (76), but not LGBTQ+ identity, when exploring barriers such as family ties or work commitments (69). Other studies have considered the impact of 'social differences' (Findlay et al. 2012) and 'professional and socio-cultural' linguistic challenges (Pherali 2012, 317). Meanwhile, McPhail, McNulty and Hutchings (2016, p.383) have examined the 'opportunities, barriers and challenges for global mobility' (see also, Gedro et al. 2013; McNulty 2014) but do not specifically examine the practices of HEIs.

International academic mobility and challenges facing LGBTQ+ travellers

Worldwide, the ever-evolving socio-legal landscape of rights, discrimination and criminalisation of LGBTQ+ individuals produce uncertainty and risk for travellers within the LGBTQ+ umbrella (Frary 2019), with unique challenges existing for each group within the acronym. Whilst the challenges discussed in this section are most acute for international academic mobility activities of longer durations, even shorter duration activities, such as conferences for staff or fieldwork trips for students can result in obstacles for LGBTQ+ travellers, as discussed in this section.

Over 70 countries retain criminal sanctions for consensual same-sex sexual activity between men through, for instance, ''unnatural offence' laws', with over 40 criminalising sexual activity between women 'using laws against 'lesbianism'' (Human Dignity Trust, n.d). At least 15 countries have offences targeted at those who are transgender, who may be convicted of 'cross-dressing' and 'disguise' offences (Human Dignity Trust 2019, 9). The International Lesbian and Gay Association ('ILGA') document over 40 countries who have laws which have been 'created or used to restrict the right of freedom of expression' of LGBTQ+ individuals and groups (ILGA 2020, 145). The punishment for breach of these criminal laws varies across and within jurisdictions but can range from short periods of imprisonment and fines, to corporal punishment and whole life sentences or potentially the death penalty (Human Dignity Trust).

HEIs retain academic links worldwide. Yet most countries do not have statutes protecting LGBTQ+ persons against discrimination (ILGA 2020) and some branch campuses operate in jurisdictions with the criminal regimes mentioned above. Although representing a dramatic change in recent years, there are only 30 countries globally that recognise same-sex marriage,[3] in addition to 22 which recognise same-sex civil partnerships,[4] with less global recognition of child adoption rights (ILGA 2020). Where countries do not

recognise same-sex relationship, recognise them in different ways or do not recognise child custody rights of same-sex partners, this may result in the same-sex spouse, civil partner, or children of LGBTQ+ travellers being unable to accompany them, thereby inhibiting academic mobility. For transgender staff and students, whilst some countries now enable legal recognition of a person's gender, the steps necessary for this often vary significantly both in terms of the evidence and time required to apply for recognition (ILGA 2019), with potentially significant consequences on the desirability and feasibility of international mobility.

As well as differences in legal treatment, McPhail and McNulty (2015, 745) emphasise the 'largely invisible and implicit' differences in 'social climate, organisational climate, [and] individual's status of disclosure (i.e. in/out)' which may result in LGBTQ+ staff and students facing unexpected and unprepared for situations impacting their wellbeing and physical safety when travelling. Social implications include 'fear of stereotyping and constant scanning for signs of acceptance' (McPhail, McNulty, and Hutchings 2016, 384). Even countries which offer legal protections to LGBTQ+ individuals may not be immune to such concerns. Where social needs are not met 'social isolation can occur, thus diminishing [the person's] effectiveness and potentially leading to early withdrawal' (McPhail and Fisher 2015, 294).

Of particular relevance in this area is the use of social media and digital technology, more broadly, as a resource for travellers and a support mechanism. McPhail and Fischer report that LGBTQ+ travellers used 'closed' social media networks, available only following approval by an administrator, in a positive matter to aid 'acculturation' (2015, 303). When used effectively, closed social media were seen as a 'safety zone' (McPhail and Fisher 2015; 303 referring to Ratiu 1983) perhaps 'especially important in a climate of low social acceptance or legal status both internally and externally for the expatriate' (McPhail and Fisher 2015, 300). In contrast, using open social networks led to concerns, with McPhail and Fisher reporting one research participant speaking of a gay colleague being discouraged from joining an LGBTQ+ Facebook support network, for 'fear that career progression may be impeded' (300), and a female participant articulating concern about revealing her same-sex relationship due to 'being a little bit hesitant that things could happen' (300). Other relevant concerns relate to physical health, which can include access to hormones and medication for transgender staff and students, and mental health and wellbeing, which can become particularly pressing where legal and cultural differences prevent living openly (Frary 2019).

Equality agendas play an increasingly important role in HE, although this will vary between jurisdictions. In the context of our UK case study, this includes progressive activities by charity groups, such as the Stonewall LGBTQ+ Workplace Charters and the Athena Swann (Gender Equality) Awards. This has not, however, prevented concerning challenges within HE workplaces. Research carried out by the Institute of Physics, Royal Astronomical Society and Royal Society of Chemistry (2019) analysing 1025 responses to a questionnaire targeted at LGBTQ+ people who were working, teaching or studying in the physical sciences showed that:

> 28% of LGBT+ respondents stated that they had at some point considered leaving their workplace because of the climate or discrimination towards LGBT+ people. Nearly half of those who said they were trans had considered leaving their workplace because of the climate,

> with almost 20% of them considering this often. (Institute of Phyisics, Royal Astronomical Society and Royal Society of Chemistry 2019, 5)

Although this study was confined to scientists, it echoes the more general study of the Equity Challenge Unit (2009) which analysed 4205 questionnaire responses by LGBTQ+ staff and students in HE. Responses in that project documented that LGBTQ+ 'staff and students in UK HE reported significant levels of negative treatment on the grounds of their sexual orientation' (2). Worryingly, this included reported negative treatment 'from fellow students (49.5%), tutors/lecturers (10.4%), and those who work in other areas of their HEI (10.6%)' with 22% of transgender students reporting that they had 'been bullied or discriminated against' whilst at university (2). Additionally, LGBTQ+ staff reported 'systematic institutional discrimination and implicit discrimination' in relation to promotions, with:

> 23% of trans staff and 4.2% of LGB staff reporting that they have been denied a promotion due to their trans status or sexual orientation. LGB staff reported significant levels of negative treatment on the grounds of their sexual orientation from colleagues (33.8%), students (18.9%), and those who work in their HEI (25.3%). (Equity Challenge Unit 2009, 2)

Legal background and UK HEI statutory responsibilities

UK HEIs have legal obligations and a duty of care towards their staff and students and, in pursuing globalisation, need to search for 'effective solutions' (Fink-Hafner and Dagen 2017, 575). The duty of care extends to ensuring that all necessary steps have been taken to ensure the health, safety and wellbeing of employees and students and for the latter this includes providing pastoral care. The Equality Act 2010 is the critical piece of equalities legislation in England, Wales and Scotland. Section 4 delineates nine protected characteristics – including sexual orientation, marriage and civil partnership status, and gender reassignment. It is unlawful for HEIs to discriminate against staff or students on the basis of one or more of these characteristics and they are 'obligated to anticipate and put in place reasonable adjustments to avoid [persons] with protected characteristics being treated less favourably' and, ss public sector bodies, HEIs are required to go further and 'eliminate discrimination and foster equality of treatment when exercising its functions' (Sladdin 2018). Infringement of such legislation could lead to employment disputes where employees are concerned and, in relation to students, internal complaints or referral to the Office of the Independent Adjudicator for Higher Education.[5] HEIs that progressively address and champion this issue will not only support their staff/students working/studying internationally, promoting and providing opportunities to all, but also deliver positive business outcomes globally and enhance their reputation.

In responding to their legal obligations, it is essential that the work of staff dealing with these issues within HEIs is supported by 'accessible and transparent policies and procedures' backed up by adequate staff training (Sladdin 2018). It is critical that the 'adequacy and effect' of policy addressing international travel is continuously examined (Gedro et al. 2013, 295), particularly in light of the developing international context of rights and restrictions. McPhail and McNulty in their study of LGBTQ+ mobility concluded that social support mechanisms for workers posted abroad tended to follow a heterosexual model (McPhail and McNulty 2015). Organisations such as the Equity Challenge Unit

and Stonewall, as well as academics (Gunn, Morrison, and Hanesworth 2015) have called for a more diverse perspective to be brought into HEI responses.

Project aims and objectives

In light of these issues, the overarching aim of our project was to obtain information about the current state of UK HEIs' LGBTQ+ travel policy for staff and students. This has several purposes. Firstly, appraising current practices provides an important base line from which to assess future developments and innovations in policy and implementation. Several HEIs are developing or redeveloping policies in this area, particularly in light of COVID, and establishing a base line will facilitate a longitudinal perspective for future projects as well as enabling good practices to be sustained. Second, encouraging greater consideration of the challenges facing LGBTQ+ staff and students internationally from a Human Resources and HEI policy perspective facilitates future research aimed at clarifying issues such as employment law related to equality and diversity. Agency will play a significant role in discussion of such issues. As such, finally, our research aims to advance scholarship addressing LGBTQ+ identities in the HE workplace, as well as outline where further research is needed into how LGBTQ+ staff and travel policies are enacted in practice.

Methodology

To explore if and how UK HEIs are addressing the needs of internationally mobile LGBTQ+ staff and students, we sent Freedom of Information requests to 169 UK HEIs in late 2019, using the Freedom of Information Act 2000 for HEIs in England, Wales and Northern Ireland and the Freedom of Information (Scotland) Act 2002 for HEIs in Scotland. FOI legislation increases government transparency by allowing the public to request information held by public authorities, provided this is not personal data.[6]

Whilst limited to jurisdictions with FOI legislation, employing FOI requests in academic research enables the exploration of a wide range of policy documents. Although FOI facilitated research can only capture documented practices, omitting those which are unofficial or unendorsed, FOI still facilitates research into previously underexplored areas of practice and policy (Lee 2005; Savage and Hyde 2014). As such, whilst this project is unable to analyse any unofficial policies and practices which may exist in HEIs, it does highlight the current policy landscape within which such practices would be arising. Future research may wish to explore the relationship between official and unofficial practices, using the analysis here as a baseline for comparison, and to examine how the broad institutional policies which exist in this area are applied in specific contexts – such as longer international deployments to satellite campuses and recurring student exchange programmes or shorter international student fieldtrips or periods of academic fieldwork.

UK HEIs are clearly identifiable due to relevant legislation (Brown 2011; Further and Higher Education Act 1992 Pt. 2; Higher Education and Research Act 2017) and, as public bodies, are under a statutory obligation to respond to FOI requests within 20 working days, even if only to confirm a lack of data held. This project drew upon records produced by the Higher Education Statistics Authority ('HESA') for the academic

year 2017/18, which enabled all operating UK HEIs to be contacted as part of this project.[7] Although these HESA records were dated at the point of data collection; they had a number of advantages over other sources. This included distinguishing between HEIs and Alternative Providers ('APs') and including records for Scotland, which were not captured in other sources. APs are private educational establishments offering degree-level qualifications. We contacted the 6 APs in the UK which are entitled to use and currently using 'University' in their trading name,[8] because of their organisation similarities with HEIs. As these institutions are not public, they fall outside the scope of FOI provisions and all chose not to respond to out (non-FOI) request. Because of their lack of statutory responsibility to respond, we do not categorise these as non-responses in our analysis.

Research suggests that FOI requests need to be unambiguous and understandable by the staff dealing with FOI requests at each organisation contacted (Bourke, Worthy, and Hazell 2012; Lee 2005; Walby and Larsen 2012), which we achieved through sense checking with in-house staff in similar roles. We employed the same phrasing across all FOI requests sent. This was challenging, as we needed to capture a broad range of potential LGBTQ+ travel policy, and such policy may be spread across multiple documents – particularly where HEIs have developed policy incrementally from different perspectives such as policy focused on gender reassignment or more general equalities policies with sections on sexual orientation, for example. Our request, therefore, stated:

> Regarding your institution please can you provide:
>
> - a copy of the information, guidance and policies the institution has and / or provides to staff in relation to travel for all LGBTQ+ staff members / students?
>
> - a copy of the information, guidance and policies the institution has and / or provides to staff in relation to travel for all transgender staff members / students?
>
> - If the above are held within a larger document, please provide the relevant extracts and say which document the information is held in.

Following this request being sent, via email,[9] a small proportion of HEI responded seeking clarification. Predominantly, this related to our interpretation of 'travel' and whether we were primarily interested in policy covering staff or student travel specifically. In response, we explained that our interest was in both, but with an understanding that HEIs might only possess policy on one or the other, dependent on their operations and structure. We attempted to remain broad in our request but, mindful that organisations can refuse a request if responding to it would cost over £450 in staffing costs (Bourke, Worthy, and Hazell 2012), we also provided guidance on the overall aims of the project.

Whilst FOI legislation varies from country to country, the overarching principle of freedom of information means that lessons can be drawn from the use of FOI legislation in research in other jurisdictions. For instance, at the time UK legislation was coming into force, Lee (2005) expressed a concern that requests may be met with a degree of 'adversarialism' – something seen in other jurisdictions with FOI legislation – where officials obstruct, without explicitly refusing, requests. Our experience was contrary to this. Most responses which expressed an opinion were supportive of the research and the need for policy development in this area. This may be due to an included invitation to our research dissemination and networking event, which demonstrated that the research

did not relate to their HEI in particular. Several HEIs requested access to our published research, as well as taking up the invite to our dissemination event, and several others noted that they were either considering or undertaking reviews of their own policy in this area. We also recognise that such efforts may currently be subsumed within more general revisions taken in light of COVID and consequential changes to international academic mobility.

Few HEIs made use of official exemptions, which encompass requests with prohibitive cost (including cost in staff time as outlined above); vexatious requests; and, repeated requests from the same person.[10] One HEI responded that their internal structure was complex and that it would be prohibitively costly to confirm that policies did not exist at a departmental level, but they could confirm that no policies existed on a HEI-wide basis. Another responded that their HEI, whilst a distinct HEI in HESA statistics, was part of a multi-institution structure and did not have policies in this area itself because of this structure. These two responses were discounted from further analysis. A further two institutions, although distinct in the HESA statistics, operated as one institution and provided an identical response. We counted these as a single response for later analysis. Four HEIs did not respond to our request, despite chasing over months, or responded beyond the scheduled timeframe. This included two larger HEIs who responses several months outside the statutory timeframe, and whose response we were, therefore, unable to include in our final analysis.

Consequently, a total 156 HEI responses form the data set for analysis. Discounting the AP non-responses and the three excluded responses noted above, this provides a response rate of 98%. While reflecting the statutory obligation to respond, this also provides a strong data set from which our analysis is developed. For analytical purposes, we categorise each response according to a number of criteria relating to the responding HEI, namely:

(1) Domicile – Either England or the rest of the UK (rUK), based on the location of the HEI's primary campus.
(2) Membership of any of the Russell group.[11]
(3) Whether the HEI was a Pre-1992 or Post-1992 institution.[12]

As responses were received, initial qualitative content analysis was undertaken by the second author who used a data-driven approach to develop a provisional code book by producing a code for each new concept encountered in the material (Mayring 2000). Although it was initially expected that slower response times might reflect HEIs having more developed LGBTQ+ staff/student travel policies, this was not reflected in the results. Our initial coding period continued until approximately half of the responses had been received, after which no new codes were appearing. The code book was then discussed with the first author and refined, with codes becoming subcategories of broader themes, before this was then applied across the entire data set (Mayring 2000) then being quantitatively analysed on the basis of the categories above.

Each HEI's response was analysed as one case, resulting in some limitations to our analysis which should be acknowledged. Most significantly, this approach is unable to explore the scope of *individual* policies and the relationship and gaps between them at an institutional level. For example, some HEIs may be categorised as addressing both

sexual orientation and gender identity and having policy applicable to both staff and students, but individual policies at HEIs may not address all of these, and some issues may only be addressed in the context of individual policies, which may only apply in specific contexts. The lack of uniformity in the structure of responses resulted in a document-by-document analysis being unsuitable to the sector-wide focus intended here. Future research may wish to use specific institutions as case study examples to evaluate how HEIs use separate policy documents to achieve a broader overlapping policy objective such as supporting LGBTQ+ travellers.

Results

The data set collected was extensive and many HEIs provided examples of policy which went beyond the scope of our inquiry. In this piece, we highlight some examples of current and best practices, although other alternative approaches retain merit.[13] Where examples are provided, we do so by providing demographic data about the responding HEIs, but we do not name any HEI. This is because no one HEI or group of HEIs should be raised up exemplar par excellence on the basis of the data discussed here.

Existence of LGBTQ+ travel policies

Our initial analysis looked at whether the policies collected included LGBTQ+ travel guidance and, if so, in what type of document this guidance was located. Our findings, summarised in Table 1, demonstrate that only a minority of HEIs have explicit policy in this area.

Several HEIs, whilst not having a specific LGBTQ+ travel policy, did highlight their risk assessment procedures or similar guidance which they suggested included provisions which would identify and respond to LGBTQ+ specific challenges. Similarly, some HEIs responded that their travel policy, whilst not containing LGBTQ+ specific provisions, would be read in conjunction with an Equality and Diversity policy – or similar document – with LGBTQ+ specific provisions. They argued that these two, read in conjunction, would support managers and staff in making informed decisions. As only some HEIs provided examples of this, we do not analyse examples of this in detail. Some EDI policies provided in responses were well developed and encouraged consideration of the challenges facing staff when considering overseas travel and deployment; however, they did not specifically identify or demonstrate ways to address the potential challenges facing LGBTQ+ travellers in the way that specific policies – discussed below – did.

Chi-squared or Fischer's Exact tests were carried out to determine if there was a statistically significant relationship between having an LGBTQ+ specific travel policy and the

Table 1. Existence and location of HEI LGBTQ+ travel policies.

	n	%
LGBTQ+ Specific Travel Policy	27	17.3
LGBTQ+ Specific Policy within a broader policy document	(15)	(9.6)
LGBTQ+ Specific Issues briefly mentioned in a broader policy document	(6)	(3.8)
LGBTQ+ Specific Policy Document	(6)	(3.9)
No LGBTQ+ Specific Travel Policy	129	82.7
Risk Assessment Procedures Highlighted	(18)	(11.5)
No Provisions Highlighted	(111)	(71.2)

range of HEI categorisations detailed in the previous section. As this statistical test was intended to identify major trends in the data, to ensure confidence in our claims about the relationship between these categories and observations made about the presence or absence of policy, we set the significance at $p < 0.01$ (Bryman 2016, 346–347). In general, there was no statistically significant relationship between the categories outlined above and the existence of policy. However, there was a statistically significant relationship between membership of the Russell Group and the HEI having an LGBTQ+ specific policy – although, of course, this does not necessitate a causal relationship (Table 2).

HEIs which had LGBTQ+ specific travel policies were likely to address both sexual orientation related issues *and* gender identity related issues in their policy ($n = 20$, 74% of HEIs with policy) rather than sexual orientation ($n = 2$, 7%) or gender identity ($n = 5$, 19%) *only*. Similarly, the majority of policies applied to both staff *and* students ($n = 19$, 67%) rather than student ($n = 4$, 15%) or staff ($n = 3$, 11%) *only* policies.

Guidance within LGBTQ+ travel policies

After determining the scale of policies across UK HEIs, we then examined the content and detail of those policies which did exist. Qualitatively coding the data, we developed three primary descriptive categories for the policy guidance found in responses: Legal Guidance, Cultural Guidance, and Health Guidance.

Legal guidance

Policy of this kind discussed the differing legal rights and criminalisation frameworks which exist globally. Among the policies analysed here, five legal issues were commonly addressed:

- Criminalisation of Same-Sex Sexual Acts
- Lack of Anti-Discrimination Statutes
- Lack of Legal Status for Same-Sex Partners
- Lack of Legal Recognition for Transgender People
- Restrictions on free expression in relation to LGBTQ+ issues.

Table 2. Statistical analysis of HEI responses.

Institution demographics ($n = 156$)			Existing LGBT policy ($n = 27$)		No existing LGBT policy ($n = 129$)		
	N	%	*N*	%	*N*	%	Test statistic
Domicile							
England	127	81	21	78	106	82	$p = .787$
rUK	29	19	6	22	23	18	
1992							
Pre-1992	64	41	12	44	52	40	$p = .830$
Post-1992	92	59	15	57	77	60	
Memberships							
Russell Group							
Yes	21	14	9	33	12	9	FET $p = .003$
No	135	87	18	67	117	91	

Note: Fisher's Exact Test (FET) for criteria with expected values lower than 5, otherwise Chi-square.

However, even among these issues, there was some variation between HEIs. Only 27% (n = 6) of those HEIs with travel policy that identified legal challenges addressed four or five of the issues listed above, similarly 27% (n = 6) identified 2 or 3. The largest proportion identified only one of the legal issues listed above, or otherwise identified legal issues generally without specific references or examples.

When addressing the legal challenges that travellers may face, one significant issue is privacy and the control of information regarding the traveller's sexual orientation and gender identity. In addition to concerns about privacy, this is needed in order to prevent accidental outing of travellers, which may otherwise compound the impact, and prevent the mitigation, of the legal challenges noted above. Several policies discussed the need to proactively manage this issue. One policy, in place at a post-1992, non-affiliated, English HEI instructed managers to

> [a]dvise travelers[*sic*] on possible dangers of sharing their personal information or that of their collegues[*sic*]/peers to reducing the risk of accidental 'outing' [and to] [m]anage knowledge of traveler's[*sic*] sex orientation or gender identity/expression on a need to know basis' in situations where there were issues of 'illegal[ity] in the destination country.

In addition to addressing the direct impact of the legal challenges facing LGBTQ+ travellers, some policy went on to consider the indirect impact that differing legal frameworks may have. For instance, when considering access to support networks, something critical to issues of mental health – discussed below – some guidance highlighted how legal frameworks, such as visa restrictions for same-sex partners, might have an additional impact beyond the already significant formal legal barriers which exist.

Cultural guidance

Policy of this kind contained cultural guidance identified a range of non-legal and cultural differences which internationally mobile academics may face. Twenty-one responses (16%) contained such guidance, however, there was less variation in the scope of this guidance and, as such, no distinct sub-categories were developed. Most policies in this category briefly addressed social and cultural differences, such as the ostracisation of LGBTQ + people and lack of a visible LGBTQ+ community. Several policies of this kind noted that this may exist independently of the legal framework in each country. For instance, one pre-1992, Russell Group, rUK HEI's guidance included guidance to:

> Look up religious and cultural attitudes. Even though there may be a legal framework offering protection, society may have an impact on how LGBT+ people are treated.

Other guidance from this HEI emphasised that it should not be assumed that LGBTQ+ 'staff fully understand the legal and cultural situation for gay people worldwide in different regions or countries'.

Health guidance

Policy of this kind explicitly addressed the physical and/or mental health of travellers. Only four HEIs (3%) responded with guidance in this category. Health concerns include issues such as access to hormones and other medication for trans staff/students and access to appropriate sexual health services and other physical health concerns which LGBTQ+ travellers may have. Mental health was also a particular concern, partially arising out of some

of the legal and cultural differences highlighted above (Frary 2019) and through social isolation and limited access to either in-country or at-home support networks, were some of the factors which HEIs identified as specific factors impacting mental health. For instance, one pre-1992, Russell Group, English HEI stated:

> Employers need to be aware that asking an individual to hide their sexual orientation and gender identity/expression is not a small ask. When individuals cannot be themselves and be open about their identity it can make them feel isolated and negative about themselves, causing a negative impact on their mental health and wellbeing.
>
> Challenges could arise when an individual enters a country. For example, where a Trans* person's gender expression does not match the gender marker on their identification documents, officials may deny entry to the country. Some countries do allow citizens to have a gender-neutral gender marker on their passport.
>
> However when travelling internationally with such identification, problems could arise should the country not accept this.
>
> Individuals should be clear on the support the University can reasonably and realistically offer.

External guidance within LGBTQ+ travel policies

As we went about developing the three categories of guidance set out above, the significance of external sources of guidance became apparent. In some areas, particularly legal and cultural guidance, HEIs with policy often drew and developed upon a range of sources, sometimes providing direct quotes or links within their policies.

Most commonly referenced was the UK Foreign and Commonwealth Office, or similar UK Government sources. Indeed, several HEIs which did not have LGBTQ+ specific policy, in particular those who highlighted their risk assessment process, referenced the FCO website in their responses. For example, one pre-1992, non-affiliated, English HEI explained:

> [Our institution] does not have any travel information, guidance or policies specifically in relation to LGBTQ+ or transgender staff members/ students. As part of our duty of care, a risk assessment must be completed for all overseas travel undertaken by any of our staff or students. We also point all travellers towards FCO guidance – https://www.gov.uk/foreign-travel-advice

In our analysis, we did not consider that referencing the FCO website, in isolation, constituted having an LGBTQ+ specific policy. The FCO website provides travel advice in broad terms and states whether the UK government advises that travel is safe to the country in question. This is achieved in two parts, by a country-by-country basis (not LGBTQ+ specific) and by a broad outline of LGBTQ+ specific advice (not country-by-country specific).[14] The lack of country *and* LGBTQ+ specific advice means that this guidance requires additional input by those examining it in order to address the LGBTQ+ specific travel issues that individual travellers at HEIs may face.

HEIs also often cited the LGBTQ+ charity Stonewall UK. Stonewall publishes 'legal briefings' that outline the 'legal, socio-cultural and workplace situation for LGBTQ+ people in the specified country'.[15] Much of the guidance which Stonewall develops includes brief interviews with people who share their experiences. It is unclear how

often these documents are updated and, recently, Stonewall has moved many of these documents behind a paywall. Whilst many HEIs may have subscriptions which enable them to access these documents, this could introduce barriers to staff/students if HEIs do not provide instructions on how to access them.

Another often cited source was ILGA, the International Lesbian and Gay Association. ILGA bring together more than 1,500 worldwide LGBTQ+ groups and publishes annual reports and guides on sexual orientation around the world. This includes information relevant to LGBTQ+ people seeking to travel abroad and provides a detailed analysis of many countries' LGBTQ+ rights frameworks.[16]

Less frequently cited were external sources such as the Equity Challenge Unit, Human Rights Watch and Rainbow Europe, along with several national or regional charities and support organisations for specific destinations, who were only cited on one or two occasions.

HEIs often cited, or made reference to, guidance put together by commercial organisations in their responses. Typically, this was the HEIs external travel provider. Although this was a commonly cited source of information, few HEIs provided specific examples of this type of guidance, which – as external guidance – wasn't covered by our FOI request. Future research may wish to look at how HEIs rely upon organisations of this kind to support and augment their own policy provisions and what approach such organisations themselves take to addressing these challenges – however, given that FOI legislation only applies to public sector bodies, a different methodology may be needed (Table 3).

Discussion

The data collected in our research demonstrates that LGBTQ+ specific concerns over international academic mobility are rarely considered in HEI's official travel policies and where they are this advice is typically limited and non-specific. Across the minority of policies which did include LGBTQ+ specific provisions, the guidance given can broadly be categorised as identifying and addressing a mix of legal, cultural and health challenges that LGBTQ+ staff and students engaging in international academic mobility may face. Across these responses there was a recognition that not all LGBTQ+ individuals in this group may be aware of these challenges and that HEIs may not be able to offset such challenges in all cases. Ultimately, this does call into question if and how HEIs should persist in

Table 3. Reported external sources in HEI LGBTQ+ travel policies.

	n	%
UK Government Sources (e.g Foreign and Commonwealth Office)	49	38
Commercial Organisations (e.g. HEI's Travel Provider)	26	20
Stonewall UK	18	14
International Lesbian and Gay Association	15	12
Human Rights Watch	4	3
Equity Challenge Unit	4	3
Rainbow Europe	3	2
Professional or Sector Organisation	3	2
Universities Safety and Health Association	1	1
Trans Europe	1	1
Out of Office	1	1
Gay European Tourist Association	1	1
A HE Trade Union	1	1

their ongoing pursuit of internationalisation strategies and where the responsibility for ensuring traveller safety should rest.

Distribution of such responsibility among senior management, support staff and line managers (or, in student cases, guidance tutors) – as well as travellers themselves – and the manner in which this supported the individual agency of the latter was a critical theme that emerged during our analysis of the data. 'Agency' can be understood as incorporating 'active participation of employees in organizational practices' (Lukic, Margaryan, and Littlejohn 2013, 410) and cannot be detached from the structures and context of the workplaces it exists within (Eteläpelto et al. 2013, 61–62). In the present context, this involves not only giving LGBTQ+ travellers an active role in the decision-making process surrounding travel, but also ensuring the structure and culture of HEI workplaces result in prospective travellers who are sufficiently informed and supported to make these decisions.

Whilst many HEIs with policy referenced existing sources, such as Stonewall or ILGA, only a smaller proportion developed policies which augmented, rather than simply duplicating, the advice these sources provided. What these latter HEIs often included within their policies was a focus on tailoring guidance to the needs of specific travellers and specific destinations – so that whilst policies themselves did not address specific deployments, they informed the processes which did – as well as ensuring that all staff were informed about the challenges that international travel might have for LGBTQ+ colleagues and students. As Hodson (2001, 16) argues:

> Personal agency is realized through mastering new skills and operating efficiently in one's environment. The workplace is thus a key arena for human agency and the realization of human dignity.

Responses which highlighted that travellers may not even be aware of the need to address such challenges, demonstrate the need to clearly delineate different responsibilities among the traveller(s), their manager(s), guidance tutor(s) and others involved in the travel process. This also entails discussing such issues with *all* staff and students who are involved in organising, considering and undertaking overseas deployment – in recognition that not all staff/students may be out in the workplace but may yet require support, as well as acknowledging the important role that colleagues can play as allies during the travel process.

We would tentatively suggest that the policies which most closely enabled the agency of travellers – by acknowledging that without direct support from colleagues and a shared sense of responsibility this group might have a limited ability to develop and address challenges – are the most likely to succeed at facilitating safe and productive academic mobility. Where policies used risk assessments as part of pre-travel preparations, which provides an opportunity for generic policies to be considered in the context of specific deployments,[17] it was common for a designated individual to have responsibility for identifying travel concerns using some of the external guidance discussed above. Placing this obligation exclusively on travellers, or indeed exclusively on their managers or others, is unlikely to facilitate the discussion and support necessary and may result in staff/students feeling isolated or, alternatively, cut out of decision-making. As HEIs continue to develop their policies in this area, including in response to COVID, we would suggest that significant attention be given to the distribution of responsibility, with a need to balance

management awareness of the potential difficulties of international academic mobility and the avoidance of managerial overreach.

Furthermore, HEIs need to consider the additional health and wellbeing concerns that failure to consider agency may have. Laschinger and Read (2017, 190–191) suggest that empowering employees through the provision of four key concepts – 'information', 'support', 'resources' and 'opportunities to learn and grow' – is critical to achieving 'healthy work environments.' Similarly, in the context of international academic mobility, we would argue that empowering employees and providing them with sufficient agency is critical to achieving positive wellbeing outcomes. The privacy concerns which some policies addressed are a readily apparent example of such issues in practice. Although there may be a need to involve multiple colleagues during the planning and deployment stages of a trip, travellers themselves should be the primary decision-makers about when and how information is disclosed to others. Where this is done through a policy which disperses responsibility beyond the individual traveller, policies that consciously address privacy concerns and recognise the significant mental health and wellbeing impact that travellers may experience are well founded. It is also important to acknowledge that travellers who are usually open about their sexual orientation or gender identity whilst in the UK may choose/need not to be whilst overseas and that these decisions might be dependent upon a range of factors such as trip length, destination and personal comfort level. Travellers should neither be pressured to hide nor to disclose this information, but instead should be supported to make decisions regarding if and when to do so. Ignoring these issues risks undermining traveller agency and empowerment and may result in staff/students struggling to balance competing personal and professional objectives – such as undertaking a deployment and living an authentic life – in silence.

Emirbayer and Mische argue that agency entails an individual 'continuously engag[ing] patterns and repertoires from the past, project[ing] hypothetical pathways forward in time, and adjust[ing] their actions to the exigencies of emerging situations' (Emirbayer and Mische 1998, 1012). In the present context, ensuring that travellers retain agency therefore includes giving them control throughout the deployment – from conception of the trip until their return – including the ability to adapt to unanticipated events. Travellers may re-evaluate their ability to cope and manage the challenges discussed above as they undertake the deployment and experience them, indeed having the ability to reflect on the current context and the past and act upon the present is a fundamental component of ensuring agency (Eteläpelto et al. 2013, 57–58). For this reason, HEIs should be mindful of the need for physical and digital support networks (McPhail and Fisher 2015), including in-country support, particularly (although not exclusively) when envisaging longer term deployments. For students, this might be addressed, in part, through supervision requirements. However, for both staff and students thought should be given to the most appropriate point of contact, taking into consideration privacy concerns and the need to control information. Given the emphasis that we place on health within our analysis, we would also advocate for ongoing mental health and wellbeing support, including following the traveller's return to their home country. Post-deployment reflection can play a significant role in developing policies for subsequent travellers or trips, as well as being beneficial for staff/student wellbeing.

We would highlight that HEIs have a wide range of potential resources open to them to assist as they endeavour to develop proactive policies in this area. The data here suggest

that some HEIs are already drawing on these in some instances. We also acknowledge that there are other potential resources such as the Law and Families Database,[18] online blogs,[19] and UN reports[20] which illustrate and describe the situations faced by LGBTQ+ in different destination countries. Whilst it is possible that some HEIs are already engaging with these materials on an unofficial basis, the general lack of policy seen within the data here suggest that there is likely to be a benefit for HEIs who engage with these sources.

Conclusion

Although slowed by COVID, globalisation remains an important factor in higher education and has resulted in increased academic mobility. Authors connect participation in international mobility with enhanced career prospects for staff and employability for students (Morano-Foadi 2005). Whilst numerous studies have considered different barriers to academic mobility on the basis of various equalities factors (Bilecen and Van Mol 2013), there has been little study of LGBTQ+ participation in HEI academic mobility across borders. We address this gap in knowledge by considering the important role which HEIs can play in tackling this issue and supporting the agency of their staff. There is a considerable gap in policy across the UK HE sector, with over three quarters of the responses indicating a lack of policy addressing international travel by LGBTQ+ staff and students. Consequently, there was also little specific guidance on what agency individual travellers had in this process or how further agency could be developed. Several HEIs, whilst not currently having policy in this area, acknowledged the need for policy addressing this issue in their responses, with some signalling that project to bring about such change were already underway.

Where HEIs do have LGBTQ+ specific travel policies in place, these tended to typically address legal and cultural challenges that LGBTQ+ travellers face overseas, drawing on a limited number of prominent pieces of existing guidance. A relatively easy outcome for HEIs to achieve is to broaden the range of sources used, refining and building on their use of such policies by drawing on the experience of their staff and students as travel takes place on an ongoing basis once such policy is put into practice.

HEIs should be mindful of how their policies enable or inhibit traveller agency when addressing legal cultural and health issues, which often call for specific LGBTQ+ policy provisions rather than being one (often implied) constituent element of a broader policy. Agency should not be equated with unsupported autonomy – responsibility for implementing such policy should be shared between the traveller and appropriate colleagues, often their line manager and peers, as appropriate to the traveller's needs. Whilst policies should be developed ahead of time and shared with all staff/students to assist with the support process, these policies should be refined on the initial implementation and developed through the lived experiences of deployment to specific locations.

Although the findings here only cover documented practices within policies held by UK HEIs, we suggest that the existing policies which can be seen across the UK HE sector offer a foundation for future policy development and further research into the needs of LGBTQ+ staff/students engaging in international academic mobility. In particular, we emphasise the importance of further research which looks at these issues in the social and legal context of jurisdictions other than the UK, which would enable a comparative analysis with the findings discussed here. Another important area of further research

will include investigating how policies have been enacted in practice. Further ongoing research is needed to address intersectionality concerns, both from a policy and practice perspective, given that staff and student identities are likely to be multiple and complex, particularly for *early career* academics, and that consequently many may face multiple further challenges involving the intersectionality of LGBTQ+ and other identities.

Notes

1. In this piece, we use "international academic mobility" to account for travel of this kind. See, Hopkins et al. (2016, 378), Shaw and Thomas (2006), and De Wit and Altbach (2021, p.38–42).
2. Throughout, we use the acronym LGBTQ+ in order to capture the broad range of experiences related to sexuality and gender identity. Pitcher et al. (2018, 117) explain that 'LGBTQ without the plus may exclude the experiences of some, whilst other acronyms may unnecessarily limit self-identification to the more commonly used labels of lesbian, gay, bisexual and transgender'. This is not to suggest that the acronym represents a homogenous group (Auchmuty 2018, 199). As such, throughout we discuss the unique challenges that particular groups within the LGBTQ+ umbrella may face.
3. Argentina, Australia, Austria, Belgium, Brazil, Canada, Colombia, Costa Rica, Denmark, Ecuador, Finland, France, Germany, Iceland, Ireland, Luxembourg, Malta, Mexico, the Netherlands, New Zealand Norway, Portugal, South Africa, Spain, Sweden, Taiwan, United Kingdom, United States and Uruguay.
4. Andorra, Bolivia, Chile Croatia, Cyprus, Czech Republic, Estonia, Greece, Hungary, Italy, Liechenstein, Mexico, Veracruz, Monaco, Montenegro, Netherlands, Aruba, San Marino, Slovenia, Switzerland, United Kingdom and Cayman Islands.
5. The ombudsman for Higher Education in the UK.
6. For further information, see, https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/
7. Save for our own institution at the time of data collection and one HEI (Heythrop College) listed on HESA records for 2017/18 which had ceased operation prior to data collection and could not be contacted.
8. Arden University; BPP University; Buckingham University; Regent's University London; Richmond, The American International University in London and The University of Law.
9. Save for two HEIs who required submission of an online form and one who required FOI requests to be sent via physical mail.
10. For further information, see, https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/
11. The UK Russell Group are understood to be the 'elite' UK universities, describing themselves as ' … world-class, research-intensive universities … '. See Russell Group (2019) including for information on the constituent 24 members.
12. See Tight (2011) and https://www.officeforstudents.org.uk/advice-and-guidance/the-register/the-ofs-register/. In the UK, following the Further and Higher Education Act 1992, former polytechnics (HEIs offering degrees or vocational courses) were given university status – hence the difference between pre-1992 and post-1992 institutions. In determining which university fell within each category this data was taken from multiple sources, including the Office for Students Register and Tight (2011). Mergers and separations were assessed based on the categorisation of their oldest constituent or parent institution(s).
13. For further on the data collected and practical recommendations developed from this, see Hamilton and Giles (2020).
14. See, https://www.gov.uk/foreign-travel-advice and https://www.gov.uk/guidance/lesbian-gay-bisexual-and-transgender-foreign-travel-advice.
15. See Stonewall's website at https://www.stonewall.org.uk/global-workplace-briefings.
16. See ILGA's website at https://ilga.org/resources.

17. For instance, HEIs may need to take into consideration issues such as destination, duration of the deployment, and existing support structures – which may influence how these policies translate into practical arrangements to support travellers.
18. Concentrating on family law in Europe. See, https://www.lawsandfamilies.eu.
19. For example, see, https://76crimes.com.
20. For example, see, https://undocs.org/pdf?symbol=en/A/74/181.

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